



data protection - legislative changes published in December 2022

I. ROMANIA

1 SANCTIONS APPLIED BY THE NATIONAL SUPERVISORY AUTHORITY (ANSPDCP)

1.1 SUDREZIDENȚIAL BROKER S.R.L. was sanctioned for violating the provisions of Article 32 para. (4) of the GDPR with a fine amounting to LEI 49,418.00 (the equivalent of EUR 10,000)

As a result of the investigation, it was found that the controller has not implemented adequate technical and organisational measures to ensure that any natural person acting under his authority and having access to personal data only processes them at his request.

Thus, the controller created a database in Excel format containing personal data (name, surname, personal number code, telephone number, ID card series and number, e-mail address, bank details, real estate purchases, marital status, amount requested, bank, remarks) of its customers and other natural persons (life partners of the customers). This record was published by the company's administrator on a website, leading to the unauthorised disclosure of personal data belonging to at least 509 data subjects.

In addition to the fine, the controller was also given a warning for violating the provisions of Article 34 of the GDPR and Article 4 para. (5) of Law no. 506/2004 on the processing of personal data and the protection of private life in the electronic communications sector.

1.2 CASA RUSU S.R.L. was sanctioned for violating the provisions of Article 25 para. (1) and Article 32 para. (1) point b), d) and para. (2) of the GDPR with a fine amounting to LEI 9,883.60 (the equivalent of EUR 2,000)

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

Specifically, an unauthorised form was introduced in the online payment section of the controller's website through which the bank details contained in the customer's card were collected, leading to the unauthorised access and disclosure of the cardholder's first and last name, card number, expiry date and year, as well as the CVC code.

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

1.3 THE NATIONAL PROPERTY RESTITUTION AUTHORITY was sanctioned for violating the provisions Article 14 para. (7) in conjunction with Article 14 para. (1) and Article 13 para. (4) of Law no. 190/2018 on the measures implementing the GDPR with a fine amounting to LEI 13,000.00 (the equivalent of EUR 2,600)

As a result of the investigation, it was found that the controller had not carried out the previously imposed corrective actions.

Initially, the controller was sanctioned with a warning in september 2022 for violating the provisions of Article 5 para. (1) lit. b) and Article 6 of the GDPR, while being obliged to implement technical and organisational measures to ensure the security of personal data

The investigation was launched due to a lack of communication from the controller regarding the implementation of the imposed measures plan.



II. EUROPEAN UNION

1 SANCTIONS APPLIED IN THE EU

1.1 The Italian Data Protection Authority ("Garante") imposed to Lazio Region a fine of EUR 100,000 for breaches of the GDPR

As a result of the investigation, the Garante found that the controller processed personal data of employees of the Region's legal department without a legal basis.

Thus, the processor carried out an internal audit analysing the metadata of the institutional e-mails used (date and time, sender, recipient, subject), which also collected information from the private sphere of data subjects on their personal opinions, contacts and other circumstances unrelated to work. The action was coordinated by the controller on the suspicion of unauthorised disclosure of secret information.

The investigation was launched following a complaint by the Federation of Managers and Directors of Local Authorities and Health (FEDIRETS).

1.2 The Finish Data Protection Authority ("SA") imposed to Viking Line Oy Abp a fine of EUR 230,000 for breaches of the GDPR

As a result of the investigation, the SA found that the controller unlawfully processed personal data.

In fact, some of the stored data was incorrect and kept for unjustifiably long periods of time. In addition, the controller did not properly inform its employees about the processing, and the stored health-related data were linked, contrary to the law, to sick leave data.

The investigation was launched following a complaint from a former employee that the controller had failed to respond to his right of access request.

1.3 The Spanish Data Protection Authority ("AEPD") imposed to Vodafone España, S.A.U. a fine of EUR 56,000 for breaches of the GDPR

As a result of the investigation, the AEPD found that the controller processed personal data lacking a legal basis.

Specifically, in the absence of a request to do so, the data of one of the controller's customers was ported to another telecommunications company. This was made possible as a third party managed to purchase a duplicate SIM card on behalf of the data subject and the controller did not have precautionary measures in place to prevent such an incident.

The investigation was launched following a complaint from the data subject.