

data protection - legal changes published in August 2019

The National Supervisory Authority for the Processing of Personal Data applied a fourth fine for GDPR infringement

On August 6, 2019, The Authority published a statement regarding the completion of an investigation at the controller UTTIS INDUSTRIES SRL and found that it violated the provisions of art. 12 and art. 5 paragraph (1) let. c) corroborated with art. 6 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46 / EC (General data protection regulation).

The sanctions were applied because the controller:

- could not prove that the data subjects were informed about the processing of personal data/ images through the video surveillance system, which they have been doing since 2016 - violation of the provisions of art. 12 of the GDPR (transparency obligation);
- disclosed the PNC (personal numeric code) of the employees, by displaying the Report for the training of the authorized ISCIR personnel for the year 2018 to the company notice board and could not prove the legality of the processing of the PNC, by disclosure, according to art. 6 GDPR - violation of the provisions regarding art. 5 paragraph (1) let. c) corroborated with art. 6 of the GDPR (Principles of processing and basis for processing).

The authority applied the sanction as a result of notifications dated 21.03.2019, stating that UTTIS INDUSTRIES SRL has video surveillance cameras installed, without issuing carrying out information obligation regarding the video surveillance, as well as the fact that it illegally disclosed the name and the PNC of the employees, by displaying these personal data at the company's notice board.

According to art. 12 of the GDPR, the controller had the obligation to take appropriate measures to provide the data subject with any information mentioned in art. 13 and 14 of the GDPR (information obligation).

The Swedish Data Protection Authority applied the first fine for GDPR infringement

The Swedish Data Protection Authority issued the first GDPR fine of about EUR 20,000 for the use of a video surveillance system that offered the possibility of facial recognition of students.

The system was used to monitor the school attendance of students and had been active for 3 weeks and had already affected 22 students when the Supervisory Authority was notified.

According to art. 4 point 13 GDPR, the biometric data (which were collected through the facial recognition system) represent special categories of personal data, the processing of which is possible only under certain conditions (see Article 9 GDPR).

Moreover, these data were processed without the consent of the students, which in any case would not have been sufficient, as, in the opinion of the Supervisory Authority, the students are in a position of subordination.

The Bulgarian data protection authority fined a bank by half a million EUR for GDPR infringement

The DSK bank was fined with the equivalent of about half a million euros for the violation of art. 32 pt. 1 let. b) of Regulation (EU) 2016/679, that is, the unlawful disclosure of the personal data of its clients.

Within the one-month control conducted by the Authority, it was found that Banka DSK did not take adequate technical and organizational measures and did not offer the capacity to guarantee permanent confidentiality, integrity, availability and sustainability of the systems and services for the processing of personal data of natural persons - clients of the Bank and other third parties.

Thus, the data of 33,492 customers and third parties have been illegally accessed by third parties. Among the accessed data there were: name, personal identification data, addresses, copies of ID cards, biometric data etc.