

# THE CHAIRMAN OF PERSONAL DATA PROTECTION

Warsaw, on 25

April

2019

## DECISION

ZSPR.440.43.2019

Based on Article. 104 § 1 of the Act of 14 June 1960 Code of Administrative Procedure (Journal of Laws of 2018, item 2096, as amended) and Art. 7 sec. 1 and 2, art. 60, art. 101, art. 103 of the Act of May 10, 2018 on the Protection of Personal Data (Journal of Laws of 2018, item 1000, as amended) in connection with Art. 5 sec. 1 lit. f, art. 32 sec. 1 lit. b and art. 32 sec. 2, art. 58 sec. 2 lit. and and with Art. 83 sec. 3, art. 83 sec. 4 lit. a, art. 83 sec. 5 lit. a Regulation of the European Parliament and of the EU Council 2016/679 of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46 / EC (general regulation on data protection) (Journal of Laws of the EU L 119 of 04/05/2016, p. 1, with the amendment announced in the Official Piłki Nożnej with its seat in Wrocław at ul.

Oporowska 62, President of the Office for Personal Data Protection

finding an infringement by the Lower Silesian Football Association with its seat in Wrocław at ul. Oporowska 62, the provisions of art. 5 sec. 1 lit. f, art. 32 sec. 1 lit. b and art. 32 sec. 2 of Regulation 2016/679 of the European Parliament and of the Council of the EU and of the EU Council 2016/679 of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46 / EC ( general regulation on data protection) (EU Official Journal L 119 of 04.05.2016, p. 1, with the amendment announced in the EU Official Journal L 127 of 23.05.2018, p. 2), consisting in failure to ensure security and confidentiality processed personal data of persons who were granted referee licenses in 2015, in terms of the PESEL number and address of residence through their unauthorized disclosure on the website of the Dolnośląski Związek Piłki Nożnej at the link: [...] in the tabs "[...]", "[...]" and "[...]" imposed on the Dolnośląski Związek Piłki Nożnej with its seat in Wrocław at ul. Oporowska 62, an administrative fine in the amount of PLN 55 750.50 (in words: fifty five thousand seven hundred fifty zlotys fifty groszy), which is the equivalent of EUR 13,000, according to the average euro exchange rate announced by the National Bank of Poland in the exchange rate table for January 28, 2019. .

## JUSTIFICATION

On [...] July 2018, the Lower Silesian Football Association with its seat in Wrocław at ul. Oporowska 62, hereinafter referred to as DZPN, reported to the President of the Personal Data Protection Office a breach of personal data protection consisting in the unintentional publication of personal data of persons who were granted referee licenses in 2015, in terms of name, surname, PESEL number and address of residence on the website of the Dolnośląski Związek Piłki Nożna at the link: [...] in the tabs "[...]", "[...]" and "[...]". In the above notification, DZPN indicated that the infringement period lasted from October 2015 to [...] July 2018. The cause of the infringement was internal unintended actions. The notification indicated that data subjects would be notified of the breach.

By letter of [...] August 2018, DZPN informed the supervisory authority about the completion of the process of notifying data subjects about the breach of their data and about removing the breach.

Due to the fact that the notification of data subjects did not meet the requirements set out in Art. 34 of the Regulation 2016/679 on [...] August 2018, the President of the Personal Data Protection Office applied to the DZPN pursuant to Art. 52 sec. 1 of the Act of May 10, 2018 on the Protection of Personal Data (Journal of Laws of 2018, item 1000, as amended), hereinafter referred to as the Act, on taking actions to notify data subjects, on the breach of their data, including providing recommendations on minimizing the potential negative effects of the breach and elimination of similar irregularities in the future. In response to the above request, DZPN in the supplementary notification of [...] October 2018, indicated that it had notified persons in accordance with Art. 34 of the Regulation 2016/679 and took steps to secure the data being processed, including making appropriate changes to the website management procedures (including establishing the procedure for entering data on the website by subjecting to special rigor and control by the Personal Data Administrator and the Security Inspector) Data), covered the training program of persons responsible for data processing and posted on the website information about the appointment of the Data Protection Officer, along with the contact details of the Inspector. Moreover, DZPN again indicated the date of [...] July 2018 as the date of ending the infringement.

