

Another fine for GDPR violation

The National Supervisory Authority completed, on 10.12.2019, an investigation at Hora Credit IFN S.A. and found a violation of certain provisions of the General Data Protection Regulation (GDPR).

The operator was sanctioned as follows:

for the contravention found according to art. 12 of Law no. 190/2018, by reference to the provisions listed in art. 83 para. (5)

lit. a) from GDPR - fine in the amount of 14336.1 lei, the equivalent of 3000 euros;

for the contravention found according to art. 12 of Law no. 190/2018, by reference to the provisions listed in art. 83 para. (4)

lit. a) from RGPD – fine in the amount of 47,787 lei, the equivalent of 10,000 euros;

for the contravention found according to art. 12 of Law no. 190/2018, by reference to the provisions listed in art. 83 para. (4)

lit. a) from the RGPD (referred to art. 33 par. (1) of the RGPD) – fine in the amount of 4778.7 lei, the equivalent of 1000 euros.

The sanctions were applied as a result of a complaint that claimed that Hora Credit IFN SA sent documents containing the personal data of another person to the e-mail address.

Although the said error was reported to both the operator and its call center, Hora Credit IFN SA did not fix this aspect, continuing to send messages to the e-mail address.

Following the investigation, it was found that Hora Credit IFN SA processed the data without proving the application of effective mechanisms for verifying and validating the accuracy of the data collected and subsequently processed, respectively, for preserving their confidentiality, according to the principles provided for in art. 5 of the GDPR.

It was also found that the operator did not take sufficient personal data security measures, according to art. 25 and 32 of the GDPR, so as to avoid unauthorized and accessible disclosure of personal data to third parties.

At the same time, Hora Credit IFN SA did not notify the Supervisory Authority of the security incident that was brought to its attention, according to art. 33 of the RGPD, within 72 hours from the date on which he became aware of it.

At the same time, the following corrective measures were applied to the operator:

the corrective measure to ensure compliance with the RGPD of the operations of collection and further processing of personal data for the purpose of concluding and executing loan contracts, in particular, in terms of verifying the personal data collected, such as the electronic mail address, which allow remote communication of data personal data, by implementing effective methods for validating the accuracy of the data - within 30 days from the date of communication of the contravention report

(art. 58 para. (2) letter d) of the RGPD);

the corrective measure to ensure compliance with the GDPR of personal data processing operations for the purpose of concluding and executing loan contracts, in order to respect professional secrecy and the confidentiality of the personal data of its customers, in particular, in the case of the transmission of documents and messages containing personal data at a distance (for example, by e-mail), by implementing appropriate and effective security measures, both from a technical point of view (such as encryption) and from an organizational point of view, by training the people who process data under the authority sa, in order to identify and immediately limit the risks that may affect the persons concerned - within 30 days from the date of communication of the contravention report (art. 58 para. (2) letter d) of the RGPD);

the corrective measure to ensure compliance with RGPD of personal data processing operations in order to implement an appropriate internal policy for identifying risks, analyzing them and notifying ANSPDCP in the event of a security breach, under the conditions provided by art. 33 para. (1) of the RGPD - within 30 days from the date of communication of the contravention report (art. 58 para. (2) letter d) of the RGPD).

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