

data protection - legal changes published in October 2020

I. ROMANIA

1. ANSPDCP. MEGAREduceri TV SRL WAS SANCTIONED WITH A FINE IN THE AMOUNT OF 3,000 EUR FOR NON-COMPLIANCE WITH THE CORRECTIVE MEASURE

On Thursday, October 1, 2020, the National Supervisory Authority for Personal Data Processing informed that it has completed an investigation at **Megareduceri TV SRL**, in which it found that the controller did not carry out the corrective measure willing **to respond to requests of ANSPDCP**, thus violating the instructions of the institution, deed provided in art. 83 para. (5) lit. e) of Regulation (EU) 679/2016, according to a press release.

The controller was sanctioned with a fine in the amount of RON 14,519.1 (equivalent to the amount of EUR 3,000) and a corrective measure was applied, to send the Authority a response to the addresses previously communicated within 5 calendar days.

2. ANSPDCP. CONTROLLER SANCTIONED WITH 2,000 EUR FOR NON-COMPLIANCE WITH THE CORRECTIVE MEASURE

On Thursday, October 1, 2020, the National Supervisory Authority for Personal Data Processing informed that it has completed an investigation at the **Association of Military Owners R**, Chiajna commune, Ilfov county, in which it found that the owners' association did not bring fulfillment of the corrective measure willing to send a response to the ANSPDCP requests.

The owners' association was sanctioned with a **fine in the amount of RON 9,659, the equivalent of the amount of EUR 2,000. At the same time, a corrective measure** was applied to the owners' association, to send in writing to the Authority all the information requested through the address previously communicated, within 5 calendar days.

3. ANSPDCP. CONTROL ACTIVITY JANUARY - SEPTEMBER 2020

On Friday, 2 October 2020, the National Supervisory Authority for Personal Data Processing informed that, between **January and September 2020**, it received a number of 3952 complaints, 176 notifications and 128 notifications regarding security incidents, on the basis of which investigations have been opened, according to a statement.

As a result of the investigations carried out, **22 fines were imposed in a total amount of EUR 68,900**. A fine in the amount of RON 10,000 was applied under Law no. 506/2004. Also, 46 warnings were applied and 42 corrective measures were ordered.

4. ANSPDCP. CONTROLLER SANCTIONED WITH EUR 3,000 FOR NOT ADOPTING SUFFICIENT SECURITY MEASURES

On Thursday, October 15, 2020, the National Supervisory Authority for Personal Data Processing informed that it has completed an investigation at **Marsorom S.R.L.**, finding the violation of art. 25 and art. 32 of the General Data Protection Regulation as the controller has not adopted sufficient security measures to prevent unauthorized access and disclosure of personal data of customers who have placed orders on this site, according to a statement.

The controller Marsorom S.R.L. was sanctioned with a **fine in the amount of RON 14,574.9, the equivalent of the amount of EUR 3,000.**

The investigation took place as a result of a notification claiming that some personal data of its customers could be viewed on the controller's website.

5. ANSPDCP. CONTROLLER WAS SANCTIONED WITH EUR 2,000 FOR NOT PROVIDING THE REQUESTED INFORMATION

On Tuesday, October 20, 2020, the National Supervisory Authority for Personal Data Processing informed that it had completed an investigation at **Globus Score SRL** and found that it had not complied with the **corrective measure provided to provide the information requested by the Authority**, violating thus the instructions of our institution, deed provided in art. 83 para. (5) lit. e), reported to art. 58 para. (1) of the General Data Protection Regulation, according to a press release.

The controller Globus Score SRL was sanctioned with a **fine in the amount of RON 9,713.14, the equivalent of EUR 2,000.**

II. EUROPEAN UNION

1. THIRTY-NINTH PLENARY SESSION OF THE EUROPEAN DATA PROTECTION BOARD

On Thursday, October 8, 2020, the thirty-ninth Plenary Session of the European Data Protection Board, a body with legal personality of the European Union, established pursuant to art. 68 of the General Regulation on Data Protection, according to a statement.

Within this, **Guidelines 09/2020 on relevant and reasoned objection under Regulation 2016/679 - version for public consultation (GDPR).**

This Guide aimed at clarifying the notion of **relevant and reasoned objection**, defined in art. 4 point 24 of the General Regulation on Data Protection, in order to ensure an adequate application in the cooperation mechanism between the national data protection authorities, established by art. 60 of this Regulation.

This Guide aimed at clarifying the notion of relevant and motivated objection, defined in art. 4 point 24 of the General Regulation on Data Protection, in order to ensure an adequate application in the cooperation mechanism between the national data protection authorities, established by art. 60 of this Regulation.

2. HAMBURG COMMISSIONER FINES H&M € 35.3 MILLION FOR DATA CENTER BREACHES IN SERVICE CENTER

German authority fined **H&M** in case of monitoring of **hundreds of employees** of Nuremberg H&M Service Center by its management.

Since 2014, some employees have undergone extensive processing of details about their privacy. After absences, such as vacations and sick leave - even short absences - the heads of the surveillance team organized so-called *welcome back discussions* with their employees. After these discussions, in many cases not only **concrete vacation details of employees** were recorded, but also **disease symptoms and diagnoses.**

In addition, some supervisors found and noted extensive information about the **privacy life of their employees** through personal discussions, ranging from fairly harmless details to family issues and religious beliefs. Some of this information was recorded, digitally stored and partially readable by another 50 managers from across the company.

3. NORWEGIAN DATA PROTECTION AUTHORITY: DECISION TO FINE THE MUNICIPALITY OF BERGEN

The Norwegian Data Protection Authority fined the city of Bergen with an administrative **fine of around EUR 276,000** for non-compliance with technical and organizational measures, as personal information from the communication system between school-parent was not sufficiently secure. In addition, these data belonged to a category of vulnerable individuals, namely children.

In October 2019, the Authority was notified of the personal data breach by the municipality of Bergen regarding the new community system for communication between school and parents. The new system contained a way for the school and parents to communicate through a portal or application. The municipality has not established or communicated the necessary guidelines to ensure the personal information of children and parents with a confidential address before the system is used.

4. THE LITHUANIAN AUTHORITY IMPOSES A FINE FOR IMPROPER PROCESSING OF THE PERSONAL DATA OF THE PARENTS OF AN ADOPTED CHILD

The Lithuanian Data Protection Authority has fined the Vilnius municipality administration for infringing the GDPR with a **fine of EUR 15,000** for improper processing of the personal data of the parents of an adopted child.

When the parents completed an application for the education of the adopted child, when updating the data, the data of the original parents were passed instead of the adoptive parents.

5. THE NORWEGIAN AUTHORITY FINED ODIN FLISSENER FOR CARRYING OUT A CREDIT CHECK ON AN OWNER, WITHOUT HAVING A LEGAL BASIS FOR PROCESSING

The Norwegian Data Protection Authority sanctioned Odin Flissenter AS (tile distributor) with an **administrative fine of EUR 13,905** for carrying out a credit check of an owner, without having a legal basis for processing.

One person filed a complaint alleging that Odin Flissenter performed a credit check on an owner who had no relationship with customers or any other connection to the company.