

Home » Practice » Decisions of the CPLD for 2021 » Decision on appeal with reg. No. PPN-01-871/04.12.2020 Decision on appeal with reg. No. PPN-01-871/04.12.2020 DECISION no. PPN-01-871/2020 Sofia, 27/09/2021 The Commission for the Protection of Personal Data ("the Commission"/"KZLD") composed of: Chairman - Vencislav Karadjov and members - Tsanko Tsolov, Maria Mateva and Veselin Tselkov, on a regular basis meeting held on 21.07.2021, based on Art. 10, para. 1 of the Personal Data Protection Act in connection with Art. 57, paragraph 1, letter "f" of Regulation 2016/679 examined the merits of appeal No. PPN-01-871/04.12.2020, submitted by D.L.B. (D.B.) Administrative proceedings are in accordance with Art. 38 of the Personal Data Protection Act (PAPA). The complainant informed that she was repeatedly summoned by various law enforcement authorities in connection with the liquidation of various enterprises, as the person DLB, bearing her names, unlawfully used her EGN. This mental harassment started in 2016. Mrs. D.B. indicates that she submitted an application on 15.09.2016 to the Municipality of Varna, MD Directorate, to which there was no response. When she was repeatedly called by the police authorities that she was the liquidator of certain companies, from where she found out that the number of the same was 74. She filed a complaint with the Montana District Prosecutor's Office. By Decree of 31.12.2018, District Prosecutor O.D. ruled that it refuses to initiate pre-trial criminal proceedings and closes the file, since the circumstances are due to the coincidence of the names - of the complainant and the liquidator, and that competent actions have been taken to correct the detected technical error in the information arrays. After about a year Mrs. D.B. she was not wanted for giving explanations on the liquidation of commercial companies, after which she again started receiving phone calls from the National Revenue Agency about another company she had liquidated. The last one was on 01.12.2020 by the National Revenue Agency. The complainant requests that proceedings be initiated and that the relevant penalties be imposed on the guilty person. After receiving the complaint, an official check was made in the public register of registered liquidators, published on the website of the Registration Agency. A screen print was made for the registered liquidator D.L.B. Varna, profession "lawyer". In the conditions of the official beginning laid down in the administrative process and in fulfillment of Art. 26 of the APC, the interested party - National Revenue Agency (NRA) - has been notified of the initiation of the proceedings. The possibility under Art. 34, para. 3 of the APC for expressing an opinion with relevant evidence on the allegations made in the complaint. The NRA states that an inspection carried out in the specific case established that the data for the targeted companies were entered into the NRA through automatic integration by the Registration Agency for circumstances entered in the Commercial Register and the Register of Non-Profit Legal Entities, such as the person D.L. B. appears with his three names, but without a Social Security

number. According to data from the GRAO register, entered in the NRA register with these three names, three persons with different social security numbers are identified. This required employees of the National Revenue Agency to carry out an additional inquiry in the legal information system "Siela", from which they found that the applicant's personal identification number as a representative/liquidator is related to several companies - Company 1, Company 2 (on the occasion of which she received the invitation from the TD of the National Narcotics Agency Varna dated 13.10.2017), Company 3 and Company 4. Providing an answer as to how the uniform civil number of the applicant Mrs. D.B. was reflected in the specified legal information system is beyond the competence of the National Revenue Agency. The NRA states that, at the moment, the incorrect entries with the EGN for the applicant as a representative/liquidator in the companies in question have been deactivated in the agency's register. In connection with what was stated in the NRA opinion and the attached screenshots, an official check was made through the legal information system "Siela" on the lots of Company 1, Company 3 and Company 4. The person D.L.B. was listed as the liquidator of the three companies. with social security number 79****. The Registration Agency (ABp for short), as a third party, requested the documents for the appointment of a liquidator of the above-mentioned companies, the notarized consents under Art. 266, item 3 of the Civil Code, as well as information on whether there is a document on the lot of the companies, with which the liquidator is individualized with the EGN. The ABp indicate that for inclusion in the list of liquidators, an application is submitted by the person to whom the relevant documents are attached. From the inspection carried out in the registry of the Registry Agency, it was established that on 09.12.2015 Mrs. D.L.B. with EGN 80**** submitted documents for inclusion in the list of liquidators to the Registration Agency and based on them was included in the list. The registration official at the Registration Agency appoints ex officio a liquidator in the cases provided for by law. In the case of forced liquidation, the ex officio appointed liquidator may accept the appointment by presenting a notarized agreement with a specimen signature on the specific merchant's account pursuant to Art. 266, para. H of the Labor Code or refuse the appointment by submitting a refusal to take office. In relation to the commercial companies mentioned in the letter of the CPLD, the inquiry was made and it was established that their commercial activity was terminated on the basis of Art. 155, item 3 of the Commercial Code and compulsory liquidation proceedings have been opened. For the trader Company 4 - in liquidation, to the present moment, Mrs. D.L.B. has been appointed as the liquidator of the company. with Act for the appointment of a liquidator No. ***/12.11.2019. Within the period specified in the act, the liquidator did not give consent under Art. 266, para. 3 of the Commercial Code and has not filed a waiver of liquidation. At the moment, Mrs. M.S.S. Within

