

Sanctioning an operator for violating the provisions of the RGPD

On 27.02.2020, the National Supervisory Authority completed an investigation with the operator Dante International S.A., the owner of e-MAG.ro and found that he violated the provisions of art. 6 of the General Regulation on Data Protection, by reference to the provisions of art. 21 para. (3) of the Regulation.

The operator Dante Internațional SA was sanctioned with a fine of 14,420.4 lei, the equivalent of 3000 EURO.

The sanction was applied to the operator because at the end of 2019 he sent a commercial message to a natural person, although at the beginning of 2019 the operator had confirmed to him the unsubscription from the commercial communications. At the same time, two corrective measures were applied to the operator Dante International SA, based on the provisions of art. 58 para. (2) lit. c) and d) of the General Data Protection Regulation.

Thus, the operator was obliged to implement the request of the natural person to have deactivated from the database the setting regarding the transmission on his e-mail address of the commercial messages, within 3 working days from the communication of the minutes. At the same time, the operator was obliged to take measures so as to comply with the provisions of art. 21 of the Regulation, within 20 days from the date of communication of the minutes.

In this context we mention that art. 21 para. (3) of the General Data Protection Regulation provides that "if the data subject objects to the processing for direct marketing purposes, personal data shall no longer be processed for that purpose."

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