

Penalty for GDPR violation

The National Supervisory Authority completed on 23.06.2020 an investigation at the operator Proleasing Motors SRL and found a violation of the provisions of art. 32 para. (1) and (2) of the General Data Protection Regulation.

The operator Proleasing Motors SRL was fined 72,642 lei, the equivalent of 15,000 EURO.

The investigation was started as a result of the transmission by the operator of a notification regarding the violation of the security of personal data, by filling in the specific form established on the basis of the General Data Protection Regulation.

The breach of security consisted in the fact that, on the Facebook page on which the operator held an online contest to attract customers participating in the car service, a document was posted with a capture of the source code of the website in which the access password to the forms filled in by the contest participants was also included.

This situation led to the viewing and unauthorized access to the personal data of a number of 436 customers of the operator, on the website of Proleasing Motors SRL, and to the unauthorized disclosure of these data, contrary to the obligations provided by art. 32 of the General Data Protection Regulation.

As such, the sanction was applied to the operator as a result of the fact that it did not implement adequate technical and organizational measures in order to ensure a level of security corresponding to the processing risk for the rights and freedoms of natural persons, generated in particular, accidentally or illegally, by destruction, loss, modification, unauthorized disclosure of personal data transmitted, stored or otherwise processed or unauthorized access to them.

In addition, the corrective measure was applied to the operator to review and update the technical and organizational measures implemented as a result of the risk assessment for the rights and freedoms of individuals, including the procedures related to electronic communications, so as to avoid similar incidents of unauthorized disclosure of personal data processed, in relation to art. 58 para. (2) lit. d) from the General Regulation on Data Protection.

At the same time, we specify that, according to recital (75) of the General Regulation on Data Protection, "The risk for the rights and freedoms of natural persons, presenting different degrees of probability of materialization and gravity, may be the result of a processing of personal data that could generates damages of a physical, material or moral nature, especially in cases where: processing can lead to discrimination, identity theft or fraud, financial loss, reputational compromise, loss of confidentiality of personal data protected by professional secrecy, unauthorized reversal of pseudonymisation or to any other significant economic or social disadvantage; data subjects could be deprived of their rights and freedoms or prevented from

exercising control over their personal data; personal data processed are data that reveal racial or ethnic origin, political opinions, religion or philosophical beliefs, trade union membership; genetic data, health data or sex life data or criminal convictions and offenses or related security measures are processed; aspects of a personal nature are evaluated, in particular the analysis or forecasting of aspects regarding performance at work, economic situation, state of health, personal preferences or interests, reliability or behavior, location or movements, in order to create or personal profiles are used; personal data of vulnerable persons, especially children, are processed; or the processing involves a large volume of personal data and affects a large number of data subjects.

ANSPDCP