data protection - legislative changes published in January 2023

I. ROMANIA

1 SANCTIONS APPLIED BY THE NATIONAL SUPERVISORY AUTHORITY (ANSPDCP)

1.1 BRISTOL LOGISTICS S.A was sanctioned for violating the provisions Article 32 para. (1) point b) and para. (2) of the GDPR with a fine ammounting to LEI 9,828.00 (the equivalent of EURO 2,000)

As a result of the investigation, it was found that the controller did not implement adequate technical and organisational measures to ensure a level of security appropriate to the processing risk.

Thus, the security incident consisted in the theft of a folder containing the personnel files of 12 employees, which led to the access of personal data (contact/identification data, academic and professional training, employment details, tax deduction and dependants information, occupational health qualification) by unauthorised persons.

The investigation was initiated following two data breach notifications by the controller.

1.2 APA CANAL ILFOV was sanctioned for violating the provisions of Article 32 para. (1) point b), para. (2) and para. (4) of the GDPR with a fine ammounting to LEI 14,757.60 (the equivalent of EUR 3,000)

As a result of the investigation, it was found that the controller's action led to the unauthorised access and disclosure of personal data belonging to a significant number of data subjects.

In particular, when sending an e-mail to registered users on the company's online portal, the controller erroneously entered e-mail addresses in the „To" section, when they should have been entered in the „BCC" field.

The investigation was initiated following a data breach notification sent by the controller.

1.3 DANTE INTERNATIONAL S.A was sanctioned for violating the provisions Article 17 of the GDPR with a fine ammounting to LEI 4,918.60 (the equivalent of EUR 1,000)

As a result of the investigation, it was found that the controller did not respect the exercise of the right to erasure.

In particular, the controller continued to process the data subject's personal data by sending SMS messages to her telephone number regarding the company's commercial offers.

In addition to the fine, the controller was ordered to implement technical and organisational measures to ensure compliance with the right to be forgotten.

II. EUROPEAN UNION

1 SANCTIONS APPLIED IN THE EU

1.1 The Irish Data Protection Authority (”DPC”) imposed to Meta Platforms Ireland Limited a fine of EUR 390 million for breaches of the GDPR

As a result of the investigation, the DPC found that the controller processed personal data in breach of the principles of lawfulness, fairness and transparency.

In particular, following consultations between the DPC and the European Data Protection Board (”EDPB”), it was decided that the controller can no longer process the personal data of its users in the context of behavioural advertising within the Facebook and Instagram platforms, so far justified on the grounds of "the need to perform a contract". The reasoning lies in the insufficient description in the Terms and Conditions of the purpose, legal basis and activities related to the processing.

The investigation was initiated following research carried out by the non-governmental organisation None Of Your Business („NOYB"), after which complaints were submitted to the CPD.

2.2 The Irish Data Protection Authority (”DPC”) imposed to Whatsapp Ireland a fine of EUR 5.5 million for breaches of the GDPR

As a result of the investigation, the CPD found that the controller did not properly inform data subjects of the purposes and legal grounds for the processing.

Thus, prior to the entry into force of the GDPR, the company amended its Terms and Conditions and made further use of the mobile app conditional upon acceptance of the Terms and Conditions. This was assimilated to a "forcing" of the users to express their consent to the processing of data for security purposes and to improve the services offered.

The investigation was initiated following research carried out by the non-governmental organisation None Of Your Business („NOYB"), after which complaints were submitted to the CPD.

2.3 The Hellenic Data Protection Authority (”HDPA”) imposed to Intelexxa S.A a fine of EUR 50,000 for breaches of the GDPR

As a result of the investigation, the HDPA found that the controller did not cooperate during the audit.

In particular, during the inspection of the company's premises, it was discovered that the building was completely empty, lacking staff and infrastructure related to computer networks and other IT systems. In addition, the controller was unduly late in answering questions and refused to provide information that was indisputably in its possession.

The investigation was initiated following an ex officio referral from HDPA.