



data protection - legislative changes published in March 2022

I. ROMANIA

1 SANCTIONS APPLIED BY THE NATIONAL SUPERVISORY AUTHORITY

1.1 BRIZA LAND SRL was sanctioned for violating the provision of Article 15 of the GDPR with a fine amounting to LEI 9,892.60 (the equivalent of EUR 2,000)

Following the investigation, the Data Protection Authority found that the controller failed to provide the data subject with all the information on the processing of his/her personal data, leading to a breach of the provisions of Article 15 of the GDPR.

As a corrective measure, the controller was required to provide to the data subject, within 5 working days, all information on the processing of his/her personal data, including the personal data processed, the source and recipients of the data, in compliance with the provisions of Article 15 of the GDPR.

The investigation was initiated following the complaint filed by the data subject, who declared to be displeased with the response received from the controller to his/her request when exercising the right of access to the personal data processed.

1.2 KAUFLAND ROMANIA SCS was sanctioned for violating the provision of Article 15 para. (3) of the GDPR with a fine amounting to LEI 9,889.40 (the equivalent of EUR 2,000)

Following the investigation, the Data Protection Authority found that the controller failed to provide the data subject with a copy of all video surveillance system recordings concerning him/her, leading to a breach of the provisions of Article 15 para. (3) of the GDPR.

As a corrective measure, the controller was required to provide the data subject with all the images requested, insofar as they are available, with the blurring of images leading to the identification of other persons, in compliance with Article 15 of the GDPR.

The investigation was initiated following the complaint filed by the data subject, who reported that the controller had failed to comply with the request to exercise the right of access to the personal data processed.

1.3 CONDOR SA was sanctioned for violating the provisions of Article 32 para. (1), (2) și (4) of the GDPR with a fine amounting to LEI 9,897.40 (the equivalent of EUR 2,000)

Following the investigation, the Data Protection Authority found that the controller failed to implement appropriate technical and organisational measures and failed to instruct the persons processing data under its authority to ensure the confidentiality of personal data.

This led to the disclosure of personal data of employees and former employees of the controller, through unauthorised access to unsecured documents.

As corrective measures, the controller was required to implement appropriate technical and organisational measures and to contact the person who had unauthorised access to that personal data in order to delete or destroy it, as appropriate.



2 REGULATIONS

2.1 EDPB adopts first version of Guidelines no. 2/2022 on the application of Article 60 of the GDPR

At the Plenary of the European Data Protection Board held on March 14, 2022, the EDPB adopts the first version of Guidelines no. 2/2022 on the application of Article 60 of the GDPR.

The purpose of the Guide is to analyse the cooperation between supervisory authorities with each other, the EDPB and other third parties on the cross-border processing of personal data and provide practical guidance on the concrete application of the provisions of Article 60 of the GDPR.

The Guidelines is available at the following link: https://edpb.europa.eu/system/files/2022-03/guidelines_202202_on_the_application_of_article_60_gdpr_en.pdf.

2.2 EDPB adopts first version of Guidelines no. 3/2022 on dark patterns in social media platform interfaces: How to recognise and avoid them

At the Plenary of the European Data Protection Board held on March 14, 2022, the EDPB adopts the first version of Guidelines no. 3/2022 on dark patterns on social media platforms: how to recognise and avoid them.

The purpose of the Guide is to provide practical recommendations to designers and users of social media platforms for assessing and avoiding virtual practices that infringe GDPR requirements.

The Guide draws attention to these dark patterns that lead social media users to unintentionally and unwittingly make potentially dangerous decisions regarding the collection and processing of personal data.

The Guide provides a list of examples of such dark patterns, together with the related warnings and recommendations.

The Guidelines is available at the following link: https://edpb.europa.eu/our-work-tools/documents/public-consultations/2022/guidelines-32022-dark-patterns-social-media_en.

II. EUROPEAN UNION

1 SANCTIONS APPLIED IN THE EU

1.1 The Irish DPA ("DPC") imposed to Meta Platforms Ireland Limited a fine of EUR 17 million for breaches of the GDPR provisions

Following the investigation, DPC found that, in the light of cross-border processing of personal data, the controller failed to implement appropriate technical and organizational measures to protect the personal data of EU users, leading to a breach of Article 5 para. (2) and Article 24 para. (1) of the GDPR.

Due to the cross-border nature of the processing, the DPC Decision was subject to the cooperation process under Article 60 of the GDPR, between all the Data Protection Supervisory Authorities of the Member States concerned.

Despite the objections received from the German and Polish Supervisory Authorities, this marks the first time that issues concerned were settled under Article 60 of the GDPR and not by means of the courts,



under Article 65 of the GDPR, the DPC Decision thus representing the collective opinion of both the DPC and EU Data Protection Supervisory Authorities.

1.2 The Bremen Data Protection Authority ("BC") imposed to BREBAU GmbH a fine of EUR 1,9 million for breaches of the GDPR provisions

Following the investigation, BC found that the controller had unlawfully processed the personal data of over 9500 potential tenants, including unnecessary information for the conclusion of lease agreements, such as hair style, body odour and personal appearance, in violation to the data minimisation principle.

In addition, more than half of all personal data collected and processed fall within the special categories of personal data, such as religious affiliation, sexual orientation and health status, the processing of which is permitted only in certain cases expressly provided for by Article 9 of the GDPR. The controller's actions were not justified by the latter exceptional cases.

It was also found that the controller deliberately thwarted requests from data subjects on the transparency of the process of collecting and processing personal data. Despite the seriousness of the facts, the amount of the fine was significantly reduced, given the cooperation of the controller in the investigation and the mitigation of damages.

1.3 The Swedish Data Protection Authority ("IMY") imposed to Klarna Bank AB a fine of EUR 720,000 for breaches of the GDPR provisions

Following an audit, IMY found that the controller failed to provide information on the purpose and legal basis for which personal data were processed in one of the services provided.

In addition, the controller provided incomplete and misleading information about the recipients of different categories of personal data when they were shared with credit institutions in Sweden and abroad.

The IMY also found that the controller provided insufficient information on the rights of data subjects, namely the right to be forgotten, the right to data portability and the right to object.