

# Data Protection Ireland

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## Headlines

- DPC submits Article 60 draft decision on inquiry into TikTok, p.18
- EDPB issues opinion on using personal data in AI development, p.18
- DPC seeks answers from DeepSeek, p.19

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## DPC supports guidance on age assurance from the EDPB

The European Data Protection Board has issued a [statement on age assurance](#), the collection of techniques used to estimate or verify a user’s age, primarily used to protect children online.

The DPC-endorsed statement provides guidance and clarity on age assurance, and should be useful to organisations that need to comply with the Data Protection Commission’s [Fundamentals for a Child-Oriented Approach to Data Processing](#).

The statement sets out ten principles which seek to reconcile the protection

of children and the protection of personal data in the context of age assurance. Many of the principles track the fundamental data protection principles in the EU GDPR, tailored to age assurance.

The fifth principle is ‘effectiveness of age assurance’. According to the statement, age assurance should demonstrably achieve a level of effectiveness adequate to the purpose for which it is carried out. Age assurance methods should also be accessible, reliable, and robust, ensuring they achieve the intended purpose. Notably, the state-

ment states that self-declaration of an age-related attribute is unlikely to be robust, since the reliability of such method depends mostly on the goodwill of the user.

The tenth principle is ‘accountability’. According to the statement, governance methods should be implemented by service providers, and any third party involved in age assurance, that allow them to be accountable for their approach to age assurance and for demonstrating their compliance with data protection regulation

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## General Court’s One-Stop-Shop ruling creates practical challenges, say experts

The General Court of the Court of Justice of the EU has ruled that the European Data Protection Board (‘EDPB’) acted within its power in instructing the Data Protection Commission to carry out further investigations in the context of an ongoing investigation and draft decision against Facebook and Instagram.

In its role of Lead Supervisory Authority (‘Lead SA’), the DPC had been investi-

gating whether it had been lawful under the GDPR for Facebook and Instagram to rely on ‘performance of a contract’ as a basis for processing the personal data of its users to target online advertising.

When the DPC referred its draft decision to the EDPB as part of the GDPR’s cooperation process, the EDPB ordered the regulator to carry out additional in-

vestigations that it had previously treated as out-of-scope. In particular, the EDPB wanted the DPC to look into whether the platforms had processed special category data as part of the conduct that was subject to the DPC’s investigation, and following this, to produce a new draft decision that considered this point.

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