



## data protection - legislative changes published in July 2022

### I. ROMANIA

#### 1 SANCTIONS APPLIED BY THE NATIONAL SUPERVISORY AUTHORITY (ANSPDCP)

##### **1.1 E SOFTWARE CONCEPT SRL was sanctioned for violating the provisions of Article 58 para. (1) point a) and e) and Article 32 para. (1) point b) and para. (2) of the GDPR with a fine amounting to LEI 19,782.64 (the equivalent of EUR 4,000)**

Following the investigation, the National Supervisory Authority has sanctioned the controller both for breach of the obligation to ensure adequate technical and organizational measures to prevent unauthorized disclosure of personal data of its clients, finding that by accessing certain links on the controller's website, various documents (invoices and transport documents) containing personal data of data subjects could be viewed: name, surname, sender and recipient address, telephone number, username and password, e-mail addresses, as well as for refusing or failing to comply with requests for information submitted by the National Supervisory Authority in the exercise of its power

##### **1.2 DELIVERY SOLUTIONS S.A (SAMEDAY) was sanctioned for violating the provisions Article 29 and Article 32 para. (1) point b) and para. (2) of the GDPR with a fine amounting to LEI 14,825.70 (the equivalent of EUR 3,000)**

The National Supervisory Authority has sanctioned Sameday for breaching its obligation to implement appropriate technical and organizational measures to ensure a level of security appropriate to the risk of processing, which led to the disclosure and/or unauthorized access to personal data belonging to a number of 26.566 individuals concerned (e.g., recipient's first and last name, telephone number, address, delivery status, type of service, parcel weight, amount to be collected, delivery interval).

Personal data became available for sale on the RaidForums forum, known for discussion topics such as hacking, hacking tools and sharing data resulting from security breaches.

The investigation was initiated following a complaint from an individual who reported that the company's database was available for sale on the above-mentioned forum.

### II. EUROPEAN UNION

#### 1 RELEVANT ISSUES AT THE EUROPEAN DATA PROTECTION BOARD (EDPB) LEVEL

##### **1.1 EDPB and EDPS adopt Joint Opinion no. 03/2022 on the Proposal for a Regulation on the European Health Data Space**

At its Plenary meeting held on July 12, 2022, the EDPB, together with the EDPS (European Data Protection Supervisor) adopts the Joint Opinion no. 03/2022 on the Proposal for a Regulation on the European Health Data Space.

The Opinion points out that the description of the rights as provided for in the Proposal is not consistent with that in the GDPR, which may create legal uncertainty for data subjects in distinguishing between the two types of rights.

It is also recommended not to extend the scope of the exceptions related to the rights of data subjects in the GDPR to the provisions of the Proposal.

The document is available at the following link: [edpb\\_edps\\_jointopinion\\_202203\\_europeanhealthdataspace\\_en.pdf](https://european-council.europa.eu/media/1000000/attachment/data/2022/07/edpb_edps_jointopinion_202203_europeanhealthdataspace_en.pdf) ([europa.eu](https://european-council.europa.eu/media/1000000/attachment/data/2022/07/edpb_edps_jointopinion_202203_europeanhealthdataspace_en.pdf)).



## **1.2 EDPB and EDPS adopt Joint Opinion no. 04/2022 on the Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse**

At its Plenary meeting held on 28 July 2022, the EDPB, together with the EDPS (European Data Protection Supervisor) adopts the Joint Opinion no. 04/2022 on the Proposal for a Regulation of the European Parliament and of the Council laying down rules to prevent and combat child sexual abuse.

The Opinion states that the Proposal raises serious concerns about the proportionality of the envisaged interferences and limitations on the protection of fundamental rights to privacy and personal data protection.

Hence, it is underlined that the Proposal is not clear on key elements such as the notion of 'significant risk'. In addition, the entities in charge of implementing the envisaged measures have a very wide margin of discretion which may lead to legal uncertainty as to the balance between the rights granted to the parties in each individual case. The document is available at the following link: [edpb edps jointopinion 202204 csam en 0.pdf \(europa.eu\)](#).

## **2 SANCTIONS APPLIED IN THE EU**

### **2.1 The Hellenic Data Protection Authority ("HDP") imposed to Clearview AI Inc. a fine of EUR 20 million for breaches of the GDPR**

Following the investigation, the HDP has forbidden the controller from further collecting and processing personal data of individuals located in Greece and has order the controller to delete all personal data already collected.

In particular, the controller was collecting photos containing faces from public social media accounts to create a database used for marketing facial recognition services.

### **2.2 The Lower Saxony Data Protection Authority ("LfD") imposed to Volkswagen a fine of EUR 1,1 million for breaches of the GDPR provisions**

Following the investigation, the LfD found that the processor collected personal data without prior information of the data subjects and without conducting a data protection impact assessment, in breach of Article 13 and Article 35 of the GDPR.

In particular, a Volkswagen car was testing the effectiveness of a driver assistance system to prevent accidents, and the video cameras mounted on the car were recording the surroundings for subsequent troubleshooting of the system. At the same time, without being informed of the processing of personal data, traffic participants in the immediate vicinity were also recorded.

### **2.3 The French Data Protection Authority ("CNIL") imposed to UBEEQO International a fine of EUR 175,000 for breaches of the GDPR**

Following the investigation, the CNIL found that the controller collected personal data in violation of the principles of transparency, data minimisation and data retention only for the time necessary to fulfil the purposes for which they are processed.

Thus, when an individual rented a car from the company's fleet, it collected data on the geolocation of the vehicle on a constant basis every 500 metres travelled, every time the engine was started or stopped and when the doors were opened or closed, the data being stored for 3 years after the return of the vehicle.