

[doc. web no. 9038811]

Injunction against Acentro s.r.l. - June 21, 2018

Register of measures

no. 392 of 21 June 2018

#### THE GUARANTOR FOR THE PROTECTION OF PERSONAL DATA

IN today's meeting, in the presence of Dr. Antonello Soro, president, of dott.ssa Augusta Iannini, vice president, of dott.ssa Giovanna Bianchi Clerici and of prof.ssa Licia Califano, members and of dott. Giuseppe Busia, general secretary;

CONSIDERING the art. 1, paragraph 2, of the law of 24 November 1981, n. 689, pursuant to which the laws that provide for administrative sanctions are applied only in the cases and for the times considered in them;

NOTING that the Guardia di Finanza, special privacy unit, in execution of the request for information no. 9054/102969 of 30 March 2016 formulated pursuant to art. 157 of the legislative decree lgs. June 30, 2003 no. 196, containing the Code regarding the protection of personal data (hereinafter the "Code") has carried out, formalizing it with the reports of operations carried out dated 15 and 16 June 2016, a control activity against Acentro s.r.l. VAT number: 00641340922, with headquarters in Cagliari, via Calamattia n. 2, in the person of the pro-tempore legal representative. This control activity made it possible to ascertain that the company, as owner, in relation to the processing of personal data of its customers who purchase a vehicle or request assistance or maintenance on the car, has not proceeded to designate the persons in charge of the treatment pursuant to of the art. 30 of the Code and to give them the prescribed instructions, thus disregarding the provisions of Annex B to the Code, rules nos.rr. 1-10 and 12-15;

HAVING REGARD TO the report drawn up by the Special Privacy Unit of the Guardia di Finanza on 3 August 2016, in which, inter alia, Acentro s.r.l. was charged with the administrative violation, which cannot be briefly defined pursuant to art. 16 of the law of 24 November 1981, n. 689, provided for by art. 162, paragraph 2-bis of the Code, in relation to the measures indicated in art. 33;

CONSIDERING that the party does not appear to have made use of the faculties provided for by art. 18 of the law n. 689/1981 (by not presenting defense writings to the Authority or asking to be heard);

NOTING, therefore, that Acentro s.r.l. has processed personal data (art. 4 paragraph 1, letter a) and b) of the Code) of the personal data of its customers who purchase a vehicle or who request assistance or maintenance on the car, failing to adopt

the minimum security measures pursuant to art. 33 of the Code or designate the persons in charge of the treatment pursuant to art. 30 of the Code, without giving them the prescribed instructions, in violation of the provisions of Annex B to the Code, rules nn.rr. 1-10 and 12-15;

CONSIDERING the art. 162, paragraph 2-bis, of the Code which punishes the violation of the provisions indicated by art. 167, among which the art. 33 of the same Code, with the administrative sanction of the payment of a sum from ten thousand euros to one hundred and twenty thousand euros;

CONSIDERING that, for the purposes of determining the amount of the pecuniary sanction, it is necessary to take into account, pursuant to art. 11 of the law of 24 November 1981 n. 689, of the work carried out by the agent to eliminate or mitigate the consequences of the violation, of the seriousness of the violation, of the personality and economic conditions of the offender and that, therefore, the amount of the pecuniary sanction with reference to the violation referred to in art. 162, paragraph 2-bis must be quantified as 10,000.00 (ten thousand) euros;

HAVING REGARD to the documentation in the deeds;

HAVING REGARD to the law of 24 November 1981 n. 689, and subsequent modifications and additions;

HAVING REGARD TO the observations of the Office, formulated by the general secretary pursuant to art. 15 of the Guarantor's regulation n. 1/2000;

SPEAKER Prof. Licia Califano;

ORDER

to Acentro s.r.l. VAT number: 00641340922, with headquarters in Cagliari, via Calamattia n. 2, in the person of the pro-tempore legal representative, to pay the sum of 10,000.00 (ten thousand) euros as a pecuniary administrative sanction for the violation envisaged by art. 162, paragraph 2-bis of the Code, as indicated in the justification;

ENJOYS

to the same subject to pay the sum of 10,000.00 (ten thousand) euros according to the methods indicated in the annex, within 30 days of notification of this provision, under penalty of the adoption of the consequent executive acts pursuant to art. 27 of the law of 24 November 1981, n. 689, prescribing that, within 10 (ten) days from the payment, receipt of the payment must be sent to this Authority, in original or certified copy.

Pursuant to articles 152 of the Code and 10 of Legislative Decree lg. no. 150/2011, opposition to this provision may be lodged

with the ordinary judicial authority, with an appeal lodged with the ordinary court of the place where the data controller has his residence, within the term of thirty days from the date of communication of the provision itself or sixty days if the appellant resides abroad.

Rome, 21 June 2018

PRESIDENT

Soro

THE SPEAKER

Califano

THE SECRETARY GENERAL

Busia