

## data protection - legal changes published in December 2020

### I. ROMANIA

#### 1. NSAPDP. Banca Transilvania SA was sanctioned with a fine in the amount of EURO 100,000 for the unauthorized disclosure and access to certain personal data

On the 17th of December 2020, the National Surveillance Authority for Data Protection Processing ("the Authority") published a statement regarding the completion of an investigation at the operator Banca Transilvania SA which was sanctioned with **a fine in the amount of RON 487,380 (equivalent to EURO 100,000)**.

The investigation was launched following the receipt of **complaints** regarding the breach of confidentiality and security of personal data. It was found that **the statement requested by the operator from a customer of his client regarding the way in which he intended to use a certain amount of money that he wanted to withdraw from his account took place in the public space (online)**. This statement was distributed **among several employees** of Banca Transilvania on work e-mail addresses. One of the employees listed the e-mail containing the customer's statement, as well as the e-mail containing the internal conversation between the operator's employees. Another employee photographed the listed document with his mobile phone and distributed it through **the WhatsApp application**. Subsequently, the listed document was posted and distributed on the social network **Facebook and on a website**.

This situation has led to the unauthorized disclosure and access to certain personal data (name and surname, e-mail addresses, behavioral data, personal preferences, financial transaction value, place of work, position and place of work, telephone number service) of 4 targeted individuals (one client and 3 own employees), although according to art. 5 lit. f) of the General Regulation on Data Protection, the operator had the obligation to respect the principle of integrity and confidentiality of personal data.

#### 2. NSAPDP. ATU Sector 4 Bucharest has been sanctioned with a warning for the use of audio-video surveillance equipment

On December 22, 2020, the Authority announced that it sanctioned ATU Sector 4 Bucharest (the Administrative Territorial Unit Sector 4) represented by the Mayor, for the General Directorate of Local Police Sector 4 **with a warning, accompanied by the corrective measure, ordered by the remediation plan**, to ensure compliance of processing operations performed by use of "BADGE" audio-video surveillance means.

The investigation was launched following the receipt of a complaint regarding the violation of data protection legislation and it was found that the General Directorate of Local Police Sector 4 processes personal data through portable audio-video surveillance means, type "BADGE", used by the staff of the Directorate in missions and activities carried out in the field, in the context in which the local police officers were hierarchically obliged to wear these means of audio-video surveillance during the working hours.

At the time of the investigation, it was found that there are no legal provisions governing the use of portable audio-video surveillance systems in the activity of local police officers.

### 3. NSAPDP. C&V Water Control S.A. was sanctioned with a fine in the amount of RON 9,746 because it did not respond to the Authority's request

On December 22, 2020, the Authority announced that it sanctioned C&V Water Control S.A. with **a fine in the amount of RON 9,746, the equivalent of the amount of EURO 2,000**, as a result of the fact that this operator did not provide the information requested by the Authority.

At the same time, the corrective measure was applied to the operator to transmit to the Authority all the information requested through the previous addresses.

### 4. NSAPDP. The city of Cluj-Napoca was sanctioned with a warning for the use of portable audio-video surveillance means

On December 22, 2020, the Authority announced that it sanctioned the **Municipality of Cluj-Napoca, represented by the Mayor, for the General Directorate of Local Police Cluj-Napoca with a warning**, as the staff of the General Directorate of Local Police Cluj-Napoca, carrying out specific missions and activities, processed personal data by **using the portable audio-video system type "Body-Worn Camera"** (which processes the image and voice), starting with October 2019, without a legal obligation of the operator and without fulfilling any other condition provided in art. 6 para. (1) of the RGPD. The sanction of the warning was *accompanied by the application of a corrective measure, through the remediation plan.*

### 5. NSAPDP. Qualitance QBS SA was fined EURO 1,000 for violating the provisions of the GDPR

On December 29, 2020, the Authority announced that it sanctioned Qualitance QBS SA with a fine in the amount of RON 4,867.50 (equivalent to EURO 1,000).

The investigation was initiated following the receipt of complaints alleging that the operator had sent information by e-mail to 295 persons (candidates who provided their personal data for recruitment on the operator's website or through online applications). line), thus revealing the e-mail addresses of the other recipients.

Qualitance QBS SA was also applied the corrective measure to ensure the compliance of personal data processing operations with the General Data Protection Regulation (GDPR), by implementing appropriate technical and organizational measures in case of remote transmission of personal data, including regular training of data controllers (employees or collaborators).

