

Compliance & Risk

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Headlines

- ICO issues new direct marketing guidelines, p.17
- Court hears that Glencore flew cash bribes to Africa via private jet, p.18
- European ruling on right to be forgotten, p.19

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Blow to corporate transparency as top EU court backs anonymity

In November 2022, in what is being hailed as a blow to anti-corruption efforts, the Court of Justice of the European Union ruled that beneficial owners of registered companies can potentially remain anonymous.

The ECJ was asked to rule on the validity of a provision in the 2015 anti-money-laundering directive, which had led to Luxembourg implementing legislation in 2019 to establish a Register of Beneficial Ownership. Information on the beneficial owners of registered entities in the country had to be kept

in the register, and the court heard that some of the information was also publicly available on the internet.

Two actions brought by a Luxembourg company and its beneficial owner resulted in unsuccessful attempts to restrict the public's access to their information, and the Luxembourg District Court asked the ECJ to determine whether the disclosure of such information was capable of entailing a disproportionate risk of interference with the owner's fundamental rights.

Issuing its decision, the court said that allowing the general public to have access to information on beneficial ownership of registered companies constitutes "a serious interference with the fundamental rights to respect for private life and to the protection of personal data enshrined in Articles 7 and 8 of the Charter".

Acknowledging that public availability of the data in the register would allow "a potentially unlimited number of persons to find out about the material

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Irish CCL concerned about proposed use of facial recognition technology

On 23 November 2022, the Irish Council for Civil Liberties (ICCL), together with other human rights and privacy advocates, jointly wrote to Helen McEntee TD, the Minister for Justice, highlighting concerns over the proposed introduction of legislation to enable the Garda to use facial recognition technology (FRT) in criminal investigations.

Setting out plans for the

technology earlier this year, the Minister said that the technology could be invaluable in investigating a large amount of criminal activity, in particular in the investigation of crimes such as child abduction, child sexual abuse and cases of murder. Her view is that gardaí need to have the technological resources to deal with, for example, reviewing large amounts of CCTV footage.

Ms McEntee said that safeguards and codes of practice would be put in place to comply with EU privacy laws and people's privacy.

The authors of the letter have asked the Minister to engage in a process of consultation with interested parties before deciding to use the technology in policing given that the processing

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