

Final decisions to maintain sanctions

applied by the Supervisory Authority

Given that, through final judgments handed down in 2018, the courts have largely maintained the sanctions imposed by the Supervisory Authority following the investigations conducted until May 25, 2018, we further present the most relevant situations:

1. SC ECO Private Services SRL

The following acts were found to have been committed:

- "Failure to notify and notification in bad faith", provided by art. 31 of Law no. 677/2001, in the form of omission of notification, in violation of the provisions of art. 22 of Law no. 677/2001, as ECO PRIVATE SERVICES SRL did not prove the notification of the processing of personal data that allow, directly or indirectly, the geographical location of individuals, although they use geolocation systems from 2017, installed on vehicles.

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, in violation of art. 12 para. 1 of Law no. 677/2001, as ECO PRIVATE SERVICES SRL did not present any evidence in any form provided by law of informing the persons concerned with the mentions provided by art. 12 of Law no. 677/2001, for any of the purposes for which it processes personal data.

- "Failure to comply with the obligations regarding confidentiality and application of security measures", provided by art. 33 of Law no. 677/2001, by failing to fulfill the obligations regarding the application of security measures and maintaining the confidentiality of the processing provided by art. 19 and art. 20 of Law no. 677/2001, because ECO PRIVATE SERVICES SRL did not draw up and implement a security policy that would include the minimum security requirements for the data processing it performs.

- "Failure to comply with the conditions provided in art. 4 para. (5) of Law no. 506/2004, modified and completed ", as ECO PRIVATE SERVICES SRL, at the level of the site [www.ecoprivateservices.ro](http://www.ecoprivateservices.ro), for the information stored in the terminal equipment of the user did not cumulatively meet the conditions provided by art. 4 para. (5), lit. a) and b) of Law no. 506/2004, respectively obtaining the consent of the user in question for the existing cookies on the site [www.ecoprivateservices.ro](http://www.ecoprivateservices.ro) and providing information prior to expressing agreement on the general purpose of processing stored information, lifetime, what information is stored and accessed as and allowing the storage and / or access of third parties to the information stored in the

user's terminal equipment, a contravention provided by art. 13 para. (1) lit. i) of Law no. 506/2004, amended and supplemented.

For these deeds, contravention fines were applied in a total amount of 9,000 lei, maintained by a final decision of the court.

## 2. Verida Credit IFN SA

The following acts were found to have been committed:

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, as Verida Credit IFN SA sent negative data to the Credit Bureau, before the deadline of 30 days from the maturity date, contrary to the provisions of art. 5 para. (1) of the ANSPDCP Decision no. 105/2007, in violation of art. 4 para. (1) lit. a) and letter c) of Law no. 677/2001, corroborated with art. 12 of the ANSPDCP Decision no. 105/2007.

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, as Verida Credit IFN SA did not prove the prior notification of the data subject, which contradicts the provisions of art. 8 para. (2) of the ANSPDCP Decision no. 105/2007, art. 9 paragraph (1) of the ANSPDCP Decision no. 105/2007 and art. 12 para. (1) of Law no. 677/2001, corroborated with art. 12 of the ANSPDCP Decision no. 105/2007.

For these deeds, contravention fines were applied in a total amount of 17,000 lei, maintained by a final decision of the court.

## 3. SC Bancpost SA

The following acts were found to have been committed:

- "Illegal processing of personal data", contravention provided by art. 32 of Law no. 677/2001, as Bancpost SA sent negative data to the Credit Bureau SA, compared to 7 cases analyzed in the minutes, it was found that for some cases it did not provide prior information to customers, although it recorded negative data of in the record system of the Credit Bureau, violating the provisions of art. 4 para. (1) lit. a) and c), art. 12 of Law no. 677/2001 in conjunction with art. 5 para. (1), art. 8 para. (2) and art. 9 para. (1) of Decision no. 105/2007 "

For this deed, a contravention fine in the amount of 20,000 lei was applied, maintained by a final decision by the court.

## 4. SC Banca Românească SA

The following acts were found to have been committed:

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001 in the form of disregarding the rights of intervention and information, rights provided by art. 14 para. (1) and art. 12 para. (1), reported to art. 4 para. (1) lit. a) of Law

no. 677/2001, corroborated with the provisions of art. 8 and 9 of Decision 105/2007, since the applicant - Banca Românească SA - Member of the National Bank of Greece Group did not comply with the requests of certain data subjects, by which they exercised their right to intervene, in the sense that measures were taken to delete from the records of SC Biroului de Credit SA the negative data transmitted to the Credit Bureau, without first informing the data subject, as provided in art. 8 para. (2) of the ANSPDCP Decision no. 105/2007, in violation of the provisions of art. 12 of Law no. 677/2001.

