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Penalty for GDPR violation

In February 2021, the National Supervisory Authority completed an investigation at the operator TELEKOM ROMÂNIA MOBILE COMMUNICATIONS S.A. and found a violation of the provisions of art. 32 para. (1) and para. (2) of the General Regulation on Data Protection and violation of the provisions of art. 3 paragraph (1) and para. (3) lit. a) and lit. b) from Law no. 506/2004, amended and supplemented.

As such, the operator TELEKOM ROMÂNIA MOBILE COMMUNICATIONS S.A. was penalized for contravention:

with a fine of 48,748.00 lei (the equivalent of 10,000 EURO), for violating art. 32 para. (1) and para. (2) from the General Data Protection Regulation;

with a fine of 15,000 lei, for committing the contravention provided by art. 13 para. (1) lit. a) from Law no. 506/2004

In the investigation carried out, it was found that the operator did not implement adequate technical and organizational measures in order to ensure a level of security corresponding to the processing risk, which led to the unauthorized disclosure and/or unauthorized access to personal data, such as: customer ID, code customer, name and surname, CNP, date of birth, gender, telephone number, e-mail, address (country, city, street), the amount of debits associated with the customer code of a number of 99,210 data subjects/customers. Thus, their billing addresses were erroneously entered in the database with natural person customers, transmitted to a contractual partner based on a receivables assignment contract, which caused the notifications sent to customers to be sent to the wrong addresses.

It was also found that the operator did not take adequate technical and organizational measures to ensure the security of personal data processing, capable of protecting personal data stored or transmitted against illegal storage, processing, access or disclosure, which led to unauthorized access to personal data from MyAccount accounts (name of the account holder; date of birth; telephone numbers used; home address; e-mail address; subscriber code; contracted services; extra options active on the account; history of simple invoices) of a number of 413 data subjects/Telekom Romania customers. We emphasize that the operator had the obligation to guarantee that personal data can only be accessed by authorized persons, for the purposes mentioned by law, thus violating the provisions of art. 3 paragraph (1) and para. (3) lit. a) and b) from Law no. 506/2004 on the processing of personal data and the protection of private life in the electronic communications sector, amended and supplemented.

The provisions of art. 3 paragraph (1) and para. (3) lit. a) and b) from Law no. 506/2004, amended and supplemented, provide for the following:

"(1) The provider of an electronic communications service intended for the public has the obligation to take appropriate technical and organizational measures in order to ensure the security of the processing of personal data. If necessary, the provider of the public electronic communications service shall take these measures together with the provider of the public electronic communications network."

"(3) Without prejudice to the provisions of Law no. 677/2001, with subsequent amendments and additions, the measures adopted according to para. (1) must comply with at least the following conditions:

- a) to guarantee that personal data can only be accessed by authorized persons, for the purposes authorized by law;
- b) to protect personal data stored or transmitted against accidental or illegal destruction, against accidental loss or damage and against illegal storage, processing, access or disclosure."

Corrective measures were also applied to the operator, consisting of:

- reviewing and updating the technical and organizational measures implemented as a result of the risk assessment for the rights and freedoms of individuals, including the procedures related to electronic communications;
- the implementation of a process for the periodic testing, evaluation and assessment of the effectiveness of technical and organizational measures to guarantee the security of the processing, according to the provisions of the RGPD.

In this context, we recall that art. Paragraph V. (2) from Law no. 129/2018 provides that "All references to Law no. 677/2001, with subsequent amendments and additions, from the normative acts are interpreted as references to the General Data Protection Regulation and its implementing legislation."

Legal and Communication Department

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