



## data protection - legislative changes published in February 2023

### I. ROMANIA

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

##### 1.1 TENSA ART DESIGN S.A was sanctioned for violating the provisions Article 21 para. (3) of the GDPR with a fine amounting to LEI 4,927.30 (the equivalent of EUR 1,000)

As a result of the investigation, it was found that the controller did not follow up on the exercise of the right to object.

Thus, it was found that the controller had repeatedly sent unsolicited commercial messages to the data subject via e-mail, although the data subject had previously requested to unsubscribe from the newsletter service.

The investigation was initiated following a complaint by the data subject.

##### 1.2 MEDIJOBS PLATFORM S.R.L 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 24,610.50 (the equivalent of EUR 5,000)

As a result of the investigation, it was found that the controller had caused a personal data security breach.

Specifically, the security breach occurred as a result of unauthorised access to the IT infrastructure managed by the controller, resulting in the downloading and deletion of certain personal data contained in candidates' CVs, such as first name, surname, e-mail, telephone number, professional/educational history, hobbies and family status.

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

### II. EUROPEAN UNION

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

##### 1.1 EDPB adopts the final version of Guidelines No. 03/2022 on deceptive design patterns in social media platform interfaces: how to recognise and avoid them

At its Plenary Session on 14 February 2023, the EDPB adopts the final version of the Guidelines No. 03/2022 on Deceptive design patterns in social media platform interfaces: how to recognise and avoid them.

The purpose of the Guide is to provide practical recommendations to designers and users of social media platforms for assessing and avoiding virtual practices contrary to GDPR requirements.

The Guide draws attention to undesirable patterns that cause social media users to unintentionally and unwittingly make potentially dangerous decisions regarding the collection and processing of personal data.

A list of examples of such inadvisable patterns, together with related warnings and recommendations, is included in the Guidelines.

The document is available at:

[edpb\\_03-2022\\_guidelines\\_on\\_deceptive\\_design\\_patterns\\_in\\_social\\_media\\_platform\\_interfaces\\_v2\\_en\\_0.pdf\(europa.eu\)](https://edpb.europa.eu/our-work-and-activities/our-guidelines/edpb_03-2022_guidelines_on_deceptive_design_patterns_in_social_media_platform_interfaces_v2_en_0.pdf)



## 1.2 The EDPB adopts the final version of Guidelines No. 07/2022 on certification as a tool for transfers

At its Plenary meeting on 14 February 2023, the EDPB adopts the final version of the Guidelines No. 07/2022 on certification as an instrument for the transfer of personal data to third countries, in the absence of a decision on the adequacy of the level of protection offered by the latter.

It complements the Guidelines No. 01/2018 on certification and its main purpose is to provide further clarification on the practical use of certification mechanisms as a transfer tool.

The document is available at [edpb\\_guidelines\\_07-2022\\_on\\_certification\\_as\\_a\\_tool\\_for\\_transfers\\_v2\\_en\\_0.pdf\(europa.eu\)](#)

## 1.3 EDPB adopts final version of Guidelines No. 05/2021 on Interplay between the application of Article 3 and the provisions on international transfers as per Chapter V of the GDPR

At its Plenary Meeting of 14 February 2023, the EDPB adopts the final version of Guidelines No. 05/2021 on Interplay between the application of Article 3 and the provisions on international transfers as per Chapter V of the GDPR.

The Guidelines aim to assist organizations subject to the GDPR in identifying whether a data processing activity constitutes an international data transfer under the GDPR, as the GDPR does not define the term, setting forth three main criteria to be considered in determining whether a processing activity qualifies as an international data transfer under the GDPR, namely:

- The data exporter (controller or processor) is subject to the GDPR for the given processing activity;
- The data exporter discloses by transmission or otherwise makes the personal data subject to the processing of an importer (a controller or processor);
- The data importer is in a third country (or is an international organization), irrespective of whether the data importer or its processing activities are subject to the GDPR in respect of the given processing in accordance with Article 3.

The document is available at

[edpb\\_guidelines\\_05-2021\\_interplay\\_between\\_the\\_application\\_of\\_art3-chapter\\_v\\_of\\_the\\_gdpr\\_v2\\_en\\_0.pdf\(europa.eu\)](#)

## 2 SANCTIONS APPLIED IN THE EU

### 2.1 The Irish Data Protection Authority ("DPC") imposed to Centric Health Ltd. a fine of EUR 460,000 million for breaches of the GDPR

As a result of the investigation, the DPC found that the controller did not implement adequate technical and organisational measures to address the risks associated with the processing operations.

Thus, a ransomware attack was launched against the controller resulting in unauthorised modification, loss of availability or permanent deletion of personal data belonging to 70,000 data subjects belonging to special categories. A number of 2500 patients were permanently affected as their data was deleted without a backup.

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

### 2.2 The Norwegian Data Protection Authority ("NDPA") imposed to Edison Energia S.p.A a fine of EUR 900,000 for breaches of the GDPR

As a result of the investigation, the NWDA found that the controller did not respect the access and deletion rights of data subjects. In particular, the controller processed data relating to customers' training history without a legal basis.

The investigation was launched following complaints by data subjects.