



ESTABLISHED
1987

INTERNATIONAL REPORT

PRIVACY LAWS & BUSINESS

DATA PROTECTION & PRIVACY INFORMATION WORLDWIDE

Non-material damages for data violations in Germany

Lea Stegemann of Noerr PartGmbB and **Jakob Horn** of Taylor Wessing LLP provide an overview of German case law on non-material damage claims.

The GDPR, with Article 82, explicitly introduced claims for non-material damages (“emotional damages”) for data protection violations. In Germany, there are already thousands of court proceedings in which individuals claim

non-material damages. Hence, data protection violations are increasingly being pursued not only by public but also by private enforcement, and claims for damages are becoming a

Continued on p.3

France: CNIL sanctions Orange with a hefty fine for ads appearing as emails

Zero-tolerance approach towards Orange’s direct marketing practices. By **Nana Botchorichvili** of IDEA Avocats, France.

On 14 November 2024, France’s Data Protection Authority (CNIL) issued a fine of €50 million against Orange, France’s leading telecommunications operator, for displaying advertising

messages in customer email inboxes without their prior consent¹.

Indeed, as part of its Internet, mobile and fixed phone services,

Continued on p.5

What’s right for children and their data?

11 March 2025, A&O Shearman, London – in-person and online

This **PL&B** conference will explore best practices when designing online services to engage with and protect children.

Speakers include: Lego, Google, BBC, k-ID, TikTok, VerifyMy, and 5 Rights

www.privacylaws.com/children2025

Issue 193

FEBRUARY 2025

COMMENT

2 - Change gathers pace in 2025

NEWS

8 - Mexico risks losing its DPA

12 - Appointment of EDPS is delayed

ANALYSIS

1 - Non-material damages in Germany

1 - France: CNIL sanctions Orange

20 - Malaysia, Singapore revise data laws

23 - Australia limits facial recognition

26 - Poland: Legitimate interests ruling

LEGISLATION

15 - Cambodia’s draft data privacy law

MANAGEMENT

10 - ePrivacy Directive in advertising

25 - Events Diary

NEWS IN BRIEF

7 - Meta fined €251 million in Ireland

7 - IAB submits views on consent or pay to the EDPB

9 - EDPB expects more detail in EU adequacy assessments

14 - South Korea passes AI law

14 - CJEU sets precedent with individual compensation in a data transfer case

14 - Italy’s *Garante* fines OpenAI €15m

19 - Gender identity is not necessary data to buy a transport ticket

22 - Ireland tops survey of GDPR fines

22 - OECD assesses risks and benefits of AI

25 - Australia: Meta settles \$AU50 million for Cambridge Analytica case

27 - EDPB calls for alignment between GDPR and other EU digital laws

27 - US trade organisations advocate federal privacy law

PL&B Services: Conferences • Roundtables • Content Writing
Recruitment • Consulting • Training • Compliance Audits • Research • Reports

INTERNATIONAL
report

ISSUE NO 193

FEBRUARY 2025

PUBLISHER**Stewart H Dresner**

stewart.dresner@privacylaws.com

EDITOR**Laura Linkomies**

laura.linkomies@privacylaws.com

DEPUTY EDITOR**Tom Cooper**

tom.cooper@privacylaws.com

ASIA-PACIFIC EDITOR**Graham Greenleaf**

graham@austlii.edu.au

REPORT SUBSCRIPTIONS**K'an Thomas**

kan@privacylaws.com

CONTRIBUTORS**Nana Botchorichvili**

IDEA Avocats, France

Jonathan Mendoza Iserte and**Jesús Javier Sánchez García**

INAI, Mexico

Sergio Maldonado

Privacycloud, US/UK

Lea Stegemann

Noerr PartGmbH, Germany

Jakob Horn

Taylor Wessing LLP, Germany

Ronald Chao

International business law graduate, QMUL, UK

Annelies Moens

Privcore, Australia

Xawery Konarski and Mateusz Kupiec

Trape Konarski Podrecki & Partners, Poland

Published byPrivacy Laws & Business, 2nd Floor,
Monument House, 215 Marsh Road, Pinner,
Middlesex HA5 5NE, United Kingdom**Tel: +44 (0)20 8868 9200****Email: info@privacylaws.com****Website: www.privacylaws.com****Subscriptions:** The *Privacy Laws & Business* International Report is produced six times a year and is available on an annual subscription basis only. Subscription details are at the back of this report.

Whilst every care is taken to provide accurate information, the publishers cannot accept liability for errors or omissions or for any advice given.

Design by ProCreative +44 (0)845 3003753

Printed by Rapidity Communications Ltd +44 (0)20 7689 8686

ISSN 2046-844X

Copyright: No part of this publication in whole or in part may be reproduced or transmitted in any form without the prior written permission of the publisher.

