

22.08.2022

A new penalty for breaching GDPR

In July 2022, the National Supervisory Authority completed an investigation at the operator Enel Energie Muntenia S.A. as a result of which the violation of the provisions of the General Data Protection Regulation (RGPD) was found, the operator being penalized for contravention with a fine and a warning, as follows:

fine in the amount of 49,337 lei (the equivalent of 10,000 euros) for violating the provisions of art. 32 of the GDPR;

warning for violating the provisions of art. 33 GDPR

The investigation was started as a result of reports filed by a natural person who reported that, after a telephone request to Enel Energie Muntenia S.A., he received on his e-mail address from contacteem.ro@enel.com a response addressed to another client, a natural person, accompanied by certain documents that could be viewed.

During the investigation, it was noted that the operator Enel Energie Muntenia S.A. did not provide clear information on the reasons why one of its employees mistakenly sent the response to the petitioner to the National Supervisory Authority.

Also, the operator did not provide evidence that it took remedial measures to reduce the risk to which the personal data was exposed and to prevent future illegal disclosure or access to the personal data.

The operator has not provided evidence of notification of this incident to the National Supervisory Authority. Or, considering the circumstances of this case, described above, the security incident should have been notified based on art. 33 of the RGPD, within no more than 72 hours from the date on which the operator Enel Energie Muntenia S.A. became aware of it.

As such, the operator Enel Energie Muntenia S.A. was sanctioned with a fine, since he did not adopt sufficient security measures according to art. 32 of the RGPD, a fact that led to a security incident by sending documents visibly containing the personal data of a targeted person to a third party by e-mail, as well as with a warning because he did not notify the National Authority for Supervision of the Processing of Personal Data.

At the same time, pursuant to art. 58 para. (2) lit. d) of the RGPD, have been ordered towards the operator Enel Energie Muntenia S.A. :

- the corrective measure to ensure compliance with the RGPD of personal data processing operations, by implementing technical and organizational security measures appropriate to the specifics of the processing and the risks identified, throughout the data processing cycle, especially in terms of the training of individuals that processes data under its authority

(employees or collaborators), of the regular verification of compliance with the instructions sent to them, of the automation of certain processes to reduce the risks of illegal or unauthorized processing of personal data, as well as the rapid detection, management and reporting of situations of violation of the security of personal data;

- the corrective measure to ensure compliance with the RGPD of personal data processing operations, by contacting the petitioner of the Authority (at his e-mail address) to request him to take measures to delete, destroy, as the case may be, the personal information to which had access following the receipt by email of correspondence addressed to a third party;
- the corrective measure to ensure compliance with the RGPD of personal data processing operations, by adopting internal measures to reduce the risks to which the third party's personal data were exposed, in order to prevent the disclosure or illegal access of the third party's personal data in the future .

Legal and Communication Department

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