

11.05.2023

Penalty for GDPR violation

The National Supervisory Authority completed, in March 2023, an investigation at the operator Libra Internet Bank SA and found a violation of the provisions of art. 12 and art. 15 of Regulation (EU) 2016/679.

As such, the operator was penalized:

with a fine of 4,940.5 lei (the equivalent of 1,000 EURO), for violating art. 12 para. (4) in conjunction with art. 15 para. (3) from Regulation (EU) 2016/679;

with a fine of 49,405 lei (the equivalent of 10,000 EURO), for violating art. 12 para. (2) in conjunction with art. 15 para. (3) and (4) of Regulation (EU) 2016/679.

The investigation was started as a result of a complaint that complained about the operator's refusal to fully comply with the request to exercise the right of access of the person concerned, as well as the failure to provide him with certain information. During the investigation, the National Supervisory Authority found that Libra Internet Bank SA did not present evidence from which it could be concluded that it had sent a complete response to the request of the person concerned, by referring to the provisions of art. 15 para. (1) and (2) of Regulation (EU) 2016/679, since he did not communicate a copy (in the requested form) of the processed personal data and did not send the answer to the postal address mentioned in the contract, according to the request of the data subject, being violated thus the provisions of art. 15 para. (3) of Regulation (EU) 2016/679.

At the same time, it was found that the reply sent to the person concerned by e-mail did not contain information about the possibility of filing a complaint before a supervisory authority and introducing a judicial appeal for the refusal to communicate a copy of the video recording requested, thus violating the provisions of art. 12 para. (4), in conjunction with art. 15 para. (3) of Regulation (EU) 2016/679.

On the same occasion, the National Supervisory Authority noted that Libra Internet Bank SA did not present evidence to show that it had adopted measures to facilitate the exercise of the right of access of the persons concerned to the copies of the video recordings concerning them, processed by the operator, an aspect that also affected the manner in which the Authority's petitioner's request was resolved. Therefore, it was found that the provisions of art. 12 para. (2), related to art. 15 para. (3) and (4) of Regulation (EU) 2016/679.

At the same time, pursuant to art. 58 para. (2) lit. d) from Regulation (EU) 2016/679, the following corrective measures were

ordered against the operator:

to respond to the request of the person concerned, by communicating all the information provided by art. 15 para. (1) and (2) of Regulation (EU) 2016/679 and of the copy of personal data provided by art. 15 para. (3) from the same regulation, adapted to the specific situation of the petitioner, in the format requested by him, by mail, to the correspondence dates indicated by him;

to adopt the appropriate technical and organizational measures, so as to facilitate the exercise of the rights of the data subjects, in particular, the right of access to a copy of their personal data that is the subject of processing, including through the use of computer programs that allow the editing of information of the nature infringe on the rights and freedoms of others.

Legal and Communication Department

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