

08/09/2022

## A new penalty for breaching GDPR

In June 2022, the National Supervisory Authority completed an investigation at the operator SC Wabag Water Services SRL and found a violation of the provisions of art. 5 para. (1) lit. a) and para. (2) and of art. 6 of the General Data Protection Regulation.

The operator SC Wabag Water Services SRL was fined 4,945.40 lei (the equivalent of 1000 EURO).

The investigation was started as a result of receiving complaints from a petitioner claiming that her personal data was used by her own employer (SC Wabag Water Services SRL), without her consent, in order to register and program her on the national platform of vaccination for carrying out the vaccine against Covid-19.

During the investigation, it was noted that the operator SC Wabag Water Services SRL used the personal data of the petitioner (employee of the operator) for the purpose of registering and scheduling her on the national scheduling platform for vaccination against Covid-19, in 2021, without doing proof of the existence of the petitioner's consent and without the existence of another situation in which consent is not necessary, thus violating the provisions of art. 5 para. (1) lit. a) and para. (2) and of art. 6 of Regulation (EU) 2016/679.

In this context, we emphasize that art. 5 of Regulation (EU) 2016/679 establishes a series of principles that must be respected in the context of data processing. Among them is the one regarding the processing of data in a legal, fair and transparent manner towards the data subject ("legality, fairness and transparency"), this being provided for in art. 5 para. (1) lit. a) from the regulation.

At the same time, art. 5 para. (2) of Regulation (EU) 2016/679 provides that the operator is responsible for compliance with the processing principles and can demonstrate this compliance (principle of responsibility).

Legal and Communication Department

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