

## data protection - legal changes published in March 2021

### I. ROMANIA – sanctions

#### 1. ANSPDCP. A natural person was sanctioned for violating the General Regulation on Data Protection with a fine in the amount of RON 2,437.35 (the equivalent in EUR 500)

The National Supervisory Authority completed on 16.02.2021 an investigation into a natural person, who held, at the same time, the position of Secretary General within a sector branch in Bucharest of a political party.

The person was sanctioned because on a social network, on the personal page of this individual, was published a list of 10 positions with signatories / supporters for election of the General Council and the Mayor of Bucharest, in which their personal data are accessible, disclosing name and surname, signature, citizenship, date of birth, address, series and number of identity card, political option of signatories / supporters.

#### 2. ANSPDCP. BNP Paribas Personal Finance SA Paris Sucursala was sanctioned with a fine in the amount of RON 10,000

BNP Paribas Personal Finance SA was sanctioned as a result of the fact that an individual received an SMS commercial message on his telephone number.

Following the investigation, it was found that the controller did not prove the existence of the prior consent of the person concerned, according to art. 12 of Law no. 506/2004, although the petitioner had previously exercised, repeatedly, the right to oppose the processing of her data for marketing purposes.

#### 3. ANSPDCP. Medcover was sanctioned with a fine of RON 9,749.6 (equivalent to EUR 2000)

The investigation was initiated as a result of the transmission by the controller of successive notifications of personal data breach, which reported **unauthorized disclosure and unauthorized access to personal data** such as: name and surname, CNP, series and no. CI, CI address, correspondence address, contact telephone number and e-mail, respectively name and data on health status, sent to individuals other than the recipients, to the e-mail address or postal address.

Following the investigation, the supervisory authority found that the controller did not implement adequate technical and organizational measures to ensure that any natural person acting under the authority of the controller and having access to personal data only processes them at the request of the controller, which led to unauthorized disclosure and unauthorized access to personal data transmitted to individuals other than the recipients, to the e-mail address or postal address.

#### 4. ANSPDCP. TELEKOM ROMANIA MOBILE COMMUNICATIONS S.A. was sanctioned with a fine in the amount of RON 48,748.00 (equivalent to EUR 10,000) and a fine in the amount of RON 15,000

The investigation found that the controller did **not implement adequate technical and organizational measures to ensure a level of security appropriate to the risk of processing, which led to unauthorized disclosure and / or unauthorized access to personal data**, such as: customer ID, code customer, name and surname, CNP, date of birth,

sex, telephone number, e-mail, address (country, city, street), the amount of debts associated with the customer code of a number of **99,210** targeted persons / customers. Thus, their billing addresses were erroneously entered in the database with individual customers, sent to a contractual partner under a debt assignment contract, which led to the sending to the wrong addresses of notifications sent to customers.

It was also found that the controller did **not take adequate technical and organizational measures to ensure the security of the processing of personal data, likely to protect personal data stored or transmitted against illicit storage, processing, access or disclosure, which led to unauthorized access to personal data in MyAccount accounts** (account holder name; date of birth; phone numbers used; home address; email address; subscriber code; contracted services; active extra options on account; simple invoice history) of a number of **413** targeted persons / Telekom Romania customers.

## II. EUROPEAN UNION - regulation

### 1. The Forty-fifth Plenary Session of the European Data Protection Board

The following documents were mainly adopted at the Plenary of the European Data Protection Board, held online on March 9, 2021:

- [Guide no. 9/2020 on relevant and reasoned objection](#) (final form after public consultation)
- [Guide no. 1/2020 on connected vehicles](#) (final form after public consultation)
- [Guide no. 2/2021 on virtual voice assistance](#) (form for public consultation until 23.04.2021)
- [Joint opinion with EDPS no. 3/2021 on the proposal for a Regulation of the European Parliament and of the Council on data governance](#)
- [Statement on the draft ePrivacy Regulation.](#)

More information is available at: [https://edpb.europa.eu/news/news\\_en](https://edpb.europa.eu/news/news_en)

### 2. The forty-seventh Plenary Session of the European Data Protection Board

During the Plenary of the European Data Protection Committee, held online on March 30-3, 2021, **Opinion no. 4/2021 jointly with EDPS on the Proposal for a Regulation of the European Parliament and of the Council on the legal framework for issuing, verifying and accepting vaccination, testing and recovery certificates intended to facilitate free movement during the Covid 19 pandemic (digital green certificates).**

Through this document, the EDPB and the EDPS have highlighted certain aspects that would lead to the proposal's compliance with the principles of necessity and proportionality enshrined in the General Data Protection Regulation, together with the provision of appropriate safeguards specific to the processing involved.

More information is available at: [https://edpb.europa.eu/news/news\\_en](https://edpb.europa.eu/news/news_en)