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001 in the form of disregarding the rights of intervention and information, rights provided by art. 14 para. (1) and art. 12 para. (1), reported to art. 4 para. (1) lit. a) of Law no. 677/2001, corroborated with the provisions of art. 8 and 9 of Decision 105/2007, since the applicant - Banca Românească SA - Member of the National Bank of Greece Group did not comply with the requests of certain data subjects, by which they exercised their right to intervene, in the sense that measures were taken to delete from the records of SC Biroului de Credit SA the negative data transmitted to the Credit Bureau, without first informing the data subject, as provided in art. 8 para. (2) of the ANSPDCP Decision no. 105/2007 in violation of the provisions of art. 12 of Law no. 677/2001.

For these deeds, contravention fines were applied in a total amount of 25,000 lei, maintained by a final decision of the court.

#### 5. Easy Asset Management SA

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, as Easy Asset Management IFN S.A. sent negative data to the Credit Bureau, for 5 persons concerned, without proving their prior information, in violation of the provisions of art. 8 para. (2), art. 9 paragraph (1) of Decision no. 105/2007 and art. 12 para. (1) of Law no. 677/2001, corroborated with art. 12 of the ANSPDCP Decision no. 105/2007;

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, as Easy Asset Management IFN S.A. sent negative data to the Credit Bureau, for 5 persons concerned, and in the case of 3 of the petitioners the data were transmitted before the fulfillment of the term of 30 days from the due date, contrary to the provisions of art. 5 para. (1) of the ANSPDCP Decision no. 105/2007, in violation of art. 4 para. (1) lit. a) and letter c) of Law no. 677/2001, corroborated with art. 12 of Decision no. 105/2007.

For these deeds, contravention fines were applied in a total amount of 25,000 lei, maintained by a final decision of the court.

#### 6. SC ERB Retail Services IFN SA

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, disregarding the right provided by art. 14 para.

(1) and (3) of Law no. 677/2001, as SC ERB Retail Services IFN SA did not comply with the request of the data subjects (4 petitioners), by which they exercised their right to intervene, in the sense of adopting measures to delete the negative data transmitted to the Credit without prior notice.

For this deed, a contravention fine in the amount of 10,000 lei was applied, maintained by a final decision by the court.

#### 7. Simple Credit IFN SA

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, as Simplu Credit IFN SA, transmitted negative data, related to the credit agreement concluded with the data subject (client-petitioner), without proving its prior information, 15 days before the transmission of negative data to the Credit Bureau, as provided by art. 8 para. (2) and 9 of the ANSPDCP Decision no. 105/2007, transmitted inaccurate and incorrect data contrary to the provisions of art. 4 para. (2) of the same decision and before 30 days from the due date contrary to the provisions of art. 5 para. (1) of the same decision, in violation of the provisions of art. 4 lit. a) and c) and art. 12 of Law no. 677/2001;

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, disregarding the right provided by art. 14 para. (1) of Law no. 677/2001, as Simplu Credit IFN SA did not comply with the request of a data subject (client-petitioner), by which it exercised its right to intervene, in the sense of adopting measures to delete the negative data transmitted to the Credit without prior notice.

For these deeds, contravention fines were applied in a total amount of 5,000 lei, maintained by a final decision of the court.

#### 8. SC Banca Comercială Română SA

The following acts were found to have been committed:

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, in violation of the provisions of art. 14 of Law no. 677/2001 reported to art. 12 and art. 4 para. (1) lit. a) of the same law, corroborated with art. 5 para. (1), art. 8, art. 9 and art. 12 of Decision no. 105/2007, as SC Banca Comercială Română SA did not comply with the requests of some data subjects (2 petitioners), through which they exercised their right to intervene, in the sense of adopting measures to delete the negative data transmitted to the Bureau of Credit, considering the fact that the bank did not prove that it had previously informed them, 15 days before sending the negative data to the Credit Bureau regarding the registration, including the mention "account bought by another creditor", according to art. 8 and 9 of Decision no. 105/2007 and did not comply with the provisions of art. 5 para. (1) of Decision no. 105/2007.

For this deed, a fine was imposed in the amount of 8,000 lei, maintained by a final decision of the court.