the term specified in the act, the liquidator did not give consent under Art. 266, para. 3 of the Commercial Code and has not filed a waiver of liquidation. Regarding the lot of Company 1 - in liquidation, Mrs. D.L.B. has been appointed liquidator. with Act for the appointment of a liquidator No. ***/22.06.2020. Within the period specified in the act, the liquidator did not give consent under Art. 266, para. 3 of the Commercial Code and did not submit an application requesting to be released as a liquidator. The Acts for the appointment of a liquidator with the names "DLB" for the three companies that acted on the file have also been requested from the Registration Agency. In the same, the TIN of the liquidator does not appear. In connection with an official inspection, it was established that D.L.B. with EGN 79***** and the same address and telephone number as those indicated in the complaint is registered in the BULSTAT register as an agricultural producer. In view of the established and in the conditions of the official beginning laid down in the administrative process and in fulfillment of Art. 26 APC, the interested party - "Siela Norma" AD - was notified of the initiation of the proceedings. The possibility under Art. 34, para. 3 of the APC for expressing an opinion with relevant evidence on the allegations presented in the complaint. The company states that all data regarding entered and deleted circumstances, declared and deleted acts in the Commercial Register and the Commercial Register, which are contained in the product "Siela Info", "Siela Norma" JSC receives in files from the Agency for Contributions pursuant to a contract. The data received from ABn are automatically generated in the system. The personal data specified in the letter - names D.L.B. and EGN 79*****, were received by the Registration Agency in the manner described above. After a check by the Siela Info product manager, the files containing the specified data were not found, which is why the company came to the conclusion that the data is from a long-ago period. The Company does not store all files received from ABn, as the information is very large and storing all the information that is received from ABn would place an excessive load on the Company's systems. For this reason, the files received from AVp are periodically deleted. In the packages received automatically under the integration service, the practice of the State Agency for identifying the persons in their capacity as official appointments under the EGN has been suspended, and a reference to the liquidators can only be made in the published lists of liquidators on the website of the State Agency, where the person D.L. .B. appears. The reference in Siela indicates that the names DLB actually appear in the majority of the documents, but the addressee and the EGN correspond and refer to the person exercising the legal profession, as there are no documents related to and bearing the personal data of the complainant. The acts for the appointment of a liquidator, attached to a letter to the CPLD from the Registration Agency with ex. No. 07-00-25/01.04.2021, are from the period in which the TIN is no longer recorded in these acts. From the

information presented in the complaint to the CPLD, it is clear that for a period of one year, the person was not asked for explanations regarding the liquidation of companies. Obviously, the inconsistency was removed in the information arrays of the Registration Agency, but in the information systems of Ciela Info, this was not applicable, because the practice of entering current identifiers - EGN from the State Registration Office has already been discontinued. Otherwise, the correction would be implemented automatically. It is evident from the registered documents for refusal to accept the appointment that the person actually has a different TIN, but this circumstance is not integrated in that part of the information arrays of the ABp that they receive from Ciela Norma, and it is not submitted as a new one in the automated XML format, which they use to build and update their information systems. Since the person is the only one with these three names on the list of liquidators, the first knowledge of the TIN from the Ciela system was 79*****, not 80*****, as it can now be seen in some documents observes. Corrections by order of business in AVp are invisible to Ciela's information systems. And this collision was reproduced with every new entry of a person with the names D.L.B. The check for changes is automatic and expects the appearance of new persons or the deletion of old ones in the automatically generated lists. Ciela states that after receiving the letter from CPLD, reviewing the documentation and making an inquiry at the TRRYULNC, the company made a correction in the system and the person D.L.B. with identification number 79***** does not appear in Ciela Info as a liquidator of commercial companies.

