

Decision on appeal with registration № PPN-01-368 / 09.04.2019 DECISION» PPN-01-368 / 2019 Sofia, 20.02.2020

Commission for Personal Data Protection (CPDP) composed of: Chairman: Ventsislav Karadzhov and members: Tsanko Tsolov and Veselin Tselkov at a meeting held on 04.12.2019 , pursuant to Art. 10, para. 1 of the Personal Data Protection Act in connection with Art. 57, § 1, letter “e” of Regulation (EU) 2016/679, considered on the merits a complaint reg. № PPN-01-368 / 09.04.2019, filed by I.S. and T.S. The administrative proceedings are by the order of art. 38 of the Personal Data Protection Act (PDPA). The Commission for Personal Data Protection was seised with a complaint filed by I.S. - personally and in his capacity as a proxy of his wife TS, in which allegations of illegal processing of their personal data by "E.E. “EOOD in connection with received and sent items by cash on delivery, without being clients of the company and without using its services or presenting their personal data to the same. The complainants inform that they learned about the violation on 22.02.2019 during the invitations handed to them by the NRA in connection with audits of tax liabilities concerning undeclared income from received and sent, through the company, cash-on-delivery items. They claim that their personal data has been misused and that they are being processed by the company without legal grounds. In addition, the applicant I.S. indicates that during the period of providing the services he was in a hospital, for the stay in which he presented a certified copy of two epicrisis. With regard to his wife, he states that he is disabled with 98% degree of disability, for which he submits a copy of Expert Decision № ****, and is objectively unable to personally receive and / or submit items to the company's office. They claim that as a result of the violation they have suffered non-pecuniary damage related to anxiety and worries and ask the Commission to engage the administrative and criminal liability of the company. Relevant evidence is attached to the complaint. In the conditions of the official principle laid down in the administrative process and the obligation of the administrative body for official collection of evidence and clarification of the actual facts relevant to the case, from “E.E. “EOOD relevant evidence has been requested in the case, and an opportunity has been provided to express a written opinion on the allegations set out in the complaint. In response PPN-01-368 # 2 / 25.04.2019 from "E.E. EOOD inform that in the database of E.E. “EOOD has no information available about the complainant. They indicate that the company processes personal data of the complainant Mr. I.S. and specify that an internal investigation is underway in the case, after which they will inform the CPDP. In the course of the proceedings and with a letter PPN-01-368 # 3 / 14.04.2019 from "E.E. “EOOD inform that in the database of the company the person I.S. appears as a client with a client card created on 27.11.2017 at 11:22:26 through an online platform with

registration of "E.E. "EOD, namely ****. They added that the indicated data - names and telephone number were provided by the person who created the registration and specified that the indicated number was different from the one of the complainant. Inform that the names of Mr. I.S. and his unique civil number were provided to the company by a person who had them and introduced himself as Mr. I.S. and in this connection they claim that the complainant's personal data "does not leak" from the information system of E.E. EOD and in this sense there is no compromising their protection by default. They point out that, according to a representative of the relevant office where the services were provided, "the person received the amounts according to the power of attorney". They admit that V.V. - employee of a trading partner "T.K. EOD, servicing the respective office, has violated the standards of E.E. EOD did not request and archive a copy of the power of attorney, by virtue of which the client introduced himself as Mr. IS has received the sums of money. In this regard, they point out that the company has taken measures and Mr. V.V. was dismissed, sanctions were imposed on "T.K. EOD, the NRA has been informed that the postal transfers received on behalf of Mr. IS have been received by another person and the data of Mr. IS are subject to abuse. They add that a signal was submitted to the Ministry of Interior for the case, and to Mr. IS compensation for the inconvenience was offered. In addition to the opinion and in support of the allegations set out in it, with the accompanying letter PPN-01-368 # 7 / 05.07.2019, relevant evidence is attached. Given the statements of "E.E. "Ltd. allegations from" T.K. "EOD evidence relevant to the case has been requested, an opportunity has been provided for expressing an opinion on the case, but such have not been engaged. In the course of the proceedings by letter PPN-01-368 # 6 / 21.06.2019 the applicants informed that in the revision proceedings instituted against them it was established that in the period 01.01.2017 - 31.12.2017 on behalf of Mr. -n I.S. shipments have been received and sent through "L.E. "EOD, without having used the services of the company or provided his personal data to the same. In that regard, they also asked the Commission to examine the lawfulness of the processing of the applicant's personal data and that of the company. In this regard, "L.E. "EOD was informed about the initiated proceedings and the allegations made by the complainant, in response to which opinion PPN-01-368 # 9 / 26.07.2019 was expressed for unfoundedness of the complaint, with relevant evidence attached to it. The company claimed that they did not process the applicant's personal data. As regards the applicant, Mr I.S. indicate that in the period 19.12.2017 to February 2018 the person has used the services of the company as a sender of clothes and materials through cash on delivery services, for which the relevant bills of lading and cash receipts have been drawn up, and in the latter the recipient has entered his full name, PIN and signature and has verified his identity by providing an identity document. In this connection, they point out that