#### 9. SC Banca Comercială Română SA

"Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, in violation of the provisions of art. 14 of Law no. 677/2001 reported to art. 12 and art. 4 para. (1) lit. a) of the same law, corroborated with art. 8, art. 9 and art. 12 of Decision no. 105/2007, as SC Banca Comercială Română SA did not comply with the requests of a data subject, by which it exercised its right to intervene, in the sense of adopting measures to delete the negative data transmitted to the Credit Bureau, having in considering that the bank did not provide prior information to the data subject, 15 days before the transmission of negative data to the Credit Bureau.

For this deed, a contravention fine in the amount of 10,000 lei was applied, maintained by a final decision by the court.

#### 10. SC Banca Comercială Română SA

The following acts were found to have been committed:

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, in violation of the provisions of art. 14 of Law no. 677/2001 reported to art. 12 and art. 4 para. (1) lit. a) of the same law, corroborated with art. 8, art. 9 and art. 12 of Decision no. 105/2007, as SC Banca Comercială Română SA did not comply with the requests of some data subjects, by which they exercised their right to intervene, in the sense of adopting measures to delete the negative data transmitted to the Credit Bureau, having in considering that the bank did not present evidence until the date of the report that it had previously informed the data subject, 15 days before sending the negative data to the Credit Bureau regarding the registration including the mention "account bought by another creditor", according to art. . 8 and 9 of Decision no. 105/2007.

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, in violation of the provisions of art. 14 of Law no. 677/2001 reported to art. 12 and art. 4 para. (1) lit. a) of the same law, corroborated with art. 8, art. 9 and art. 12 of Decision no. 105/2007, as SC Banca Comercială Română SA did not comply with the request of some data subjects, by which they exercised their right to intervene, in the sense of adopting measures to delete the negative data transmitted to the Credit Bureau, having in considering the fact that the bank did not present evidence until the date of the report that it had made the prior information of the data subject, 15 days before the transmission of the negative data to the Credit Bureau, according to art. 8 and 9 of Decision no. 105/2007.

For these deeds, contravention fines were applied in a total amount of 11,000 lei, maintained by a final decision of the court.

#### 11. SC Banca Comercială Română SA

The following acts were found to have been committed:

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, in violation of the provisions of art. 14 of Law no. 677/2001 reported to art. 12 and art. 4 para. (1) lit. a) of the same law, corroborated with art. 8, art. 9 and art. 12 of Decision no. 105/2007, as SC Banca Comercială Română SA did not comply with the requests of some data subjects, by which they exercised their right to intervene, in the sense of adopting measures to delete the negative data transmitted to the Credit Bureau, having in considering the fact that the bank did not prove that it had made the prior information of the data subject, 15 days before the transmission of the negative data to the Credit Bureau, according to art. 8 and 9 of Decision no. 105/2007 and did not comply with the provisions of art. 5 para. (1) of Decision no. 105/2007 until the date of concluding the minutes.

For this deed, a contravention fine in the amount of 11,000 lei was applied, maintained by a final decision by the court.

#### 12. SC Banca Comercială Română SA

The following acts were found to have been committed:

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, in violation of the provisions of art. 14 of Law no. 677/2001 reported to art. 12 and art. 4 para. (1) lit. a) of the same law, corroborated with art. 5 para. (1), art. 8, art. 9 and art. 12 of Decision no. 105/2007, as SC Banca Comercială Română SA did not comply with the requests of some data subjects, through which they exercised their right to intervene, in the sense of deleting all negative information from the Credit Bureau not in accordance with the provisions of art. 8 and 9 of the ANSPDCP Decision no. 105/2007.

For this deed, a fine was imposed in the amount of 15,000 lei, maintained by a final decision by the court.

#### 13. SC Banca Comercială Română SA

The following acts were found to have been committed:

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, in violation of the provisions of art. 14 of Law no. 677/2001 reported to art. 12 and art. 4 para. (1) lit. a) of the same law, corroborated with art. 8, art. 9 and art. 12 of Decision no. 105/2007, as SC Banca Comercială Română SA did not comply with the requests of a data subject (petitioner) by which it exercised its right to intervene, in the sense that measures were taken to delete the negative data transmitted to the Credit Bureau, considering the fact that the bank did not present evidence until the date of the report that it had made its prior

information, 15 days before the transmission of the negative data to the Credit Bureau, according to art. 8 and 9 of Decision no. 105/2007 and communicated to the petitioner answers in excess of the term of 15 days provided by art. 14 para. (3) of Law no. 677/2001, for which the sanction with a fine of 12,000 lei was applied.

