



Legal Changes of October 2021

Voicu & Filipescu is a full service law firm, covering all legal areas relevant to your company's activity. This issue of our monthly provides you with a brief description of some of the recent legal amendments in:

- Data Protection
- Litigation & Arbitration

The dedicated VF task force addressing Coronavirus (COVID-19) concerns continues to providing legal solutions and strategies for the benefit of companies impacted by the health [more here.](#)

Chambers and Partners Europe, 2021 edition recommends Voicu & Filipescu for our lawyer's activity in the field of dispute resolution.

Legal500 EMEA 2021 edition recommends Voicu & Filipescu for our lawyers' activity in 6 p Corporate and , Commercial, Employment, PPP and Procurement, Real Estate and (Restructuring and Insolvency and TMT.

IFLR 1000, 2021 edition recommends Voicu & Filipescu for our lawyer's activity in three practice Banking and Finance and Project Development. Also, Mr. Dumitru Rusu – Partner, head of the Finance practice, was selected as a *Highly Regarded Lawyer* for the practice areas of Capital Banking.





Protection of Personal Data - legislative changes published in October 2021

I. ROMANIA

1. SANCTIONS APPLIED BY THE NATIONAL SUPERVISORY AUTHORITY

1.1 ANSPDCP. Glove Technology SRL was sanctioned with a fine in the amount of EUR 5,000 for violating Article 5 para. (1) a) reported to Article 6 para. (1) GDPR

The National Supervisory Authority has completed, on September 23, 2021, an investigation at the controller Glove Technology SRL, following which it was found the violation of the provisions of art. 5 para. (1) point (a) in relation to Article 6 (1) (a) of the GDPR, the controller being sanctioned with a fine in the amount of RON 24,745.00 (the equivalent of EUR 5,000).

The authority was notified about the fact that Glove Technology SRL has installed some audio-video surveillance cameras inside the offices, for the direct surveillance of the employees at the workplace where they operate and for recording of the discussions between them, in order to use them further against those employees.

The sanction was granted because it was found that the controller processed personal data of its employees by using an audio-video system (image and voice), without complying with the legal grounds provided by Article 6 para. (1) of the GDPR, namely obtaining the consent of the data subjects, fulfilling a legal obligation or the prevalence of its legitimate interest over the interests, rights and freedoms of the data subjects.

It was also found that the controller took the measure of monitoring the employees at the workplace through audio-video surveillance systems without respecting the first principle stated by art. 5 para. (1) letter a) of the GDPR, according to which the controller has the obligation to process the data lawfully, fairly and transparently towards the data subject.

At the same time, pursuant to Article 58 para. (2) lit. d) of GDPR, the authority has also ordered the corrective measure of ensuring the conformity of the processing operations carried out through the use of audio-video systems, as well as the cessation of any operation or set of personal data processing operations carried out through audio-video systems and the deletion of the record system.

II. European Union

1. REGULATIONS

1.1 Plenary session of the European Data Protection Board

During the plenary of the European Data Protection Board, held online on October 13, 2021, the final form of Guide no. 10/2020 on the restrictions provided by Article 23 of the General Data Protection Regulation has been adopted.



More information is available at: https://edpb.europa.eu/edpb_en

2. EUROPEAN UNION - SANCTIONS APPLIED AT EU LEVEL

2.1 Spain's Data Protection Agency fines Vodafone Servicios with EUR 40,000

The Spanish Data Protection Agency, the *Agencia Española de Protección de Datos* (the 'EDPS'), fined Vodafone with EUR 40,000 following a complaint made by a person who declared that he had received invoices and debits to his bank account for the payment of Vodafone services which it had not booked itself.

It turned out that Vodafone used the personal data of the data subject to conclude a service contract, thus violating Article 6 para. (1) GDPR.

However, the personal data had been entered into the company's information systems without any verification of the legality of the contract that was actually concluded by the data subject.

The initial fine of EUR 50,000 has been reduced to EUR 40,000 as a result of voluntary payment.



Litigation & Arbitration – Legal changes published in October 2021

Decision of the High Court of Cassation and Justice no. 9/2021 on the examination of the referral submitted by the Management Board of Constanta Court of Appeals in order to issue a preliminary ruling was published in the Official Gazette Part I no. 976 dated October 13, 2021 and it is applicable from the same date. The High Court granted the referral submitted by the Management Board of Constanta Court of Appeals in order to issue a preliminary ruling and consequently, determined that, in the interpretation and application of the provisions of article 4 para. (1) of the Law of Administrative Litigation no. 554/2004, as subsequently amended and supplemented, the unlawfulness exception shall be invoked also in relation to administrative acts of individual nature, adopted or issued before entering into force of the Law no. 554/2004.

Decision of the High Court of Cassation and Justice no. 42/2021 on the examination of the referral submitted by Iasi Court of Appeals – Civil Section in order to issue a preliminary ruling was published in the Official Gazette Part I no. 1009 dated October 22, 2021 and it is applicable from the same date. The High Court granted the referral submitted by Iasi Court of Appeals – Civil Section in order to issue a preliminary ruling and consequently, determined that, in the interpretation and application of the provisions of article 123 para. (1), (3), (9) of Law no. 85/2014, the actions for termination of a contract with continuous performance maintained by the judicial receiver or judicial liquidator shall not be admissible, when initiated by common law procedure, after the moment of starting of the bankruptcy procedure, for failure of the defendant debtor to comply with the contractual obligations consisting in payment of the amounts that were overdue before start of this procedure.

Decision of the High Court of Cassation and Justice no. 10/2021 on the examination of the appeal in the interest of the law submitted by the Management Board of Alba Iulia Court of Appeals was published in the Official Gazette, Part I no. 1033 dated October 29, 2021 and it is applicable from the same date. The High Court granted the referral submitted by the Management Board of Alba Iulia Court of Appeals, relating to the settlement of an appeal in the interest of the law and, consequently, held that in the interpretation and application of the provisions of article 28 of Law no. 50/1991 regarding the authorization of the execution of the construction works republished, as subsequently amended and supplemented, in case that the party has not initiated or have not finalized, within the period of time granted, procedure for compliance with the legal provisions, and the authority has not obtained a resolution for demolition of the construction, the time limit set in the contravention ascertaining minutes shall be a term of recommendation.

For additional details on this material, please do not hesitate to contact us.

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