the company processes the complainant's personal data lawfully - on the basis of consent objectified in the signed expenditure cash orders received from Mr. I.S. the amounts with cash on delivery, and the allegations of Mr. I.S. found unfounded and unproven. In order to clarify the case from the legal and factual point of view, the NRA requested information about the initiated revision proceedings, the results of the inspections carried out in the case and personal data about the complainants submitted by the courier companies. In response and by letter PPN-01-368 # 12 / 03.09.2019 relevant evidence was presented related to the audits of the applicants, and at a later stage in the proceedings Mr. I.S. submits and issued audit acts stating "no violations found". In the course of the proceedings it was established the existence of an inspection initiated in the case on a file with ent. № *** according to the list of RU-SDVR, in which, according to the parties in the proceedings, an examination of the signature made by the recipient of the consignments was carried out with conclusions that the signature was not made by the complainant Mr. I.S. In this regard, a letter ***** from RU-SDVR requested information about the progress and results of the inspection carried out by RU-SDVR and a certified copy of the expert report / expertise prepared in the case, as well as a copy of provided by "E .E. "EOOD materials - recordings from video surveillance cameras, reference with information about received imposed payments and money transfers from IS, receipts for receipt of monetary amounts and electronic statements on acceptance / delivery of shipments and monetary amounts. In response and after a letter from the latter was sent to the RU-SDVR again, a reference was presented in which they informed about a file with ent. № **** according to the inventory of RU-SDVR on a signal submitted for the case by A.A. - Manager of "T.K. "Ltd. They indicate that an expert report № *** has been prepared, which shows that I.S. has not issued cash orders of "E.E. "EOOD and added that the file was sent to the SRS with an opinion on instituting criminal proceedings, where they inform that the investigation assigned to the case has not been completed. The Commission for Personal Data Protection is an independent state body that protects individuals in the processing of personal data and in accessing such data, as well as control over compliance with the LPPD and Regulation (EU) 2016/679. In order to exercise its powers, the Commission must be properly seised. The complaint contains obligatory requisites - data about the complainants, the nature of the request, date and signature, in view of which it is regular. It is procedurally admissible, filed within the term under 38, para. 1 of LPPD by natural persons with legal interest against competent parties - legal entity - administrators of personal data within the meaning of Art. 4, para. 7 of Regulation EU 2016/679, the quality of which undoubtedly have "E.E. EOOD, L.E. EOOD and T.K. "Ltd. The complaint concerned the misuse of the applicants' personal data in connection with cash on delivery received and sent on their behalf. It is referred to a