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, in violation of the provisions of art. 14 of Law no. 677/2001 reported to art. 12 and art. 4 para. (1) lit. a) of the same law, corroborated with art. 8, art. 9 and art. 12 of Decision no. 105/2007, as SC Banca Comercială Română SA did not comply with the requests of a data subject (petitioner), by which it exercised its right to intervene, in the sense of adopting measures to delete the negative data transmitted to the Credit Bureau, considering the fact that the bank did not prove that it had made its prior information, 15 days before the transmission of the negative data to the Credit Bureau, including for the registration of the mention "account bought by another creditor", according to art. 8 and 9 of Decision no. 105/2007 and communicated to the petitioner answers in excess of the term of 15 days provided by art. 14 para. (3) of Law no. 677/2001, for which the sanction with a fine of 12,000 lei was applied. For these deeds, contravention fines were applied in a total amount of 24,000 lei, maintained by a final decision of the court.

#### 14. SC Banca Comercială Română SA

The following acts were found to have been committed:

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, in the form of disregarding the rights of intervention and information, rights provided by art. 14 para. (1) and art. 12 para. (1), reported to art. 4 para. (1) lit. a) of Law no. 677/2001, corroborated with the provisions of art. 8 of Decision 105/2007, as Banca Comercială Română SA did not give full effect to the requests of a data subject, by which he exercised his right to intervene, in the sense of adopting measures to delete all negative data transmitted to the Credit without the prior information of the data subject, as provided in art. 8 para. (2) of the ANSPDCP Decision no. 105/2007, in violation of the provisions of art. 12 of Law no. 677/2001.

For this deed, a fine was imposed in the amount of 25,000 lei, maintained by a final decision by the court.

#### 15. SC Banca Comercială Română SA

The following acts were found to have been committed:

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, in the form of disregarding the rights of intervention and information, rights provided by art. 14 para. (1) and (3) and art. 12 para. (1), reported to art. 4 para. (1) lit. a) of Law no. 677/2001, corroborated with the provisions of art. 8 and 9 of Decision 105/2007, as SC Banca Comercială Română

SA did not comply with the requests of some data subjects, by which they exercised their right to intervene, in the sense of adopting measures to delete the negative data transmitted to the Office of credit, given that the bank did not present evidence until the date of the minutes that it had, in all cases, provided prior notice to the persons concerned, 15 days before the transmission of negative data to the Credit Bureau including the entry of the statement "Account purchased by another creditor", according to art. 8 and 9 of Decision no. 105/2007.

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, in the form of disregarding the rights of intervention and information, rights provided by art. 14 para. (1) and (3) and art. 12 para. (1), reported to art. 4 para. (1) lit. a) of Law no. 677/2001, corroborated with the provisions of art. 8 and 9 of Decision 105/2007, as SC Banca Comercială Română SA did not comply with the requests of some data subjects, by which they exercised their right to intervene, in the sense of adopting measures to delete the negative data transmitted to the Office of credit, given that the bank did not present evidence until the date of the minutes that it had, in all cases, provided prior notice to the persons concerned, 15 days before the transmission of negative data to the Credit Bureau including the entry of the statement "Account purchased by another creditor", according to art. 8 and 9 of Decision no. 105/2007.

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, in the form of disregarding the rights of intervention and information, rights provided by art. 14 para. (1) and (3) and art. 12 para. (1), reported to art. 4 para. (1) lit. a) of Law no. 677/2001, corroborated with the provisions of art. 8 and 9 of Decision 105/2007, as SC Banca Comercială Română SA did not comply with the requests of some data subjects, by which they exercised their right to intervene, in the sense of adopting measures to delete the negative data transmitted to the Office of credit, given that the bank did not provide evidence until the date of the minutes that it had, in all cases, provided prior notice to the persons concerned, 15 days before the transmission of negative data to the Office of inclusive regarding the entry of the statement " account purchased by another creditor ", according to art. 8 and 9 of Decision no. 105/2007.

- "Illegal processing of personal data", provided by art. 32 of Law no. 677/2001, in the form of disregarding the rights of intervention and information, rights provided by art. 14 para. (1) and (3) and art. 12 para. (1), reported to art. 4 para. (1) lit. a) of Law no. 677/2001, corroborated with the provisions of art. 8 and 9 of Decision 105/2007, as SC Banca Comercială Română SA did not comply with the requests of some data subjects, by which they exercised their right to intervene, in the sense of adopting measures to delete the negative data transmitted to the Office of Credit, considering the fact that the bank did not



present evidence until the date of the minutes that it made, in all cases, the prior information of the persons concerned, 15 days before the transmission of negative data to the Credit Bureau, according to art. 8 and 9 of Decision no. 105/2007.

For these deeds, contravention fines were applied in a total amount of 40,000 lei, maintained by a final decision of the court.