

21.10.2021

Penalty for GDPR violation

The National Supervisory Authority completed, on 23.09.2021, an investigation at the operator Glove Technology SRL, following which a violation of the provisions of art. 5 para. (1) lit. a) related to art. 6 para. (1) of the General Data Protection Regulation, the operator being penalized for contravention with a fine of 24,745.00 lei (equivalent to 5,000 EURO).

The sanction was granted because it was found that the operator processed personal data of its employees by using an audio-video system (image and voice), without proving compliance with the legal grounds provided by art. 6 para. (1) of the GDPR, namely obtaining the consent of the data subjects, the fulfillment of a legal obligation or the prevalence of his legitimate interest over the interests, rights and freedoms of the data subjects.

It was also found that the operator took the measure of monitoring employees at work through audio-video surveillance systems without respecting the first principle established by art. 5 para. (1) lit. a) of the GDPR, according to which the operator has the obligation to process the data in a legal, fair and transparent manner towards the data subject.

At the same time, pursuant to art. 58 para. (2) lit. d) of the RGPD, the operator was ordered and the corrective measure to ensure the compliance of the processing operations carried out through the use of audio-video systems, as well as the termination of any operation or set of personal data processing operations carried out through the audio-video systems video and deletion of the personal data record system established as a result of the use of such systems.

The investigation was started as a result of a notification, which indicated that the operator Glove Technology SRL has installed some audio-video surveillance cameras inside the offices, for the direct supervision of the employees at the workplace where they carry out their activity and recording the discussions between them, for the purpose of their subsequent use against said employees.

In this context, we emphasize that, to the extent that an employer uses monitoring systems through means of video surveillance at work, the processing of employees' personal data for the purpose of achieving the legitimate interests of the employer (art. 6 para. 1 letter f) of the RGPD) is carried out in compliance with the provisions of art. 5 of Law no. 190/2018 which establish, as a first condition, that the legitimate interests pursued by the employer are thoroughly justified and prevail over the interests or rights and freedoms of the persons concerned.

Legal and communication department

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