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Penalties for GDPR violations

In March of the current year, the National Supervisory Authority completed an investigation at the operator Tensa Art Design SRL and found a violation of the provisions of art. 21 para. (3) of the General Data Protection Regulation (RGPD).

As such, the company Tensa Art Design SRL was sanctioned with two fines in the total amount of 14,755.5 lei, the equivalent of 3,000 EURO.

The sanctions were applied as a result of complaints claiming that the petitioners received commercial messages on their phone number and e-mail address, although they had expressed their option not to be contacted by these means.

During the investigation, the National Supervisory Authority found that the operator Tensa Art Design SRL did not take into account the opposition of the petitioners regarding the receipt of commercial messages by e-mail or SMS and processed their personal data for direct marketing purposes, thus violating the provisions of art. 21 para. (3) of the GDPR.

In this context, we remind you that Chapter III of Regulation (EU) 2016/679 regulates the rights of the data subject: the right to information, the right of access, the right to rectification, the right to deletion ("the right to be forgotten"), the right to restriction of processing, the right to data portability, the right to opposition, the right not to be subject to a decision based exclusively on automatic processing, the right to lodge a complaint with a supervisory authority.

Thus, in art. 21 para. (3) states that "If the data subject objects to the processing for the purpose of direct marketing, the personal data are no longer processed for this purpose."

At the same time, the operator was also given the corrective measure to adopt adequate and effective internal procedures for the protection of personal data regarding the way of resolving requests submitted by data subjects under the GDPR (art. 12-22), to comply in all cases, the applicable provisions regarding the analysis and resolution of these requests without delay, so that the operator can ensure that it effectively responds to the requests through which the rights of the data subjects are exercised under Regulation (EU) 679/2016, as well as to regularly train the operator's staff in this sense.

Legal and Communication Department

A.N.S.P.D.C.P.