

13.05.2021

A new penalty for breaching GDPR

The National Supervisory Authority completed on 23.04.2021 an investigation at the operator Telekom Romania Communications SA and found a violation of the provisions of art. 6 and art. 21 of the General Data Protection Regulation. The operator Telekom Romania Communications SA was sanctioned with a warning for violating the provisions of art. 6 of Regulation (EU) 679/2016 and with a fine of 9,851.40 lei (the equivalent of 2000 EURO) for the violation of art. 21 of the same Regulation.

The sanctions were imposed following a complaint that the petitioner had been contacted on his telephone number for marketing purposes by a Telekom representative, even though he had withdrawn his consent to the use of his personal data upon termination of the relationship contracts with the operator.

Subsequently, the petitioner exercised his right to object to the processing of his personal data for marketing and advertising purposes by requesting the operator to delete his telephone number and e-mail address from Telekom's database.

However, the petitioner was again contacted by a Telekom representative for marketing purposes. Thus, the petitioner sent the operator a new request not to be contacted anymore and to delete his phone number and email address from the database. Following this request, the operator informed the petitioner that his e-mail address and telephone number had been deleted from the customer management system, confirming, at the same time, that he had been called by a Telekom representative, who, due to a human error, he did not realize that he did not have petitioner's permission to call him.

During the investigation, the National Supervisory Authority found that Telekom Romania Communications SA processed the personal data of the petitioner for marketing purposes without having a legal basis, thus violating the provisions of art. 6 of the GDPR.

Also, the operator contacted the petitioner by phone even though he had exercised his right of opposition, thus violating the provisions of art. 21 of the GDPR.

In this context, we remind you that Chapter III of Regulation (EU) 2016/679 regulates the rights of the data subject: the right to information, the right of access, the right to rectification, the right to deletion ("the right to be forgotten"), the right to restriction of processing, the right to data portability, the right to opposition, the right not to be subject to a decision based exclusively on automatic processing, the right to lodge a complaint with a supervisory authority.

Legal and Communication Department

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