

Data Protection Ireland

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- DPC issues new guidance on handling Access Requests, p.18
- CJEU adviser backs WhatsApp in landmark challenge against EDPB, p.19
- Michael McGrath unveils plans to simplify the GDPR to alleviate compliance burden on SMEs, p.20

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High Court rules employers not liable for personal data on devices

The Irish High Court has determined that employers are not responsible for personal data stored on work-issued devices when such use contravenes company policies.

McShane v Data Protection Commission and Health Service Executive ([2025] IEHC 191) involved Eamon McShane, a fire prevention officer with the Health Service Executive ('HSE'), who used his work phone for personal activities, including accessing personal email and a cryptocurrency account.

Following a cyber-attack on HSE's systems, McShane's personal accounts were compromised, leading him to claim that HSE was liable for the breach of his personal data. McShane argued that he was the controller of the personal information on the device and sought compensation.

However, the Data Protection Commission ('DPC') rejected his complaint, stating that the HSE was not the controller in this context, as it had not authorised the personal use of the device.

The High Court has now upheld the DPC's decision, emphasising that HSE's acceptable use policy prohibited personal use of work devices.

The Court concluded that HSE could not be held liable for data breaches resulting from unauthorised personal use of its equipment.

The ruling underscores the importance for both employers and employees of adhering to clear policies regarding the use of work devices, and especially for employers to ensure that they have

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DPC launches investigation into X's use of user data for AI training

The Data Protection Commission ('DPC') has opened a formal investigation into X (formerly Twitter) regarding its use of European users' personal data to train its AI model, Grok.

The inquiry will assess whether X's data processing practices comply with the GDPR, focusing on the legality and transparency of using publicly available posts from EU and European Economic

Area ('EEA') users for AI training.

Grok, developed by Elon Musk's AI venture xAI, powers various AI-driven features on the X platform, including chatbots.

The DPC's investigation follows previous scrutiny in 2024, when X agreed to suspend the processing of EU user data for AI training between 7th May and 1st August 2024, after the DPC initi-

ated legal proceedings under Section 134 of the Data Protection Act 2018.

Following this, X committed to permanently ceasing the use of EU and EEA users' personal data for AI training, leading the DPC to conclude its court proceedings against the company in September 2024.

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