competent body to rule - the CPDP, which according to its powers under Art. 10, para. 1 of LPPD in connection with Art. 57, § 1, letter "e" of Regulation (EU) 2016/679, deals with complaints against acts and actions of data controllers that violate the rights of data subjects related to the processing of personal data, as there are no the exceptions under Art. 2, § 2, letter "c" and Art. 55, § 3 of the Regulation in view of the fact that the case does not concern processing activities performed by a natural person in the course of purely personal or domestic activities and / or activities performed by the courts in the performance of their judicial functions. For the stated reasons and in view of the lack of prerequisites from the category of negative under Art. 27, para. 2 of the APC, at a meeting of the CPDP held on 30.10.2019 the appeal was accepted as procedurally admissible and as parties in the proceedings were constituted: complainants - I.S. and T.S. and respondent parties - "E.E. EOOD, L.E. EOOD and TK EOOD. The parties have been regularly notified of the open meeting scheduled for 04.12.2019 for consideration of the complaint on the merits. They were instructed to distribute the burden of proof in the process, the opportunity to get acquainted with the evidence gathered in the case, as well as the opportunity to make requests on the evidence and to present new ones relevant to the dispute. In order to clarify the case from a legal and factual point of view, it is allowed to perform a handwritten examination of the signature placed in the presented by "L.E. Ltd. Expenditure cash orders № *****, in the part concerning the signature of the person I.S. For the latter's purposes, the applicant provided comparative material, which was sent to the National Institute of Forensics (NIC). A graphic expertise was prepared, reflected in Protocol № 19 / DOK-286 of 25.11.2019, according to the inventory of NIK, sent to the CPDP with a cover letter PPN-01-36832 / 03.12.2019, with the conclusion that the signatures - object of the expertise were not passed by the applicant I.S. In the course of the proceedings of "E.E. "EOOD presented additional evidence and information relevant to the case, including recordings from video surveillance cameras, provided by letter ex. № 7772 / 19.06.2019 according to the inventory of the company of RU-SDVR. The company informs about the taken organizational and technical measures for personal data protection and adds that "the training program of the employees in the system of" E.E. "EOOD, concerning the obligations for identification of the client and protection of personal data". They claim that in view of the established violation, the processing of the personal data of Mr. I.S. - the client's card, created in his name, has been officially canceled, and all documents containing his personal data have been archived and stored within the time limits provided for in the LMPIP, TPSC and the LCA. At an open meeting of the CPDP held on December 4, 2019, the complaint was considered on the merits. The applicant I.S. - regularly notified, appears in person and through his attorney lawyer VN, with a power of attorney in the file, upholds the appeal. The applicant, T.S. - regularly notified,

does not appear, is represented by I.S. and lawyer VN, who upheld the appeal. „E.E. "Ltd. - regularly notified - is not represented. „L.E. "Ltd. - regularly notified - is not represented. „T.K. "Ltd. - regularly notified, represented by AA with a power of attorney for the file. The parties, separately, state that they are acquainted with the evidence gathered in the file, have no requests for evidence, do not point to new evidence. The applicant, Mr I.S. and lawyer VN maintain an opinion on the merits of the complaint and ask the commission to sanction the illegal actions of the companies. Mr. IS indicates that he knows J.G. insofar as they were neighbors, but stated emphatically that he had no contractual relationship with her, did not provide his personal data to her, did not authorize her to represent him before third parties natural and / or legal persons. The procedural representative of "T.K. EOOD - does not dispute the complaint. Informs that the processed shipments with cash on delivery have been processed by an employee of "T.K. "Ltd. - VV, the same brought as a defendant in the proceedings instituted in the case in the Sofia District Prosecutor's Office, initiated by" T.K. "Ltd. He adds that as a defendant in the same case, J.G. - the person received and sent cash-on-delivery items on behalf of the applicant, Mr IS, who signed the documents issued by the company concerning the items. He points out that he personally found, during the inspection of the video surveillance cameras in the site, the violation committed by Mr. VV, who "did not archive" a power of attorney for representative power of J.G. However, he alleged that the applicant's personal data had "not expired" by T.K. EOOD, insofar as they were introduced in 2017 in the platform ****, through which the registration of the name of the complainant was made. In addition, he clarifies that when providing the service in the company's office, the person must be identified, which is why he considers that "Mr. V.V. take responsibility". He claims that "T.K. "Ltd. is also a victim of what happened. In his capacity of administrative body and in connection with the need to establish the truth of the case, as a basic principle in administrative proceedings, according to Art. 7 of the Code of Administrative Procedure, requiring the existence of established facts, given the evidence gathered and the allegations made by the parties, the Commission considers that considered on the merits of the complaint № PPN-01-368 / 09.04.2019 is partially justified. In issuing the decision, the change in the legal framework in the field of personal data protection and the fact that from 25.05.2018 the Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and the fact that from 02.03.2019 force Act to amend and supplement the Personal Data Protection Act. Account is also taken of the fact that Regulation (EU) 2016/679 has direct effect, and legal facts and the consequences arising from them before the application of the Regulation should be assessed according to the substantive law in force at the time of their

