



Questions to be asked and answered

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Does the case consist of a single sanctionable processing operation?

If yes

Does that processing operation give rise to a single infringement?

— if yes

- one fine is imposed and calculated for a single infringement
- the fine is calculated considering only that infringement
- the fine is subject to the legal maximum of that infringement

Does that processing operation give rise to multiple infringements?

if yes

are these infringements attributed to one infringement that precludes or subsumes the applicability of another infringement (concurrency of offences)?

— if yes

- it is unlawful to sanction the offender for the same wrongdoing twice
- the fine is calculated considering only the infringement selected
- the fine is subject to the legal maximum of that infringement

are these infringements attributed alongside each other where one infringement does not preclude or subsume the applicability of another infringement (unity of action)?

— if yes

- it is lawful to sanction the offender for all the infringements
- the fine is calculated considering all applicable infringements
- in cases where multiple infringements have arisen from “the same or linked processing operations”, the fine is limited to the legal maximum of the gravest infringement (GDPR Article 83(3))

Does the case consist of multiple separate processing operations (plurality of actions)?

If yes

- in one or more decisions, separate fines are imposed and calculated for each processing operation
- each fine is subject to individual legal maximums for each infringement
- the total amount of the administrative fine may exceed the amount specified for the gravest infringement (since Article 83(3) does not apply)

Which obligations are considered when assessing infringements?

Any infringed GDPR obligation legally necessary for the processing operations to be lawfully carried, including like for instance transparency obligations (e.g. Article 13 GDPR).