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Telephone operator

The inspection was carried out on the basis of two complaints. In the first case, the complainant, as an executive of a limited liability company, received the production number of the SIM card (ICCID) in an e-mail after picking up this SIM card, and in his opinion there was a breach of security of personal data. Moreover, from the conversation with the operator, the complainant got the impression that this could be a standard procedure in the processing of personal data of customers of the controlled person. In the second complaint, the complainant drew attention to the non-fulfillment of the obligation based on Articles 15 and 20 of Regulation (EU) 2016/679. The complainant stated that he repeatedly asked the operator for access to personal data. After notification by the Office, the administrator provided the applicant with operational and location data. According to the complainant, the company also processed his other personal data.

From the statement of the inspected person regarding the first complaint, it emerged that the ICCID, or Integrated Circuit Card Identifier, is a unique identifier of a smart card according to the ISO/IEC 7812 standard. SIM cards for telecommunications devices are such smart cards, SIM cards must also meet other requirements defined by the ITU- T recommendation E.118 (which includes meeting the requirements of ISO/IEC 7812). ICCID has the character of a production serial number of a specific chip card and is used mainly in logistics processes for the registration of goods. The MSISDN telephone number is not indicated on the chip card, and the ICCID identifier is used when communicating with the customer precisely for the exact identification of a specific SIM card and its connection with the MSISDN, which is assigned to the SIM card only at the time of the contract, and the services (tariffs) activated on it . ICCID is not used in telecommunications traffic, and any misuse of it for the purpose of SIM card cloning or other misuse of telecommunications traffic is technically completely excluded. The IMSI identifier (also defined by ITU-T recommendation E.118) is used to identify the SIM card in telecommunications traffic. Knowledge of this identifier by an unauthorized person can be a risk for the holder of the relevant SIM card. This identifier is not sent by email.

Regarding the second complaint, the controlled person stated that the only identified data subject within the contractual relationship based on the provision of electronic communications services is the service participant with whom the controlled person has a contract for the provision of electronic communications services, or his representative. The company has not

identified individual users of electronic communications services, and therefore requests from unidentified data subjects to exercise rights under Regulation (EU) 2016/679 cannot be granted without further cooperation of the data subject.

The existing active subscriber of the phone number in question is a legal entity, which is clear from the contract for the provision of electronic communications services. However, the name of the complainant or his telephone or e-mail address does not appear in the contract for the provision of electronic communications services in any way, and therefore not necessarily all the data in the customer database associated with this data are personal data of the complainant. In addition, several other mobile phone numbers were registered on the customer account in question, and the audited person does not have sufficiently identified service users for this customer account, nor does he have information available on whether the numbers are used exclusively by specific users. This situation cannot be rectified ad hoc retroactively only if the applicant, at the time of exercising the right to access personal data according to Regulation (EU) 2016/679, proves that he is using the number at the given moment. In such a situation, the operator cannot be sure that the applicant has used the telephone number even six months back, which is the period during which the controlled person is obliged to keep operational and location data. In relation to the telephone number in question, the complainant was not a person who would be legally authorized to act on behalf of the subscriber of this telephone number (the subscriber is the contractual partner of the operator).

In no case did the inspectors find a violation of Regulation (EU) 2016/679.

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