The President of the Personal Data Protection Office (hereinafter: "the President of the Personal Data Protection Office") received a complaint from one of the persons whose personal data was made available on the DZPN website. On its basis, the President of the Personal Data Protection Office (UODO) performed activities to check whether the publication of personal data has been removed by DZPN or whether it still exists. As a result of the above activities, on [...] January 2019, it was

established that after entering the website address [...] in the search engine, the data is published in the links "[...]", "[...]" and "[...]" personal data, a total of 585 people, in terms of name, surname, PESEL number and address of residence. In view of the above, the President of the Office for Personal Data Protection, in a letter of [...] January 2019, ref. [...], notified DZPN about the initiation of ex officio administrative proceedings regarding the failure to ensure the security and confidentiality of the processed personal data of persons who were granted judicial licenses in 2015, in terms of name, surname, PESEL number and address of residence through their unlawful publication on the website of the Lower Silesian Football Association under the link: [...] in the tabs "[...]", "[...]" and "[...]".

The President of the Personal Data Protection Office, on the basis of the collected evidence, established the following facts of the case.

DZPN is: a sports association within the meaning of applicable law (§ 1 of the DZPN statute), a voluntary, self-governing and permanent sports organization (...), acting on the basis of its members (§ 6 of the DZPN statute) and of the Statute (§ 7 of the statute DZPN). Moreover, pursuant to § 11 par. 6 of the DZPN statute, it implements its goals, among others by keeping records, statistics, documentation and archival resources as well as issuing messages and information materials.

According to the National Court Register (KRS No. [...]), DZPN is a sports association whose aim is to organize, develop and popularize sport (...) in the Dolnośląskie Voivodeship, protect the rights and interests, and coordinate the activities of all members of the association, and to obtain material and financial resources for the purpose of carrying out their statutory activities.

Due to the completion of the process of granting refereeing licenses in 2015, on the basis of applications sent by the judges' college, the Lower Silesian Football Association published in October 2015 a list of people who were granted refereeing licenses in 2015. The publication included: name, surname, number PESEL number and address of residence. These data were published on the website of the Lower Silesian Football Association under the link: [...] in the tabs "[...]", "[...]" and "[...]". According to the explanations of DZPN, it has taken steps to: remove data files, notify search engine providers to remove data from search results. Subsequently, the data from the website was removed and the linking: [...], [...], [...] and [...] were submitted to [...] for removal from the index. The removal was to take place on [...] July 2018, as evidenced by e-mail correspondence between DZPN and the company that supervises the IT supervision of the website. At the same time, DZPN indicated that in August 2018, in order to control the implementation of data deletion from the website, it checked and

determined that the data did not appear on the Internet, it also exchanged correspondence with an IT company, the answer of which confirmed the deletion of data from it.

On [...] January 2019, DZPN received a telephone notification that despite the removal of the data in question from the DZPN website, they are available in the search engine [...] and the data file is displayed on the Internet. In view of the above, DZPN re-analyzed the website and turned to the IT company that supervises this website for this purpose. On [...] January 2019, DZPN received information from the IT company that supervises the website that access to the content of the website (containing the data of persons who were granted judicial licenses in 2015 in the scope of residence address and PESEL number) is possible after entering the url address in the search engine or after suspecting the content of the DZPN server. In addition, the company supervising the website informed DZPN about the removal of links and additional work performed, such as complete exclusion of indexing from the content of the Media module. To confirm his explanations, DZPN attached correspondence with the above-mentioned subject.

After initiating the proceedings, DZPN removed from its website the data of persons who were granted judicial licenses in 2015, in the field of first name, surname, PESEL number and address of residence, therefore, after entering the url address of the page on which the data was stored in the search engine persons who were granted judicial licenses in 2015 in the field of first name, surname, address and PESEL number, the page containing this data in its content is not displayed in the search results.

