

Fine based on Law no. 506/2004

The National Supervisory Authority has completed an investigation into the operator Elefant Online S.A. and found that it violated the provisions of art. 13 para. (1) lit. q) of Law no. 506/2004, corroborated with art. 13 para. (5) of Law no. 506/2004 and with art. 7 of Government Ordinance no. 2/2001.

The operator Elefant Online S.A. was sanctioned with a fine of 10,000 lei.

The sanction was applied because the operator did not prove the obtaining of the express and unequivocal prior consent for the transmission of commercial messages by e-mail, violating the provisions regarding the unsolicited communications provided by art. 13 para. (1) lit. q) of Law no. 506/2004 on the processing of personal data and the protection of privacy in the electronic communications sector.

In this context, it was recommended to the company to take the necessary measures to comply with the provisions of art. 12 of Law no. 506/2004, in order to send commercial messages by electronic means of communication only with the prior express consent of the recipients.

The National Supervisory Authority applied the sanction as a result of a complaint alleging that the operator Elefant Online S.A. sent unsolicited commercial messages to the petitioner on his e-mail address without his consent. Thus, although the petitioner had unsubscribed both on the operator's website and through the unsubscribe links in the newsletters, he continued to receive from Elefant Online S.A. unsolicited commercial messages on his e-mail address.

Legal and Communication Department

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