

15.04.2021

Penalty for GDPR violation

The National Supervisory Authority completed an investigation at the operator S.C. Tip Top Food Industry S.R.L and found a violation of the provisions of art. 5 para. (1) lit. b) and c) and para. (2) and art. 6 and art. 7 of the General Data Protection Regulation.

As such, the operator S.C. TIP TOP FOOD INDUSTRY S.R.L. was penalized for contravention with a fine of 24,362.50 lei (the equivalent in lei of 5,000 Euros).

Following the investigation, the National Supervisory Authority found that the operator processed the image of its employees, excessively, by means of the video cameras installed in the spaces intended for changing rooms and in the area intended for serving the meal, invoking the purpose of protecting the assets and products of the company, such as and theft deterrence. In this context, the National Supervisory Authority assessed that the processing of personal data was not adequate, relevant and limited to what is necessary in relation to the purposes for which it is processed ("data minimization"), thus violating the principles Art. 5 para. (1) lit. b) and c) of the General Data Protection Regulation. The National Supervisory Authority assessed that the purpose declared by the operator (protecting the company's assets, products and deterring theft) could be achieved by less intrusive means for the employees' private lives.

On the other hand, in the investigation carried out, taking into account the employer-employee relationship, it was noted that the data subject's consent could not be considered freely expressed, nor could another legal basis for processing be identified, as the operator could not prove compliance with the principles of processing, by referring to art. 5 para. (2) of the General Data Protection Regulation.

Also, the following corrective measures were applied to the respective operator:

the corrective measure to ensure the compliance of personal data processing operations in the video monitoring activity, in compliance with the principle of "data minimization", referred to art. 5 para. (1) lit. c);

to reanalyze the orientation of the capture angle of the video images so that they do not monitor the activity of its employees in the spaces intended for changing rooms and in the dining room, in relation to the purpose of the processing.

The investigation was started as a result of a notification by a natural person who signaled the fact that the company S.C. TIP TOP FOOD INDUSTRY SRL processes personal data (respectively the image), through the video cameras installed in the

employees' offices, in the changing rooms and in the dining room.

Legal and Communication Department

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