

27.12.2022

Penalty for GDPR violation

In November 2022, the National Supervisory Authority completed an investigation at Kaufland Romania SCS and found a violation of the provisions of art. 29 and art. 32 para. (1) lit. b) and para. (2) and para. (4) from Regulation (EU) no. 2016/679.

As such, the operator Kaufland Romania SCS was fined 14,779.80 lei (equivalent to 3000 EURO) for contravention.

The investigation was started as a result of a data security breach notification that was sent by the operator based on the provisions of art. 33 of Regulation (EU) 2016/679.

Thus, the operator Kaufland Romania SCS was alerted by a concerned person to the fact that a video recording containing images of his person in the parking lot of one of the stores owned by this commercial chain appeared on the web page of a local newspaper.

During the investigation, it turned out that the store manager allowed an employee access to the monitoring room, who captured, with his personal mobile phone, images of the video recordings that were playing and sent them via WhatsApp to a third party. Later, the images were transmitted by posting them by an online publication. As a result, the image and registration number of the car were revealed, with two persons affected by this incident.

It was found that the operator did not take measures to ensure that any natural person acting under its authority who has access to personal data does not process it except at its request and did not take adequate measures to protect the data on an ongoing basis .

Also, it has not implemented adequate technical and organizational measures in order to ensure a level of confidentiality and security corresponding to the processing risk generated in particular, accidentally or illegally, by the destruction, loss, modification, unauthorized disclosure or unauthorized access to personal data personally transmitted, stored or otherwise processed.

At the same time, under the provisions of art. 58 para. (2) of Regulation (EU) 2016/679, the operator was ordered and the corrective measure to implement instructions on the prohibition of the use of employees' personal equipment (such as: mobile phone, tablets) to film/take photos/download/distribute video recordings by using WhatsApp or social networks.

Legal and Communication Department

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