occurrence. In the specific case, when collecting data, such are the material provisions set out in the LPPD in the wording before 02.03.2019, in view of the fact that the collection and use of data is in the period before the application of EU Regulation 2016/679. With regard to the storage of personal data of the person, the provisions of the ORD are relevant insofar as it concerns processing, which continues after the date from which the Regulation applies, taking into account the fact that the provision of Art. 4, para. 1 of LPPD corresponds to the provision of art. 6, § 1 of the Regulation and does not contradict it, as both provisions impose an obligation for lawful processing of personal data, in this case - storage, in the presence of a condition for admissibility of processing. In view of the evidence gathered in the case file and the distribution of the burden of proof in the proceedings, it was established that it was unfounded and unproven in respect of the applicant TS, as there was no evidence of processing the latter's personal data EOOD, L.E. EOOD and T.K. EOOD, and it should be noted that the allegations in the opposite direction are disputed by the companies. The complaint is well-founded with regard to the complainant I.S. From the evidence gathered in the file it was established that the personal data of Mr. I.S. in a volume of three names and a single civil number are processed by "E.E. EOOD, L.E. EOOD and T.K. "EOOD illegally, without the existence of a condition for admissibility of the processing. The latter is evidenced by the expertise prepared in the case reflected in Protocol № 19 / DOK-286 of 25.11.2019, on the list of NIK, the expert report № *** on the list of RU-SDVR, as well as the results of the internal inspection by "E.E. "EOOD and the subsequent actions taken by the same, as well as the video material attached to the file and the presented epicrisis, the latter testifying that during the trial period the person was accommodated in a hospital. It is common ground that the applicant's personal data were processed without his knowledge and consent and without a valid contractual relationship between the parties. The processing is not performed in fulfillment of a statutory obligation, is not necessary to protect the life and health of the individual, nor to perform a task in the public interest or to exercise powers granted to an administrator by law, as well as to implement legal interests of an administrator that take precedence over the interests of the individual. As far as various forms of personal data processing are concerned, namely collection, use and storage, it should be noted that with regard to the collection of personal data carried out in the period January - February 2018 by "L.E. EOOD and in the period December 2017 - February 2018 by T.K. "EOOD, the material legal norm of art. 23, para. 1 of LPPD, currently repealed, but effective as of the date of the violations - data collection. In this regard, it should be noted that the provision of Art. 23, para. 1 of LPPD (revoked) corresponds to the provision of Art. 25 of the Regulation and does not contradict it. In connection with the above with regard to the collection of personal data of the

