

13.03.2023

Penalty for GDPR violation

In January of this year, the National Supervisory Authority completed an investigation at the Modaone SRL operator, during which it found a violation of the provisions of art. 12 and art. 13 of the General Data Protection Regulation.

As such, the company Modaone SRL was fined in the amount of 9871 lei (the equivalent of 2000 EURO).

The investigation was started as a result of a complaint submitted by a concerned person in which he complained that commercial messages were sent to his e-mail address from www.kalapod.net, in violation of the right of opposition, although it was previously communicated that such messages will no longer be sent to him.

During the investigation, it was found that Modaone SRL, owner of www.kalapod.net, does not provide complete, correct, accurate and updated information regarding the processing of the personal data of the persons concerned, as provided by art. 13 of the RGPD (e.g.: recipients of personal data, storage period, the right to file a complaint with the supervisory authority), imposing, at the same time, excessive conditions for the exercise of rights by the persons concerned, thus violating the provisions of art. 12 and art. 13 of the GDPR.

At the same time, under art. 58 para. (2) lit. d) from the General Data Protection Regulation, the following corrective measures were ordered against the operator:

- taking appropriate measures in order to comply with the provisions of the RGPD, so that, in the future, the personal data of the persons concerned will be processed for the purpose of direct marketing aimed at the use of electronic communication services (e-mail, telephone), only with obtaining consent express and prior to them, including the adoption of procedures in this regard and the corresponding modification of the applicable sections on the kalapod.net website;
- modification of the "Terms and conditions" section on the kalapod.net website so that the persons concerned are provided with complete, correct, accurate and updated information regarding the processing of personal data; at the same time, the excessive condition of sending the request "written, dated and signed" in the case of their transmission by e-mail, as well as the excessive condition of requesting a copy of the identity document in order to exercise the rights provided by the GDPR, will be eliminated.

Legal and Communication Department

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