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»Decision on appeal with registration № P-5308 / 26.07.2017 Decision on appeal with registration № P-5308 / 26.07.2017

ANSWER

№ P-5308/2017

Sofia, January 22, 2018

The Commission for Personal Data Protection ("the Commission") composed of: members - Tsanko Tsolov, Tsvetelin Sofroniev and Maria Mateva, at a regular meeting held on 20.12.2017, pursuant to Art. 10, para. 1, item 7 of the Personal Data Protection Act, considered on a regular basis a complaint with registration number P-5308 / 26.07.2017, filed by R.K.K. against TB ("T.") EAD.

The complaint was submitted to the Consumer Protection Commission, and according to its competence it was successively forwarded to the Communications Regulation Commission and from there to the Personal Data Protection Commission.

The applicant informed that he had been using the ***** telephone number on a prepaid tariff and an account for many years. He recently learned that since the end of last year, the person to whom he provided it for the use of a prepaid account, without his consent, has transferred the number to his name and account.

Mr. R.K.K. considers that the transfer was made illegally by an employee of T. EAD, for which he did not give consent.

The complainant requested the return of the number wrongly taken, compensation for the damage caused and the punishment of those who misused his personal data.

Correspondence between the applicant and T. was attached to the complaint. EAD.

According to Art. 10, para. 1, item 7 of the Personal Data Protection Act (PDPA), when referring it, the Commission considers complaints against acts and actions of personal data controllers, which violate the rights of individuals under this law, as well as complaints of third parties. persons in connection with their rights under the law.

In order to exercise its powers, the Commission must be properly seised.

In Art. 30, para. 1 of the Rules of Procedure of the Commission for Personal Data Protection and its administration (PDKZLDNA) are determined the details that must contain the complaint with which individuals refer to the Commission for violation of their rights under LPPD.

The complaint filed by Mr. RKK was not signed in accordance with the requirements of Art. 30, para. 1, item 4 of the PDKZLDNA, in connection with which a letter was sent to the e-mail address indicated in the complaint with ref. № PPN-01-P-5308/2017 # 1 of 31.08.2017. There is an opportunity within three days of receiving it to eliminate the irregularity in the complaint by signing it properly with his own hand or electronic signature and submit it to the Commission in person. - on paper, by mail, fax or electronically (formed as an electronic document under the Electronic Document and Electronic Certification Services Act - amended, SG No. 85/2017). The letter was sent on 05.10.2017. According to the provision of Art. 42, para. 4 of the Civil Procedure Code, the same shall be considered served upon its receipt in the specified information system. Within the statutory time limit granted, and to date, the complainant has not complied with the instructions given by the authority, which is why the complaint appears to be irregular.

The Commission for Personal Data Protection, taking into account the facts and circumstances presented in the present administrative proceedings, pursuant to Art. 30, para. 1 of the APC in connection with Art. 30 of the PDKZLDNA, HAS DECIDED AS FOLLOWS:

Leave without consideration a complaint with registration № P-5308 / 26.07.2017, filed by R.K.K. against TB EAD, as irregular and terminates the initiated administrative proceedings.

The decision to be communicated to the interested persons by the order of the APC.

This decision is subject to appeal within 14 days of its service, through the Commission for Personal Data Protection, before the Administrative Court Sofia - city.

MEMBERS:

Tsanko Tsolov

Tsvetelin Sofroniev / p /

Maria Mateva / p /

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