



## data protection - legislative changes published in September 2022

### I. ROMANIA

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

##### 1.1 REALMEDIA NETWORK S.A. was sanctioned for violating the provisions of Article 32 para. (1) point b) and para. (2) of the GDPR with a fine amounting to LEI 39,272.00 (the equivalent of EUR 8,000)

Following the investigation, it was found that a personal data breach occurred at the level of the controller which led to the unauthorized disclosure and/or access to personal data belonging to 194,309 data subjects.

The security breach concerned the following personal data: name, surname, telephone number, e-mail address, postal address, personal identification number, signature, copies of identity cards, including identification codes, function/quality, bank details, information included in land registry/land registry extracts, property titles and profile pictures of users of the real estate "imobiliare.ro" platform.

The investigation was initiated following a intervention ex officio by the National Supervisory Authority, in the context of the related information regarding the breach being published in online media.

##### 1.2 RAIFFEISEN BANK S.A. was sanctioned for violating the provisions Article 5 para. (1) point d) of the GDPR with a fine amounting to LEI 9,763.60 (the equivalent of EUR 2,000) and with a warning for violating the provisions of Article 5 para. (1) lit. a) and b) and Article 6 of the GDPR

Following the investigation, the National Supervisory Authority found that Raiffeisen Bank, as processor, erroneously entered the telephone number of the data subject in the application through which transactions were initiated at the request of customers, although the data subject was not a customer of the Bank and did not request the initiation of transactions.

Furthermore, the National Supervisory Authority found that the Bank processed inaccurate data (telephone number) of individuals, occasional customers, who conducted money transactions via the application, using the telephone number of the data subject in 44 transactions, thus violating the principle of data accuracy provided for in Article 5 para. (1) point (d) of the GDPR.

##### 1.3 VODAFONE ROMANIA S.A. was sanctioned for violating the provisions Article 29 and Article 32 para. (1) point b), para. (2) and para. (4) of the GDPR with a fine amounting to LEI 9,890.80 (the equivalent of EUR 2,000)

Following the investigation, it was found that the controller failed to verify compliance with the caller identification procedure by individuals working under its authority.

This allowed third parties to fraudulently purchase new phones on behalf of the controller's customers. In addition, personal data included in agreements concluded by customers with the controller, as well as those contained in the personal MyVodafone accounts, could be accessed by third parties.

The investigation was initiated following two notifications of personal data breaches submitted by the controller.



## 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 held on September 12, 2022, the EDPB adopts the Statement no. 03/2022 on the European Commission proposal of December 8, 2021 on the European Code on Police Cooperation.

The aim of the Code is to strengthen law enforcement cooperation between Member States, and in particular the exchange of information between competent authorities.

The document is available at the following link: [edpb\\_statement\\_202203\\_european\\_police\\_cooperation\\_code\\_en.pdf](https://edpb.europa.eu/edpb_statement_202203_european_police_cooperation_code_en.pdf) ([europa.eu](https://europa.eu)).

### 2 SANCTIONS APPLIED IN THE EU

#### 2.1 The Irish Data Protection Authority ("DPC") imposed to Meta Platforms Inc. a fine of EUR 405 million for breaches of the GDPR

Following the investigation, the CPD found that the controller processed personal data concerning the category of vulnerable persons, in violation of the fundamental principles of the GDPR.

Thus, when an under-aged user of the social network Instagram converted their account from a personal to a business account, their phone number and email address automatically became public, whereas when initially creating an account for a user under 18, this data is automatically set as private.

The number of data subjects affected is in the millions.

#### 2.2 The French Data Protection Authority ("CNIL") imposed to INFOGREFFE a fine of EUR 250,000 for breaches of the GDPR

Following the investigation, the CNIL found that the controller kept the personal data of 25% of its members and subscribers for longer than the declared 36 months, without justification, and that the manual anonymisation implemented at the request of users concerned only a very small number of accounts.

The controller also failed to take sufficient measures to ensure the security of the processing of personal data. Thus, for the 3.7 million accounts of data subjects, the use of a strong password was not required. In addition, they were kept in the controller's database, along with the security questions and the related answers in clear, unencrypted text.