DZPN sent to the supervisory body the financial statements for the financial year ended [...] December 2017, which show that the revenues from statutory activities amount to PLN [...].

The financial statements do not show that he conducts business activities as part of his activities, and the revenues from statutory activities include cash and other financial assets from sources specified by law or the articles of association.

After analyzing the evidence collected in the case, the President of the Office for Personal Data Protection states as follows.

The President of the Personal Data Protection Office is the competent authority for the protection of personal data (Article 34 of the Act of May 10, 2018 on the Protection of Personal Data) and the supervisory authority within the meaning of Regulation 2016/679 of the European Parliament and of the Council of the EU of April 27, 2016 on protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46 / EC (General Data Protection Regulation) (Journal of Laws UE L 119 of 04.05.2016, p. 1, as amended) announced in the Journal of Laws UE L

127 of 23/05/2018, p. 2), hereinafter referred to as Regulation 2016/679 (Article 34 (2) of the Act of 10 May 2018 on the protection of personal data).

Pursuant to Art. 57 sec. 1 of Regulation 2016/679, without prejudice to other tasks set out under this Regulation, each supervisory authority on its territory shall monitor and enforce the application of this Regulation (point a), conduct investigations on the application of this Regulation (point h). The instruments for the implementation of the tasks referred to in Art. 57 of the Regulation 2016/679 are, in particular, the remedial powers granted pursuant to Art. 58 sec. 2, to order the controller or processor to bring the processing operation into line with the provisions of this Regulation and, where applicable, the manner and time limit (point (d)) and to apply, in addition to or instead of the measures referred to in this paragraph, an administrative fine pursuant to Art. 83, depending on the circumstances of the individual case (point i).

Art. 5 of Regulation 2016/679 sets out the rules for the processing of personal data that must be respected by all administrators, i.e. entities that independently or jointly with others determine the purposes and methods of personal data processing. Pursuant to Art. 5 sec. 1 lit. f of Regulation 2016/679, personal data must be processed in a manner ensuring adequate security of personal data, including protection against unauthorized or unlawful processing and accidental loss, destruction or damage, by appropriate technical or organizational measures ("integrity and confidentiality") .

Pursuant to Art. 32 sec. 1 lit. b of the Regulation 2016/679, taking into account the state of technical knowledge, the cost of implementation and the nature, scope, context and purposes of processing as well as the risk of violating the rights or freedoms of natural persons with different probabilities and severity, the controller and the processor implement appropriate technical and organizational measures to ensure the degree of security corresponding to that risk, including, inter alia, the ability to ensure the ongoing confidentiality, integrity, availability and resilience of processing systems and services, where applicable. Pursuant to Art. 32 sec. 2 of Regulation 2016/679, the administrator, when assessing whether the level of security is appropriate, takes into account in particular the risk associated with the processing, in particular resulting from accidental or unlawful destruction, loss, modification, unauthorized disclosure or unauthorized access to personal data sent, stored or otherwise processed.

The provision of art. 32 of the Regulation 2016/679 is also a specification of the specified in Art. 5 sec. 1 lit. f of Regulation 2016/679, the principles of integrity and confidentiality, according to which personal data must be processed in a manner that ensures adequate security of personal data, including protection against unauthorized or unlawful processing, and accidental

loss, destruction or damage, by appropriate measures technical or organizational.

Pursuant to Art. 6 sec. 1 lit. f processing is lawful only in cases where and to this extent the processing is necessary for the purposes of the legitimate interests pursued by the controller or by a third party, except where such interests are overridden by interests or fundamental rights and the freedoms of the data subject which require protection of personal data, in particular where the data subject is a child.

