

20.12.2022

Fine - public institution

In November 2022, the National Supervisory Authority completed an investigation at the operator of the National Property Restitution Authority (ANRP) and found a violation of the provisions of art. 14 para. (7) in conjunction with art. 14 para. (1) and art. 13 para. (4) from Law no. 190/2018.

The operator was penalized for contravention with a fine of 13,000 lei.

The investigation was started to verify the fulfillment by ANRP of the remedial measures previously ordered for this operator, through a record of finding/sanctioning of contraventions from September 2022.

In this context, through the previous report, the ANRP operator was sanctioned with a warning for violating the provisions of art. 5 para. (1) lit. b) and art. 6 of the RGPD, being obliged at the same time, through the remedial plan, within 20 days, to ensure compliance with the provisions of the RGPD of the personal data processing operations, including those carried out through the video surveillance system, by implementing of technical and organizational measures as a result of the risk assessment for the rights and freedoms of individuals (e.g. work procedures related to the protection of personal data, as well as measures regarding the periodic training of persons acting under his authority, regarding the obligations return according to the provisions of the RGPD and to the risks involved in the processing of personal data, depending on the specifics of the activity).

Since the operator did not communicate the measures taken, in November 2022, a new investigation was carried out at ANRP regarding the fulfillment of the measures provided for in the remedial plan attached to the minutes of September 2022. In this, the operator's representatives declared that documents such as "Video surveillance regulation 2022.docx" or "System procedure regarding the processing of personal data" were not approved and, as such, were not brought to the attention of the ANRP staff who process data. At the same time, the operator's representatives claimed that there were no periodic trainings for the people acting under the authority of ANRP.

As such, it was found that the ANRP operator did not carry out the measures provided for in the plan of measures established by ANSPDCP, thus violating the provisions of art. 14 para. (7) in conjunction with art. 14 para. (1) and art. 13 para. (4) from Law no. 190/2018.

In this context, we draw attention to the fact that, in the application of Law no. 190/2018, warnings accompanied by remedial

plans may be applied to public authorities. If they do not fully implement the measures provided for in the remedial plan, ANSPDCP can apply the contravention sanction of the fine.

The operator, the National Property Restitution Authority (ANRP), paid the contravention fine.

Legal and Communication Department

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