

23.05.2023

Penalty for GDPR violation

The National Supervisory Authority completed, in May 2023, an investigation at the operator Global Baby Brands SRL and found a violation of the provisions of art. 7, by reference to the provisions of art. 4 point 11 of Regulation (EU) 2016/679, as well as art. 21 of Regulation (EU) 2016/679.

As such, the operator was penalized:

with a fine of 4,929.4 lei (the equivalent of 1,000 EURO), for violating art. 7 of the RGPD, by referring to the provisions of art. 4 point 11 of Regulation (EU) 2016/679;

with a warning for violating art. 21 of Regulation (EU) 2016/679.

The investigation was started as a result of a complaint that the operator sent the petitioner several commercial SMS messages without his consent.

During the investigation, the National Supervisory Authority found that Global Baby Brands SRL did not present evidence from which it could be concluded that it processed the petitioner's phone number, for the transmission of SMS text messages, with free, specific, informed and unambiguous consent of it, thus violating the provisions of art. 7 of Regulation 679/2016, by referring to the provisions of art. 4 point 11 of Regulation 679/2016.

At the same time, it was found that the operator violated the provisions of art. 21 of Regulation (EU), since he sent the petitioner a commercial message for marketing purposes, after exercising the right of opposition by him.

At the same time, under art. 58 para. (2) lit. d) from Regulation (EU) 2016/679, the operator was ordered to take the corrective measure to ensure the compliance of personal data processing operations with compliance with the conditions regarding consent. In this sense, they decided:

- taking appropriate measures in order to comply with the provisions of the RGPD, so that, in the future, the personal data of the persons concerned will be processed for the purpose of direct marketing aimed at the use of electronic communication services (e-mail, telephone), with obtaining express consent and prior to them, including the adoption of procedures in this regard and the corresponding modification of the information on the operator's website; and
- modification of the "Privacy Policy" section on the operator's website so that the persons concerned are provided with complete, correct, accurate and updated information regarding the processing of personal data.

At the same time, the operator was advised to take appropriate measures to respect the rights of data subjects, including the rights of opposition and erasure of the petitioner.

Legal and Communication Department

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