DZPN as the Provincial Football Association is obliged to keep records of the licenses granted and their publication on the website, which results directly from § 13 of the resolution of the Board of the Polish Football Association of April 19, 2012, No. IV / 74, on the license for referees football clubs (No. VI / 90, dated May 13, 2015, uniform text). It is true that this resolution does not mention the scope of data that should be published, and there are no legal provisions regulating this issue, so one should refer to the principle of data minimization under Art. 5 sec. 1 lit. c of the Regulation 2016/679. Pursuant to the aforementioned provision, personal data must be adequate, relevant and limited to what is necessary for the purposes for which they are processed ("data minimization"). Limiting to necessary data means shaping the scope of data processing in such a way as to process only such data, without which the purpose cannot be achieved. Transferring the above to the present case, it should be noted that the processing of data of persons who were granted judicial licenses in 2015, on the DZPN website, should be carried out in accordance with the above-mentioned the principles of data minimization for the purpose meeting the obligation resulting from § 13 of the above-mentioned resolutions. In the opinion of the President, if the disclosure on the DZPN website of the personal data of persons who were granted judicial licenses in 2015 in terms of their names, surnames and place of residence is legally justified by the purpose resulting from the above-mentioned resolutions, providing the address and PESEL number goes beyond this purpose. It is not necessary to publish such detailed personal data of judges who have been granted judicial licenses. Such a wide catalog of personal data creates a potential risk of using them for unlawful purposes, e.g. to enter into legal relationships or to incur obligations on behalf of persons whose data has been disclosed without their knowledge, as well as to dispose of their rights.

DZPN, notifying the President of the Personal Data Protection Office on [...] July 2018, was aware that the scope of the data made available on its website was incorrect, however, it did not implement appropriate technical and organizational measures to ensure an appropriate level of security in the process of data processing, by what these data were available on the website also after the notification of the violation, i.e. after [...] July 2018, despite the fact that in the notification of the violation DZPN

stated that the violation lasted until [...] July 2018.

Referring to the position of DZPN regarding the removal of the data in question from the website on [...] July 2018, it should be stated that since the infringement was still ongoing, DZPN in the process of data deletion made a choice of ineffective technical and organizational measures securing further processing of this data, leading to to make them available to an unlimited number of people. Thus, DZPN, as the administrator, in the process of processing on its website the data of 585 people who were granted judicial licenses in 2015, failed to fulfill its obligations under Art. 5 sec. 1 lit. f, art. 32 sec. 1 lit. b and art. 32 sec. 2 of Regulation 2016/679, in terms of their protection against disclosure to an unspecified number of people. In the opinion of the supervisory authority, the controller took limited actions to remedy the breach, which proved to be ineffective. DZPN commissioned an external entity to remove the violation and did not verify its actions. As a result of the above, access to personal data was still possible.

Pursuant to Art. 58 sec. 2 lit. and Regulation 2016/679, each supervisory authority has the power to apply, in addition to or instead of other remedial measures provided for in Art. 58 sec. 2 of this regulation, an administrative fine pursuant to Art. 83 of the Regulation, depending on the circumstances of a particular case.

Bearing in mind the above findings, the President of the Office for Personal Data Protection, exercising his powers specified in art. 58 sec. 2 lit. and Regulation 2016/679, states that in the case under consideration there were conditions for imposing an administrative fine on DZPN.

Pursuant to art. 83 sec. 2 of Regulation 2016/679, administrative fines shall be imposed, depending on the circumstances of each individual case, in addition to or instead of the measures referred to in Art. 58 sec. 2 lit. a-h and lit. j of the Regulation 2016/679.

Pursuant to Art. 83 sec. 1 of Regulation 2016/679 - setting out the general conditions for imposing administrative fines - each supervisory authority shall ensure that the administrative fines referred to in para. 4, 5 and 6 were effective, proportionate and dissuasive in each individual case. Pursuant to Art. 83 sec. 2 lit. d of Regulation 2016/679, the authority, when deciding whether to impose an administrative fine and determining its amount, pays due attention in each individual case to the degree of responsibility of the administrator, taking into account technical and organizational measures implemented pursuant to Art. 25 and 32 of Regulation 2016/679. Pursuant to Art. 83 sec. 2 lit. k of Regulation 2016/679, the authority, when deciding whether to impose an administrative fine and determining its amount, pays due attention in each individual case to any other

aggravating or mitigating factors applicable to the circumstances of the case, such as achieved directly or indirectly in connection with the breach of benefits. financial losses or losses avoided.

