



## data protection - legislative changes published in November 2022

### I. ROMANIA

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

##### 1.1 **RAIFFEISEN BANK S.A. was sanctioned for violating the provisions of Article 32 para. (4) in conjunction with Article 32 para. (1) and para. (2) and Article 25 para. (1) of the GDPR with a fine amounting to LEI 138,572.00 (the equivalent of EUR 28,000).**

Following the investigation, it was found that multiple breaches of the GDPR had occurred at the controller level resulting in the disclosure and/or unauthorised access to personal data belonging to at least 169 data subjects.

Among the most serious incidents are the granting of personal loans to customers in the absence of their request, performing prescoring operations for customers or potential customers without the relevant query documentation being signed by the respective applicants and the incorrect transmission to customers of personal data belonging to other data subjects.

The investigation was initiated following the submission by the controller of 17 notifications of personal data breaches.

##### 1.2 **ING BANK NV AMSTERDAM BUCHAREST BRANCH was sanctioned for violating the provisions Article 32 para. (1) and para. (2) of the GDPR with a fine amounting to LEI 98,076.00 (the equivalent of EUR 20,000).**

Following the investigation, it was found that the controller failed to implement adequate technical and organisational measures to ensure a level of security appropriate to the risk of processing personal data.

This led to the unauthorised access and disclosure of personal data of some data subjects (identification data associated with the identity document, contact data, banking data, Internet Banking module user and password), resulting in payment transactions being performed by third parties.

The investigation was initiated following a notification of a personal data breach submitted by the controller.

##### 1.3 **PRESTIGE MEDIA PHG SRL was sanctioned for violating the provisions Article 5 para. (1) point a) and para. (2) and Article 6 of the GDPR with a fine amounting to LEI 24,683.50 (the equivalent of EUR 5,000).**

Following the investigation, it was found that the controller unlawfully processed personal data belonging to several data subjects.

Thus, 23 nominal decisions to terminate individual employment agreements containing personal data (name, first name, employment agreement number, disciplinary misconducts) of several individuals, including employees of another company, were published on the controller's website.

In addition to the fine, the controller was also required to remove/anonymise the information leading to the identification of the data subjects in the above decisions.



## II. EUROPEAN UNION

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

#### 1.1 EDPB adopts Statement no. 03/2022 on the European Police Cooperation Code

At its Plenary Meeting on November 14, 2022, the EDPB adopted Recommendations no. 01/2022 on the Application for Approval and on the elements and principles to be found in Controller Binding Corporate Rules.

The purpose of the Recommendation is to provide a standard form on the Application for Approval of Binding Corporate Rules for Controllers ("BCR-C"), to clarify the content necessary for the BCR-C in relation to Article 47 of the GDPR and to differentiate between what should be included in the BCR-C and what should be presented to the Supervisory Authority responsible for the Binding Corporate Rules.

The document is in public consultation until January 10, 2023 and can be found at the following link: [edpb\\_recommendations\\_20221\\_bcr-c\\_referentialapplicationform\\_en.pdf \(europa.eu\)](https://edpb.europa.eu/edpb/recommendations_20221_bcr-c_referentialapplicationform_en.pdf)

### 2 SANCTIONS APPLIED IN THE EU

#### 2.1 The Irish Data Protection Authority ("DPC") imposed to Meta Platforms Ireland Limited a fine of EUR 265 million for breaches of the GDPR.

Following the investigation, the DPC found that the controller failed to implement sufficient technical and organisational measures to ensure the security of the processing of personal data.

Thus, on a hacking site, sets of personal data obtained from the public accounts of users of the social network Facebook were identified. This data was collected during 2018-2019 and the investigation involved cooperation between all Data Protection Supervisory Authorities in the Member States.

The number of data subjects affected exceeds 500,000, most of them being from the European Union.

#### 2.2 The French Data Protection Authority ("CNIL") imposed to ÉLECTRICITÉ DE FRANCE a fine of EUR 600,000 for breaches of the GDPR.

Following the investigation, CNIL found that the controller processed personal data without the consent of the data subjects, failed to comply with the exercise of their rights and failed to implement sufficient measures to ensure data security.

In particular, the controller sent commercial messages to customers without their prior consent and failed to follow up the exercise of the right to object. In addition, the passwords to the personal accounts of 25,000 customers were improperly stored.

#### 2.3 The Italian Data Protection Authority ("Garante") imposed to Vodafone Italia S.p.A. a fine of EUR 500,000 for breaches of the GDPR.

Following the investigation, Garante found that the controller had unlawfully processed a customer's personal data.

Thus, following a telephone call from an employee of the Vodafone sales network, the data subject was concluded a contract for fixed telephony services without any consent to do so. In addition, the data subject was not asked for consent to receive calls for promotional purposes.