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## A new penalty for breaching GDPR

The National Supervisory Authority completed on 07.12.2020 an investigation at the operator ING Bank N.V. Amsterdam – Bucharest Branch and found a violation of the provisions of art. 5 para. (1) lit. a)-d) related to art. 6 para. (1) of the General Data Protection Regulation.

The operator ING Bank N.V. Amsterdam – The Bucharest branch was fined 14,619.9 lei (the equivalent of 3,000 EURO) for contravention.

The sanction was applied to the operator as a result of the fact that he processed the personal data of a natural person after the conclusion of the contractual relationship with ING Bank.

In the course of the investigation, the National Supervisory Authority found that the operator sent messages to the e-mail address of a natural person regarding the updating of his personal data, although he had requested on 24.11.2017 to close the last banking product owned, respectively a current account.

It was also found that, due to a system error, this request to close the current account did not have the effect of closing the business relationship with the operator, which was still kept with an "active" status.

This situation led to the processing of personal data (e-mail address, first and last name, expiration date of the identity card) in violation of the provisions of art. 5 para. (1) lit. a)-d) of the RGPD and without fulfilling the conditions of legality of the processing, as provided in art. 6 para. (1) of the GDPR.

In this context, we note that art. 5 of the GDPR regulates the principles related to the processing of personal data, according to which personal data must be:

- a) processed legally, fairly and transparently towards the data subject ("legality, fairness and transparency");
- b) collected for specific, explicit and legitimate purposes and are not subsequently processed in a way incompatible with these purposes;
- c) adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed ("data minimization")
- d) accurate and, if necessary, updated; all necessary measures must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are deleted or rectified without delay ("accuracy");

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