The President of the Personal Data Protection Office, deciding to impose an administrative fine on DZPN and determining its amount, in accordance with Art. 83 sec. 2 lit. a-k of Regulation 2016/679 took into account the following circumstances of this case:

DZPN failed to comply with the obligation to apply appropriate technical and organizational measures to ensure a level of security corresponding to the risk of disclosing personal data on the website, so the data of persons who were granted judicial licenses in 2015, in terms of their PESEL number and address of residence, were available on the website DZPN at the link: [...] in the tabs "[...]", "[...]" and "[...]" also in the period from [...] July 2018 to January 2019.

the breach found in the present case is of considerable gravity and serious nature, as it creates a likelihood of a high risk of negative legal consequences for 585 persons whose data has been disclosed on the Internet, and also violates the fundamental principle of integrity and confidentiality in relation to the processing of personal data (Art. 1 letter f of Regulation 2016/679). Breach by DZPN of the obligations to apply measures ensuring the security of the processed data, prior to their disclosure to unauthorized persons (referred to in Article 5 (1) (f), Article 32 (1) (b) and Article 32 (2) of Regulation 2016/679), entails the risk of using this data by persons or third parties without the knowledge and against the will of the data subjects, contrary to the provisions of Regulation 2016/679, e.g. to enter into legal relationships or incur obligations on behalf of the persons whose data has been disclosed. Such actions on personal data could take place not only without the knowledge and will of the data subjects, but could potentially lead to the disposition of their rights. The seriousness of the breach is also increased by the fact that DZPN which processes personal data in a professional manner, as part of its activities, has greater responsibility and greater requirements than the entity which processes personal data as part of a side activity, incidentally or on a small scale;

the authority has no evidence that the data subjects have suffered material damage, nevertheless, the breach of data confidentiality itself may constitute non-pecuniary damage (harm);

DZPN is responsible for the violation found, however, it is unintentional, and the violation of Art. 5 sec. 1 lit. f, art. 32 sec. 1 lit. b and art. 32 sec. 2 of Regulation 2016/679, arose as a result of failure to exercise due diligence on the part of DZPN, in the process of applying measures that would prevent access to data of 585 people who were granted judicial licenses in 2015, in



terms of the PESEL number and address of residence;

despite the established violation of the provisions of Regulation 2016/679 by the DZPN, on [...] July 2018, it did not apply measures that would prevent access to the data of 585 people who were granted judicial licenses in 2015, in terms of the PESEL number and address of residence, which resulted in the continued disclosure of these data to an indefinite number of people, thus taking limited action which did not eliminate the potential harm;

despite the actions taken by the DZPN to remove the violation, this cannot be considered a mitigating circumstance as these actions turned out to be ineffective;

the decision of the supervisory body as to the responsibility of the controller for ineffective actions cannot be influenced by the fact that it was not the controller who took these actions, but an external company. DZPN, as the administrator of this data, has been directly obliged by the provisions of Regulation 2016/679 to secure the processed data against disclosure to unauthorized persons;

DZPN does not apply the approved codes of conduct under Art. 40 of the Regulation 2016/679 or approved certification mechanisms pursuant to Art. 42 of Regulation 2016/679 (application of codes of conduct or certification mechanisms);

Independent reporting by DZPN of a breach of personal data protection and the fact that currently DZPN on its website does not process personal data of persons who were granted judicial licenses in 2015 does not constitute a mitigating circumstance for granting a penalty, as such actions are required by law; During these proceedings, DZPN cooperated with the President of the Personal Data Protection Office, and within the prescribed period, DZPN sent explanations and replied to the request of the President of the Personal Data Protection Office, therefore the degree of this cooperation should be assessed as full;

the violation did not concern specific categories of data, but a list of data is important, which, due to the precise identification of the person (name, surname, address and PESEL number), may pose a risk of violating the rights and freedoms of the person;

The supervisory body learned about the violation from the DZPN from the notification of the violation, and then from the complaint of the person whose data was disclosed;

it has not been found that DZPN has previously infringed the provisions of Regulation 2016/679, which would be significant for the present proceedings;

in the same case, the measures referred to in Art. 58 sec. 2 of Regulation 2016/679 (compliance with the measures imposed on the controller in the same case);

the achievement of financial benefits by DZPN and the avoidance of losses in connection with the violation was not confirmed;

During the proceedings before the supervisory authority, DZPN removed the violation found.