### 6. NSAPDP. ING Bank N.V. Amsterdam - Bucharest Branch was fined EURO 3,000 for violating the provisions of the GDPR

On the 30th of Dec. 2020, the Authority announced that it has sanctioned ING Bank N.V. Amsterdam - Bucharest Branch with a fine in the amount of RON 14,619.9 (equivalent to EURO 3,000).

The sanction was applied to the operator as a result of the fact that the ING Bank processed the personal data of a natural person after the conclusion of the contractual relationship with ING Bank.

During the investigation, the National Supervisory Authority found that the operator sent to the e-mail address of a natural person messages regarding the updating of his personal data, although he had requested on 24.11.2017 the closure of the last bank product held, respectively a current account.

It was also found that, as a result of a system error, this request to close the current account did not have the effect of closing the business relationship with the operator, which was still maintained with "active" status.

## II. EUROPEAN UNION - REGULATIONS

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

On December 15, 2020, the 43rd Plenary Session of the European Committee for Data Protection took place online, a body with legal personality of the European Union, established under art. 68 of the [General Regulation on Data Protection, according to a statement](#).

The following documents were adopted within it:

- (i) **Guidance on restrictions on the rights of data subjects under Article 23 GDPR.** It is published for public consultation.
- (ii) the final version of the **Guide on the Interaction of the Second Payment Services Directive (PSD2) and the GDPR.** The guide aims to provide further guidance on data protection issues in the context of PSD2, in particular on the relationship between the relevant provisions of the GDPR and PSD2;
- (iii) **Guidance on Article 46 (2) (a) and Article 46 (3) (b) of Regulation 2016/679 for transfers of personal data between the EEA and non-EEA public authorities and bodies.** These articles address transfers of personal data from EEA public authorities or bodies to public bodies in third countries, where such transfers are not covered by an appropriate decision.

## III. EUROPEAN UNION – SANCTIONS

### 1. Swedish Authority has sanctioned several healthcare providers for controlling staff access to patient diary data

The Swedish Data Protection Authority has audited eight healthcare providers in the way it governs and restricts staff access to key electronic medical record systems. The Authority found shortcomings in seven of the eight cases leading to administrative fines of up to SEK 30 million.

### 2. The Estonian Authority obliged electronic pharmacies to immediately cease access to another person's prescription information.

On November 30, the Estonian Data Protection Inspectorate issued a decision and issued a warning with a one-day compliance deadline and a **EUR 100,000** penalty to three pharmacy chains that allowed visualization in the e-pharmacy

environment of another person's current prescriptions without their consent based on access to their personal identification code.

### 3. The Swedish Authority sanctioned a University for not sufficiently protecting special data

Umeå University has processed special categories of personal data relating to sexual life and health, inter alia, by storing in a cloud service, without sufficient data protection. Therefore, the Swedish Data Protection Authority **fines SEK 550,000** against the university.

A research group at the University requested preliminary investigation reports from the police on cases of male rape and, upon receipt of these reports, proceeded to scan and digitally store them. The reports contained information, among other things, about the suspected crime, name, personal identity number and contact details, as well as sensitive data about life and sexual health.

The Swedish Data Protection Authority's investigation shows that the research group stored more than a hundred preliminary investigation reports scanned into a US cloud service, despite the fact that the University informed via its intranet that no special categories of data should be stored in the cloud service in question.

### 4. The Irish authorities sanctioned Twitter, fined 450,000 euros for violating the GDPR

On Tuesday, December 15, 2020, the Data Protection Commission announced the conclusion of a GDPR investigation it conducted on Twitter International Company, according to a statement.

The operator was **fined EUR 450,000** as an effective, proportionate and dissuasive measure.

The Data Protection Commission found that Twitter had breached Article 33 (1) and Article 33 (5) of the GDPR with regard to the refusal to notify the breach in a timely manner and the lack of adequate documents on the breach.

The full decision is available [here](#).

### 5. The Swedish authority sanctioned a company headquartered in a block for illegal video surveillance

The Swedish data protection authority has issued an administrative **fine of SEK 300,000** against a housing company for illegal video surveillance in an apartment building.

The Swedish Data Protection Authority has received a complaint about video surveillance in an apartment block belonging to the housing company Uppsalahem. The applicant alleged that there was a surveillance camera in the apartment house facing the applicant's front door.

The Authority found that the monitoring area of the room clearly covered two doors of the apartment, one of which belonged to the applicant and the other to a resident.

The housing company claims that the purpose of the video surveillance was to solve the disorders that occurred in the scale over time.