© 2025 Privacy Laws & Business

**comment**

Change gathers pace in 2025

The international privacy community has been surprised by news about a new Chinese open source AI large language model Deep Seek. According to the BBC, OpenAI says that Chinese and other companies are “constantly trying to distil the models of leading US AI companies”. From the Deep Seek user perspective, the question is about data security.

US President Donald Trump’s executive orders affect privacy in the US and elsewhere, for example terminating the membership of the Democratic members of the Privacy and Civil Liberties Oversight Board with immediate effect. At a conference in Brussels on Data Protection Day, 28 January, organised by the European Data Protection Supervisor, the Privacy Salon (CPDP) and the Council of Europe, Marina Kaljurand, 1st Vice-President of the European Parliament’s LIBE Committee, declared in the context of the GDPR and the Law Enforcement Directive, this decision is “not what we expect from an ally.” Irena Moozová, Deputy Director-General for Justice and Consumers at the European Commission added “the EU won’t be shy to use provisions we have available.”

The message from politicians and privacy advocates was loud and clear: the EU will retain and defend its privacy principles and values. The main EU-wide task is now to oversee the implementation of the EU Digital Services Package (p.27) of data related legislation and continue work on the GDPR to ensure more consistency in enforcement. Karolina Mojzesowicz of the EU Commission confirmed again that the GDPR will not be reopened – she stressed that “solutions are embedded in the GDPR itself” due to its flexibility. The regulation on procedural rules that is expected soon is an example of this type of adjustment.

While Mexico is abolishing its independent Data Protection Authority (p.8), privacy principles are becoming more firmly established elsewhere. Malaysia’s Personal Data Protection Act has been strengthened to significantly increase the powers of the regulator and strengthen individuals’ rights (p.20) and South Korea has adopted an AI law (p.14).

Laura Linkomies, Editor
PRIVACY LAWS & BUSINESS

Contribute to PL&B reports

Do you have a case study or opinion you wish us to publish? Contributions to this publication and books for review are always welcome. If you wish to offer reports or news items, please contact Laura Linkomies on Tel: +44 (0)20 8868 9200 or email laura@privacylaws.com.

Join the Privacy Laws & Business community

The *PL&B International Report*, published six times a year, is the world's longest running international privacy laws publication. It provides comprehensive global news, on 180+ countries alongside legal analysis, management guidance and corporate case studies.

PL&B's International Report will help you to:

Stay informed of data protection legislative developments in 180+ countries.

Learn from others' experience through case studies and analysis.

Incorporate compliance solutions into your business strategy.

Find out about future regulatory plans.

Understand laws, regulations, court and administrative decisions and what they will mean to you.

Be alert to future privacy and data protection law issues that will affect your organisation's compliance and reputation.

Included in your subscription:

1. Six issues published annually

2. **Online search by keyword**
Search for the most relevant content from all *PL&B* publications.

3. **Electronic Version**
We will email you the PDF edition which you can also access in online format via the *PL&B* website.

4. **Paper version also available**
Postal charges apply outside the UK.

5. **News Updates**
Additional email updates keep you regularly informed of the latest developments.

6. **Back Issues**
Access all *PL&B International Report* back issues.

7. **Events Documentation**
Access *PL&B* events documentation, except for the Annual International Conferences in July, Cambridge.

8. **Helpline Enquiry Service**
Contact the *PL&B* team with questions such as the current status of legislation, and sources for specific texts. This service does not offer legal advice or provide consultancy.

9. **Free place at a *PL&B* event**
A free place at a *PL&B* organised event when booked in advance of the free-place deadline. Excludes the Annual Conference. More than one place with Multiple and Enterprise subscriptions.

[privacylaws.com/reports](https://www.privacylaws.com/reports)



An indispensable resource for anyone who has a serious interest in privacy, combining latest news with thoughtful commentary and analysis.



Richard Cumbley, Partner, Linklaters

UK Report

Privacy Laws & Business also publishes *PL&B UK Report* six times a year, covering the Data Protection Act 2018, the UK GDPR and related regulatory changes, the Freedom of Information Act 2000, Environmental Information Regulations 2004 and Electronic Communications Regulations 2003.

Stay informed of legislative developments, learn from others' experience through case studies and analysis, and incorporate compliance solutions into your business.

Subscriptions

Subscription licences are available:

- Single use
- Multiple use
- Enterprise basis
- Introductory, two and three years discounted options

Full subscription information is at [privacylaws.com/subscribe](https://www.privacylaws.com/subscribe)

Satisfaction Guarantee

If you are dissatisfied with the *Report* in any way, the unexpired portion of your subscription will be repaid.