



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 6 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.