

New fines in the application of the RGPD

The National Supervisory Authority completed on 01.10.2019 two investigations at the operators of Raiffeisen Bank S.A. and I Want Credit S.R.L. noting the following:

Raiffeisen Bank S.A. violated the provisions of art. 32 para. (4) in conjunction with art. 32 para. (1) and para. (2) of the RGPD, which led to the application of a fine in the amount of Euro 150,000

I want Credit S.R.L. violated the provisions of art. 32 para. (4) in conjunction with art. 32 para. (1) and para. (2) of the RGPD, as well as of art. 33 para. (1) of the RGPD, which led to the application of a fine in the amount of 20,000 Euros.

As regards Raiffeisen Bank S.A., the National Supervisory Authority has launched an investigation following the submission by the bank of a personal data breach notification by completing the security breach form according to Regulation (EU) 2016/679.

The breach of security consisted in the fact that two employees of Raiffeisen Bank S.A., using the data from the identity documents of some natural persons, transmitted by the employees of the company Vreau Credit S.R.L. through the mobile application WhatsApp, they carried out queries of the Credit Bureau system in order to obtain the necessary data in order to determine the eligibility for credit of the respective individuals, through prescoring simulations. In this regard, 1194 simulations were performed on 1177 individuals.

Also, for 124 individuals, the ANAF database was consulted.

The prescoring simulations mentioned above were performed using the computer application used by Raiffeisen Bank S.A. in the lending activity, and the negative lending decision was communicated by the employees of Raiffeisen Bank S.A. to Vreau Credit S.R.L. employees, in violation of internal procedures.

The sanction was applied to the controller due to the fact that he did not take the appropriate measures to ensure that any natural person acting under his authority and who has access to personal data only processes them at his request, unless where this obligation is incumbent on him under Union or national law.

The operator also did not implement adequate technical and organizational measures to ensure an adequate level of security and did not assess the risks posed by the processing.

This situation led to unauthorized access to personal data processed through the computer application used by Raiffeisen Bank S.A. in the activity of lending and in the unauthorized disclosure of personal data by employees of the bank.

As for the operator Vreau Credit SRL, it was also sanctioned for data security breach, but also for the fact that until the end of

the investigation it did not notify the supervisory authority of personal data breach, without undue delay, although it had found the occurrence of this security incident since December 2018, which led to the violation of the confidentiality of personal data of their own customers (data subjects) and to the unauthorized / illegal processing of their personal data.

Legal and Communication Department

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