When determining the amount of the fine, the President of the Personal Data Protection Office took into account the following factors that apply to the circumstances of the present case, mitigating the penalty:

good cooperation of DZPN with the President of the Personal Data Protection Office during the course of these proceedings;

no evidence of financial benefits achieved by DZPN and the avoidance of losses in connection with the violation;

removal of the infringement by the DZPN during the proceedings before the supervisory authority;

non-profit activity conducted by DZPN;

there is no evidence of damage to the persons whose data has been disclosed.

When deciding whether to impose an administrative fine, as well as determining its amount, the most important factor was the President of UODO that the infringement was serious, consisting in the fact that despite the infringement found by DZPN consisting in the publication of data of persons who were granted judicial licenses in 2015 in terms of their number PESEL number and address of residence on the website of the Dolnośląski Związek Piłki Nożnej at the link: [...] in the tabs "[...]", "[...]" and "[...]" by DZPN on [...] July 2018, did not apply on effective measures that would prevent access to data of 585 people until January 2019, despite the assurance given to the supervisory authority. The duration of the violation should also be assessed negatively taking into account the moment of its notification.

In a situation where the infringement has already been remedied and hence the issuing of an order would be redundant, an administrative fine may be imposed instead of the supervisory authority applying remedial powers. In view of the above, it should be stated that DZPN did not exercise due diligence by failing to check whether this publication was actually removed from the website. The administrator did not take sufficient steps to permanently delete the content of the subpages, despite the declaration submitted to the President of the Office for Personal Data Protection, and therefore did not take appropriate steps to effectively delete the data. The data was removed only in the course of the proceedings before the supervisory authority.

In the opinion of the President of the Personal Data Protection Office, the applied administrative fine performs the functions referred to in Art. 83 sec. 1 of Regulation 2016/679, i.e. it is effective, proportionate and dissuasive in this individual case.

It should be considered that the penalty will be effective if its imposition leads to the fact that DZPN will apply such technical and organizational measures that will provide the data processed with a level of security corresponding to the risk of violating

the rights and freedoms of persons and the gravity of the threats accompanying the processing of such personal data.

The application of an administrative fine in this case is necessary considering also that DZPN, being aware of the existence of the infringement, did not check whether the company supervising the website actually deleted the data, and therefore did not apply appropriate technical and organizational measures to permanently remove the data. violations. In view of the above, negligence in the process of removing the infringement should be considered a factor aggravating DZPN.

In the opinion of the President of the Personal Data Protection Office, the applied fine is proportional to the infringement found, in particular due to the seriousness of the infringement, the categories of personal data affected by the infringement (PESEL number and the address of residence provided in conjunction with the name and surname), the number of data subjects affected by the infringement (585 persons). physical) and duration of the infringement (July 2018- January 2019).

The dissuasive nature of a financial penalty has to do with the prevention of future infringements. The penalty is intended to deter both DZPN from repeated violations, and other entities. By imposing a fine for violation of the provisions on the protection of personal data by this decision, the President of the Personal Data Protection Office took into account both aspects: first - repressive nature, DZPN violated the provisions of Regulation 2016/679, second - preventive nature, both effectively discouraged from violating the law on the protection of personal data in the future.

The purpose of the penalty imposed is to ensure that DZPN performs the obligations provided for in Art. 5 sec. 1 lit. f, art. 32 sec. 1 lit. b and art. 32 sec. 2 of the Regulation 2016/679, and consequently to conduct data processing processes in accordance with applicable regulations.