complainant from "T.K. "EOD on 17.10.2017, 19.12.2017, 03.01.2018, 05.01.2018, 10.01.2018, 19.01.2018, 05.02.2018, 07.02.2018. and 09.02.2018 and their use as registered on sent and received on behalf of Mr. I.S. courier shipments, through "E.E. EOD, with cash on delivery, the commission considers that there is a violation by T.K. "EOD of the provision of art. 23, para. 1 of LPPD (revoked) insofar as it concerns illegal processing - collection of personal data, the same as a result of technical and organizational measures taken by the company to protect personal data, respectively to individualize the sender and recipient of shipments. It is undisputed that there are written rules in the file regarding the processing, including the collection of customer data and their individualization when using specific services, but evidence in the file shows that they are not systematically observed by the company and are rather formal . For this reason, and in view of the fact that the infringement has caused damage to the complainant and it is repeated, but repeated and systematic insofar as it concerns the processing of data 9 times within 5 months, the Commission considers it appropriate to engage the administrative-criminal liability of „T.K. "EOD and to impose a property sanction on the latter. It should be noted that insofar as Mr. V.V. is an employee of the company, namely TK EOD bears administrative and criminal responsibility for his actions in collecting the personal data of the complainant and their use for registration and provision of cash on delivery services. It is indisputable that the data of the complainant were processed, in case of storage by "E.E. Ltd., in its capacity as a client of the company in connection with the above services for sending and receiving cash on delivery. The same is without legal grounds, a fact which is also recognized by the company, and is illegal, in violation of Art. 4, para. 1 of LPPD (revoked), respectively Art. 6, § 1 of EU Regulation 2016/679 insofar as there is no condition for admissibility / legality of processing in view of the fact that it is indisputably established that data were processed without the knowledge and consent of the complainant and without valid contractual relations between the parties. Although the data were not collected from E.E. EOD, and from "T.K. EOD, for the first company has not dropped out, but on the contrary, there is an obligation to process - store the same in the presence of a condition for admissibility / legality of processing, which is not present in this case. However, it should be noted that after being notified of the complaint, the administrator "E.E. EOD acted in good faith - it took action to establish and terminate the violation, and notified the competent authorities referred to the case - NRA and CPDP, sanctioned the behavior of its trading partner "T.K. EOD, also offered financial compensation to the complainant for the non-pecuniary damages caused by the violation - "anxiety", and the client card, created in the name of Mr. I.S. has been officially annulled. He restricted the processing of personal data of Mr. I.S. - all documents containing his personal data are archived and stored within the time

limits and for the purposes provided for in the Law on Personal Data Protection, the TPSC and the LCA. Given the above and the involvement of "T.K. EOOD to the violation, the commission qualifies these actions of the administrator "E.E. EOOD as mitigating, in determining the corrective measure imposed on the company, and given the established violation and the activity of the company considers it appropriate and effective to impose a measure under Art. 58, § 2, letter "d" of the Regulation - order to comply with the processing of personal data with the provisions of EU Regulation 2016/679, including, but not limited to those under Art. 6, § 1 of it. In this regard, and considering it appropriate to point out "E.E. EOOD that it should carry out regular inspections, including, but not limited to, to perform risk analysis of its customers according to certain criteria, as well as to conduct on-site inspections in the offices of its trading partners and to train its employees related to the processing of personal data, insofar as the introduction of such mechanisms could lead to the prevention of breaches and / or their detection at a much earlier stage. The Commission finds the complaint well-founded with regard to "L.E. "Ltd. There is indisputable evidence that the company has processed, in the conditions of personal data collection in the period 19.12.2017 to February 2018, and at the time of ruling, processes - stores personal data of the complainant as a customer who used the services of the company, sender of clothes and materials through cash on delivery services. The expertise attached to the file testifies that the processing is illegal in violation of Art. 4, para. 1 of LPPD (revoked), respectively Art. 6, § 1 of EU Regulation 2016/679 insofar as there is no condition for admissibility / legality of processing in view of the fact that it is indisputably established that data were processed without the knowledge and consent of the complainant and without valid contractual relations between the parties. The processing is not performed in fulfillment of a statutory obligation of the personal data controller, is not necessary to protect the life and health of the individual, nor to perform a task in the public interest or to exercise powers granted to the controller by law, as and to realize the legitimate interests of the administrator, which should take precedence over the interests of the individual. The violation resulted in damages for the complainant and given the fact that it is not a one-time, but a systematic violation at the stage of collection of personal data - namely 7 times in three months, namely on 29.12.2017, 08.01 .2018, 12.01.2018, 22.01.2018, 07.02.2018, 09.02.2018 and 12.02.2018, the Commission considers that the company has not taken the necessary technical and organizational measures to protect personal data of the natural person from illegal processing, as a result of which the rights of the person referring to the CPDP have been violated. In this regard, the commission considers it appropriate and effective to impose a property sanction on "L.E. EOOD for violation of Art. 23, para. 1 of LPPD (repealed), the last provision relevant to the argument of Art. 142 of the APC, insofar as the violations - the

