

[REDACTED]

By email only to: [REDACTED]

26 July 2022

Dear [REDACTED],

Case reference number: INV/0416/2021

We write to inform you that the ICO has now completed its investigation into Grindr LLC's (Grindr) processing of both the personal and special category data of its United Kingdom (UK) user-base.

This case has been considered under the UK General Data Protection Regulation (UK GDPR) due to the nature of the processing involved.

Our consideration of this case

We have investigated whether Grindr's processing activities from June 2020 (12 months prior to the ICO's initial enquiries) onwards have complied with the requirements of data protection legislation.

Key Compliance Issues

Details of the particular failings by Grindr in respect of transparency are outlined below as follows:

1. Within its Privacy and Cookie Policy under 'EEA and U.K Legal Basis For Processing', Grindr has outlined its EEA/UK legal bases and purposes for processing personal data.

Whilst it has stated in response to the ICO's enquiries that Grindr only shares users' personal data with advertising partners on the basis of consent, rows 5 and 9 of the abovementioned table explicitly reference 'legitimate interest' as a legal basis for sharing data with 'third party ad partners'.

Grindr have, in part, offered clarification to the ICO by emphasising that user personal data is only processed for advertising purposes on the basis of consent. As such, the sharing of personal data on the basis of legitimate interests can be objected to by users and limited to specific, 'industry-standard' information.

However, the ICO maintains that Grindr's statements in this regard are contradictory, and require clarification to ensure that the data sharing that occurs **in practice** does not conflict with the contents of its 'EEA and U.K Legal Basis For Processing' table.

2. Grindr states that it does not share users' profile information for advertising purposes.

However, within the abovementioned 'EEA and U.K Legal Basis For Processing' table under 'personal data includes', profile information is listed in several rows to include 5, 9, 21 and 22.

Again, Grindr have, in part, offered clarification to the ICO by highlighting the following:

'...in the interests of simplicity and readability of Grindr's Privacy Policy, Grindr defines these data fields collectively as "Profile Information," and occasionally uses the defined term "Profile Information" in the table entitled "EEA and U.K. Legal Bases for Processing." By using the defined term "Profile Information," Grindr does not mean to imply that Grindr uses, shares, or necessarily processes every category of "Profile Information."'

However, similar to the concerns raised in point one, the ICO maintains that its statements in this regard are unclear. Grindr therefore needs to address this concern by ensuring that the extent of any profile information being shared **in practice** is made clear to users via its privacy information.

3. The ICO notes that Grindr does not consider IP address or advertising ID to constitute personal data. It is therefore not reflected as such within Grindr's privacy information.

However, the ICO maintains that a data subject's IP address and advertising ID may constitute personal data in certain circumstances (for example, if

combined with other data). Please see [What is personal data? | ICO](#) for more information.

4. The ICO does not consider that Grindr provides clear privacy information to users in relation to:
 - the distinction between personal and special category data processed by Grindr;
 - the restriction of data flows by Grindr with its advertising partners;
 - the full list of third parties Grindr shares personal data with;
 - any information collected by Grindr when individuals utilise the third party platform sign up process; and
 - the security measures implemented as part of software development kit (SDK) integrations with Grindr's advertising partners.
5. The ICO disagrees with Grindr's statement that it does not 'process' special category data.

Based on Grindr's response to the ICO's enquiries, we understand that a user's special category data is not shared with advertising partners in practice unless consent is received from the user. However, the ICO maintains that this special category data may still be processed in some form by Grindr (for example, through voluntary user input and subsequent storage on Grindr's platform).

As such, Grindr should ensure that this data continues to be subject to appropriate safeguards if not already in place.

Investigation Outcome

After careful consideration and based on the information provided, we have decided to issue Grindr with a reprimand in accordance with Article 58 of the UK GDPR.

Details of reprimand

To confirm, this reprimand has been issued in respect of the following processing operations that have infringed the UK GDPR:

- **Article 5(1)(a)** requires personal data to be 'processed lawfully, fairly and in a transparent manner in relation to the data subject.' Based on the findings of this investigation, the ICO deems that Grindr has failed to provide effective and transparent privacy information to its UK data subjects in relation to the processing of their personal data.

Further Action Recommended

Alongside the ICO's decision to issue Grindr with a reprimand in this case, the Commissioner also considers that Grindr should take certain steps to improve its compliance with the UK GDPR. In particular we recommend that Grindr should take the following steps:

1. Amend the relevant sections of Grindr's 'EEA and U.K Legal Basis For Processing' table accordingly to ensure that:
 - a. the data sharing that occurs in practice does not conflict with the contents of this table; and
 - b. the risk of misleading data subjects is mitigated.
2. Ensure that the extent of any profile information being shared in practice is made clear to users via Grindr's privacy information, and in particular its 'EEA and U.K Legal Basis For Processing' table.
3. Amend its privacy information to ensure that clarity is provided to individuals in respect of:
 - a. the fact that IP address and advertising ID may constitute personal data in certain circumstances; and
 - b. the methods utilised by Grindr to obtain users' IP addresses and advertising IDs.

4. Provide further clarification to users within its privacy information in relation to:
 - a. the distinction between personal and special category data processed by Grindr;
 - b. the restriction of data flows by Grindr with its advertising partners;
 - c. the full list of third parties Grindr shares personal data with;
 - d. any information collected by Grindr when individuals utilise the third party platform sign up process; and
 - e. the security measures implemented as part of SDK integrations with Grindr's advertising partners.
5. Ensure that any special category data processed by Grindr continues to be subject to appropriate safeguards (where not already in place) and provide clear privacy information to users in respect of these safeguards.

For completeness, we ask that Grindr provides a progress update to the ICO on the above recommendations in six months' time, or by no later than **26 January 2023**. Unless otherwise instructed, please provide this update to

Whilst the above measures are suggestions, I would like to point out that if further information, incidents or complaints relating to this matter come to light, we will revisit this matter and formal regulatory action may be considered as a result.

Further information about compliance with the data protection legislation which is relevant to this case can be found at the following link:

<https://ico.org.uk/for-organisations/guide-to-data-protection/>

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https://ico.org.uk/media/about-the-ico/policiesandprocedures/1890/ico_enforcement_communications_policy.pdf

Please let us know if you have any concerns about this.

Thank you for your co-operation and assistance during the course of our investigation.

We now consider the matter closed.

Yours sincerely

[REDACTED]
Lead Case Officer – Civil Investigations
Regulatory Supervision Service
Information Commissioner's Office
[REDACTED]

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