In the established circumstances of this case, i.e. in the event of a breach of obligations under Art. art. 5 sec. 1 lit. f, art. 32 sec. 1 lit. b and art. 32 sec. 2 of Regulation 2016/679, Art. 83 sec. 4 lit. a) Regulation 2016/679, pursuant to which breaches of the provisions on the administrator's obligations referred to in Art. 25-39 of this regulation are subject to an administrative fine of up to EUR 20,000,000.

Pursuant to art. 103 of the Act of May 10, 2018 on the Protection of Personal Data (Journal of Laws of 2018, item 1000, as amended), the equivalent of the amounts expressed in euro, referred to in Art. 83 of the Regulation 2016/679, are calculated in PLN according to the average EUR exchange rate announced by the National Bank of Poland in the exchange rate table on January 28 of each year, and if the National Bank of Poland does not announce the average EUR exchange rate on January 28 in a given year - according to the average euro exchange rate announced in the table of exchange rates of the National

Bank of Poland that is closest to that date.

Pursuant to Art. 83 sec. 3 of Regulation 2016/678, if the controller or processor intentionally or unintentionally infringes several provisions of this Regulation in the same or related processing operations, the total amount of the administrative fine shall not exceed the amount of the penalty for the most serious infringement.

Pursuant to Art. 83 sec. 4 lit. and Regulation 2016/678, violations of the provisions are subject to, in accordance with paragraph 2, an administrative fine of up to EUR 10,000,000, and in the case of an enterprise - up to 2% of its total annual worldwide turnover from the previous financial year, with the higher amount applicable in the event of breach of the administrator's obligations referred to in Art. 8, 11, 25 -39 and 42 and 43 of this regulation.

Pursuant to Art. 83 sec. 5 lit. and Regulation 2016/678, violations of the provisions are subject to, in accordance with paragraph 2 an administrative fine of up to EUR 20,000,000 and, in the case of an enterprise, up to 4% of its total annual worldwide turnover from the previous financial year, with the higher amount applicable for breach of basic processing principles, including conditions consent, the terms and conditions of which are referred to in Art. 5, 6, 7 and 9 of Regulation 2016/679.

President of the Personal Data Protection Office, pursuant to art. 83 sec. 3, art. 83 sec. 4 lit. a and art. 83 sec. 5 lit. a regulation 2016/679, in connection with art. 103 of the Act, for the violation described in the operative part of this decision, it imposes on DZPN - using the average EUR exchange rate of January 28, 2019 (EUR 1 = PLN 4.2885) - an administrative fine in the amount of PLN 55 750.50 (which is equivalent to EUR 13,000 ).

In the opinion of the President of the Personal Data Protection Office, the applied fine meets the conditions referred to in Art. 83 sec. 1 of Regulation 2016/679 due to the importance of the breaches found in the context of the basic requirements and principles of Regulation 2016/679 - integrity and confidentiality.

Bearing in mind the above, the President of the Personal Data Protection Office resolved as in the operative part of this decision.

The decision is final. The party has the right to lodge a complaint against the decision with the Provincial Administrative Court in Warsaw, within 30 days from the date of its delivery, via the President of the Office for Personal Data Protection (address: ul. Stawki 2, 00-193 Warsaw). A proportional fee should be filed against the complaint, in accordance with Art. 231 in connection with Art. 233 of the Act of August 30, 2002, Law on proceedings before administrative courts (Journal of Laws of

2018, item 1302, as amended). The party has the right to apply for the right of assistance, which includes exemption from court costs and the appointment of an attorney, legal advisor, tax advisor or patent attorney. The right to assistance may be granted at the request of a party submitted prior to the initiation of the proceedings or in the course of the proceedings. The application is free of court fees.

Pursuant to Art. 105 paragraph. 1 of the Act of May 10, 2018 on the Protection of Personal Data (Journal of Laws of 2018, item 1000, as amended), the administrative fine must be paid within 14 days from the date of expiry of the deadline for lodging a complaint to Provincial Administrative Court, or from the date of the ruling of the administrative court coming into force, to the bank account of the Personal Data Protection Office at NBP O / O Warsaw No. 28 1010 1010 0028 8622 3100 0000.

2019-05-17