collection of data were committed in the period before the application of the Regulation, and it should be noted the composition of the act under EU Regulation 2016/679. With regard to the storage of personal data of the complainant in his capacity as a client of the company, which was indisputably established that it is not in respect of process shipments, and insofar as processing for these purposes is illegal and without a condition of admissibility under Art. 4, para. 1 (repealed) LPPD, respectively Art. 6, § 1 of the Regulation, the Commission, taking into account the activity of the company, considers it appropriate and effective to impose a measure under Art. 58, § 2, letter "d" of the Regulation - order to comply with the processing of personal data with the provisions of EU Regulation 2016/679, including, but not limited to those under Art. 6, § 1 of it. In this regard, and considering it appropriate to point out "L.E. "EOD that it should carry out regular inspections, including, but not limited to, risk analysis of its customers and employees, according to certain criteria, to conduct training of employees related to the processing of personal data, as far as the introduction such mechanisms could lead to the prevention of violations and / or their detection at a much earlier stage. In addition, it considers it appropriate, insofar as it is indisputably proven that the complainant is not a client of the company in connection with the processed shipments, to indicate to the controller that the processing of his personal data should be limited by destroying / canceling the client card name, and to archive and store all documents containing his personal data only for the purposes and terms provided for in the Law on Personal Data Protection, the TPSC and the LCA. The Commission considers that with regard to the established violations of Art. 23, para. 1 of LPPD (repealed) the imposition of a different one from the one indicated in Art. 58, para. 2, letter "i" of the Regulation, a corrective measure - property sanction, is inappropriate in this case, as it should be noted that the measures under Art. 58, § 2, letter "a", "c", "e", "e", "g" and "j" are inapplicable due to the nature of the violations and the intensity of the tape. In the present case, the pecuniary sanction provided for in Article 58 (2) (i) of the Regulation is the most appropriate, effective, dissuasive and proportionate for the protection of the legitimate public interest. It should be noted that in addition to a purely sanction measure, a reaction of the state to the violation of the statutory rules, the property sanction also has a disciplinary effect, in view of the non-commission of the same violation in the future. The administrator is obliged to know the law and to comply with its requirements, moreover, that he owes the necessary care provided by law and arising from his subject of activity, human and economic resources. Having regard to the purpose of the penalty, which should have a deterrent and deterrent function, the nature and gravity of the penalty, the public relations it affects, the categories of personal data affected by the infringement, the Commission considers that the principle of proportionality between the imposed property

sanctions should be in the amount of BGN 5,000 - an amount well below the average minimum provided in the Regulation for these violations, the same provided in the norm of Art. 42, para. 9 of LPPD for violation of Art. 23 of the LPPD. In determining the amount of the property sanctions and in accordance with the conditions under Art. 83, para. 2 of the Regulation, the Commission took into account that although the violations are the first for the administrators "T.K. EOOD and L.E. "EOOD and to violate the rights of one person, they are with a high degree of public danger. As aggravating circumstances in determining the amount of the sanction, the commission took into account that these are systemic and not one-time violations, as in the case of "T.K. EOOD, as well as in relation to L.E. "Ltd. The violations have been completed by the act of execution and are irreparable, and they have become known to the CPDP and the companies, as a result of the referral to the Commission by the victim. As an aggravating circumstance was taken into account the fact that the data were used to create financial and contractual obligations of the person, as well as that it concerns the illegal processing of a single civil number - a special identifier. The circumstances under Art. 83, para. 2, letter "b" and "i" of the Regulation are irrelevant insofar as they concern personal data controllers - legal entities that do not form guilt, and at the time of the violations approved codes of conduct, respectively approved certification mechanisms are not introduced. Taking into account the purpose of the penalty, which should have a deterrent and warning function, the nature and gravity of the violation, public relations, categories of personal data affected, the Commission considers that the corrective measures and sanctions imposed in type and amount undoubtedly meet Regulation 2016/679 efficiency and deterrent effect, while not violating the principle of proportionality and the requirement of proportionality. Guided by the above and on the grounds of Art. 38, para. 3 of the Personal Data Protection Act, the Commission for Personal Data Protection, DECIDES: 1. Declares complaint PPN-01-368 / 09.04.2019 unfounded, in the part concerning allegations of illegal processing of personal data of the complainant T. S.2. Declares the complaint to be well-founded, in the part concerning allegations of unlawful processing of the personal data of the complainant I.S.

