



Data and privacy regulation around the world

Increased focus after Meta's record GDPR fines

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Regulation and enforcement accelerate around the world

A record fine for Meta in Europe

The largest ever GDPR fine of €1.2bn (\$1.3bn) was last week imposed by Ireland's [Data Protection Commission](#) (DPC) on Meta.

The huge fine is the culmination of a [decade-long investigation](#) of data sharing between the EU and the US following revelations by Edward Snowden in 2013 and a 2020 judgment in which the European Court of Justice invalidated a previously existing arrangement, [Privacy Shield](#).

The fine was imposed only after the European Data Protection Board [decided](#) that the Irish regulator should fine [Meta 20%-100% of the maximum GDPR](#) fine. This is on the low end of what was possible. GDPR allows for penalties of up to 4% of Meta's \$117bn 2022 global revenue meaning a potential nearly €4.4bn fine.

As well as the fine, Facebook has been ordered to [suspend the future transfer of Facebook user data](#) from the EU to the US. The order to stop data transfers is not immediate, and Meta has been given five months to implement.

Additionally, Meta has been given six months to stop "unlawful processing, including storage, in the US" of personal EU personal data that has already been transferred. Meta will have to remove users' data from Facebook's US servers.

A detailed analysis can be found in an OMG UK-produced [client-facing POV on](#) this decision.



Naturally, [Meta disagrees with the judgement](#). They quickly announced an appeal against the decision and sought a stay on the data transfer order.

Meta stress that there is no immediate disruption to Facebook services in Europe, but the broader implications are significant.

Second order effects

This ruling applies only to Facebook and not Meta's other platforms. However, the key principles have now been established. They could be [applied to other US-based platforms](#), such as Google and Amazon, that must also be submitted to the US Foreign Intelligence Surveillance Act (FISA).



There will be increased urgency to finalise a draft EU-US Data Privacy Framework, which would prevent the requirement to stop future transfers or delete existing data. Many international companies rely on a relatively free data flow across the Atlantic. [70% of third-party marketing cookies transferred user data](#) outside of the EU.

There are many ways in which advertisers share personal data with Facebook, such as their Pixel, customer lists, mobile SDK or Conversions API.

Marketers who share personal data with Meta should familiarise themselves with [Meta's data processing terms](#) and discuss the implications with privacy and legal teams. Where customisation options exist within Meta's tools to limit the collected and transferred data, these should be considered rather than relying on a standard set-up.

According to a recent European Data Protection Board report, [potential exposures](#) exist for website owners using Google Analytics and Facebook Business Tools. Several other platforms, such as Microsoft, Salesforce and Telefonica, have referenced how the new data-sharing framework will likely up costs and limit access to some products and services.

OMG will closely liaise with Meta and provide updated guidance on potential impacts to client advertising services in due course. [OMG Global Privacy](#) can answer specific questions, and updated information is regularly posted on the [Annalect Privacy Hub](#).

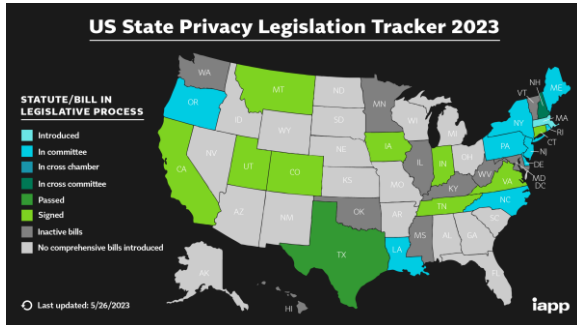
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New regulations across the world

We are seeing an [acceleration in regulations](#) as previously lightly regulated jurisdictions pass new laws.

Over recent weeks [three US states passed](#) data acts that will become effective over the next 13-25 months. Meaning that ten states now have consumer [privacy protection enacted](#) and effective, whilst many more have laws pending, awaiting final votes of approval.



Congress has been [slow to pass](#) federal regulations recently, resulting in a [boom in state laws](#).

In recent months we have also seen regulations passed in places such as [Vietnam](#) and [Ecuador](#) and newly [updated regulations in Australia](#). Many of these are based on GDPR but with significant local nuance. By 2024 at least [75% of the world's population](#) will be covered by a consumer data protection law.

Brands must navigate a complex and ever-changing landscape of laws in [US states](#) and [markets worldwide](#) to stay compliant whilst remaining as competitive as possible.

These regulations will impact many of the most effective and fastest-growing media channels, such as [CTV](#) and [retail media networks](#). US start-up [Telly](#) plans to [give away TV sets](#) in exchange for personal data.

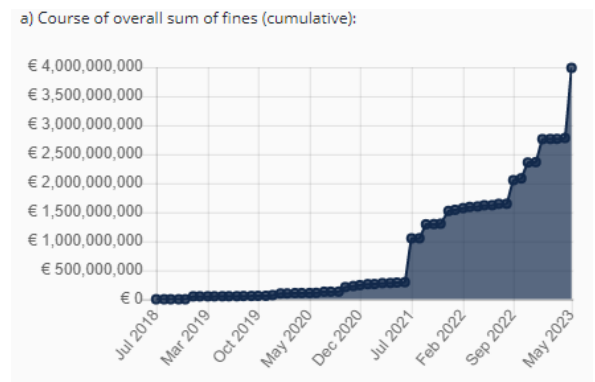
Propositions built around connecting first and second-party data to advertising to particular audiences will see challenges, especially with [sensitive data attributes](#) such as race, health or financial status.

Regulation will also [drive growth](#) as bad actors suffer, whilst brands that deliver tangible and trusted value to consumers can gain the necessary permissions and drive more sustainable growth.

Time to focus and act

Consumer data protection regulation is a long and winding road, but it is driven by consensus across political spectra worldwide as consumer protection and national security [concerns combine](#).

In early adopting regions such as Europe, grace periods have long expired, and fines are imposed with increased regularity and scale. 2022 saw fines [50% greater](#) than 2021. 2023 has [already beaten 2022's record](#) with Meta's recent fine.



In the US, platforms are starting to face large fines. Google is [paying Washington state almost USD40m](#) this month.

These developments highlight an ever-increasing imperative to build advertising strategies and operations in line with evolving data privacy laws, carefully considering where and how user data is stored and processed across every process step.

As the legal landscape shifts, we encourage everyone to keep abreast of these changes to ensure compliance and protect interests. Annalect offers paid [training and consultancy](#) for advertiser privacy teams unfamiliar with advertising and marketing teams who need more support to stay on top of this complex space.

These regulatory challenges are immediate and significant, and they will only get more complex as new technologies, such as AI, start to scale.



Jean-Paul Edwards

OMD Worldwide Managing Director,
Product

jean-paul.edwards@omd.com