3. On the grounds of art. 83, § 4, letter "a" in connection with Art. 58, § 2, letter "i" of EU Regulation 679/2016 imposes on "TK" EOOD with UIC *****, an administrative penalty - a property sanction in the amount of BGN 5,000 (five thousand levs) for processing - collection of the personal data of the complainant in violation of Art. 23, para. 1 of LPPD (repealed), respectively Art. 25, para. 1 of EU Regulation 2016/679, namely - not taken technical and organizational measures.

4. On the grounds of art. 58, § 2, letter "d" of the Regulation and for processing - storage of the personal data of the complainant in violation of Art. 6, § 1 of EU Regulation 2016/679 issues to "EE" EOOD with UIC ***, an order to comply with

the processing of personal data with the provisions of EU Regulation 2016/679, including, but not limited to, those under Art. 6, § 1 of it. In this regard, and considering it appropriate to instruct EE EOOD that it should carry out regular inspections, including, but not limited to, to perform risk analysis of its customers and employees according to certain criteria, to conduct on-site inspections in the offices of its trading partners, as well as to conduct periodic training of employees related to the processing of personal data, insofar as the introduction of such mechanisms could lead to the prevention of violations and / or their detection at a much earlier stage.

5. On the grounds of art. 83, § 4, letter "a" in connection with Art. 58, § 2, letter "i" of Regulation EU 679/2016 imposes on "LE" EOOD with UIC ***, administrative penalty - property sanction in the amount of BGN 5,000 (five thousand levs) for processing - collection of the personal data of the complainant in violation of Art. 23, para. 1 of LPPD (repealed), respectively Art. 25, para. 1 of EU Regulation 2016/679, namely - not taken technical and organizational measures.

6. On the grounds of art. 58, § 2, letter "d" of the Regulation and for processing the personal data of the complainant in violation of Art. 6, § 1 of EU Regulation 2016/679 issues to "LE" EOOD with UIC ***, an order to comply with the processing of personal data with the provisions of EU Regulation 2016/679, including, but not limited to, those under Art. 6, § 1 of it.

Indicates to the company that it should conduct regular inspections, including, but not limited to, risk analysis of its customers and employees according to certain criteria, to conduct periodic training of employees related to personal data processing, as far as the introduction of such mechanisms would could lead to the prevention of violations and / or their detection at a much earlier stage. In addition, it instructed the controller that the processing of the complainant's personal data should be limited by destroying / canceling the client card created in his name and archiving and storing all documents containing his personal data only for the purposes and deadlines provided for in the LMPIP, TPSC and ZSCH.

The decision is subject to appeal within 14 days of its service through the Commission for Personal Data Protection before the Administrative Court Sofia - city.

After the entry into force of the decision, the amount of the imposed penalties should be transferred by bank transfer:

Bank of the BNB - Central Office, IBAN: BG18BNBG96613000158601, BIC BNBGBGSD

Commission for Personal Data Protection, BULSTAT 130961721.

THE CHAIRMAN:

MEMBERS:

Ventsislav Karadzhov

Tsanko Tsolov

Veselin Tselkov / p /

Downloads

Decision on the appeal with registration № PPN-01-368 / 09.04.2019

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