Regarding the regularity and admissibility of the complaint, the CPLD finds the following: In order to exercise its powers, the Commission should be validly referred. The considered complaint complies with the regularity requirements under Art. 29 of the APC, Art. 38a, para. 2 of the Labor Code and under Art. 28, para. 1 of the Regulations for the Activities of the Commission for the Protection of Personal Data and its Administration (PDKZLDNA) – there are data on the complainant; nature of the request; date of knowledge of the violation; person against whom the complaint is filed; date and signature. The complaint is procedurally admissible - submitted within the period under Art. 38, para. 1 of the GDPR by a data subject claiming that his rights have been violated under Regulation 2016/679 or the GDPR. The complaint was referred to a body competent to make a decision - the Commission for the Protection of Personal Data, which according to its powers under Art. 10, para. 1 of the Labor Code in connection with Art. 57, paragraph 1, letter "f" of Regulation 2016/679 deals with complaints submitted by data subjects. The prerequisites for admissibility are also present under Art. 27, para. 2 of the APC. At a closed meeting of the Commission held on 19.05.2021, the complaint was declared admissible and the following were constituted as parties to the proceedings: complainant D.B. and respondent: National Revenue Agency, Registration Agency and Siela Norma JSC. The

parties have been notified of the open meeting scheduled for 21.07.2021 to consider the dispute on its merits. The Registration Agency has been given the opportunity to express an opinion and provide information on several issues. The State Audit Office provides the following information on the questions raised: 1. Is the liquidator's personal identification number included in the acts for the appointment of liquidators? If it does not fit, was there such a practice in the past and when was it discontinued? According to the provision of Art. 134, para. 3 of the Ordinance, the act of appointment should contain only information about the name, education and specialty of the liquidator, the legal entity in which the liquidator is appointed, the liquidator's remuneration, as well as a deadline for providing notarized consent from the liquidator with a sample of his signature . The TIN of the selected liquidator is not entered in the acts for the appointment of a liquidator. In the Registration Agency, it is not a practice to enter the TIN of the selected liquidator in the act of appointment. 2. Does the Registration Agency provide the EGN to the registered liquidators of the companies with which there are contracts for obtaining information from the agency's database? The provision of Art. 12, para. 1, item 6 of the ZTRRYULNC provides for the possibility for the Registration Agency to provide the entire database under Art. 2 of the ZTRRYULNC or structured parts of it through specialized services for automated access to the commercial register and to the registrar of non-profit legal entities against payment of a fee. According to Art. 2. para. 1 of ZTRRYULNC The commercial register and the register of non-profit legal entities is a common electronic database containing the circumstances entered by law and the acts announced by law for traders and branches of foreign non-profit legal entities. The database stores information on the cases of registered traders and non-profit legal entities for an indefinite period of time, and all cases are divided into lots. In fulfillment of the obligations stipulated in the ZTRRYULNC, circumstances related to the liquidation of traders are entered in the register, including and on the procedure for the appointment of liquidators. In this regard, the Registration Agency does not provide EGN to registered liquidators of companies. The only acts that are presented in relation to the liquidators are the acts of appointment and, as stated above, they do not contain the TIN of the appointed liquidator, but only three names, education, correspondence address, contact telephone number and e-mail. 3. What information and files have been provided to "Siela Norma" JSC (on the basis of Contract No. 93-00-123/25.06.2008 concluded with this company) regarding the entry of a liquidator with the names D.L.B. of the companies Company 1, Company 3 and Company 4? Pursuant to the concluded contract, the Registration Agency provides Siela Norma AD with one-time access to the entire database containing information on commercial entities as of the date of provision, as well as up-to-date information on entries, deletions and announcements in the database under Art.

2 of ZTRRYULNC. In this regard and in view of the circumstances, that the liquidation proceedings in accordance with the legal requirements are subject to entry in the Commercial Register and the Register of Non-Profit Legal Entities, the information provided in connection with the concluded contract on the cited companies are three names of the liquidator - D.L.B., respectively the files that have been provided are acts of appointment with No. ***/12.11.2019; No. ***/26.10.2018 and No. ***/22.06.2020. An additional opinion was submitted by Siela on the file. Ciela emphasizes that if there was a discrepancy between the person's data in Ciela Info and the data in the TRRULNC, the relevant state authorities that sought the applicant in her capacity as a liquidator should have referred to the official data contained in the TRRULNC as an official public register. Reference to Ciela data in the work of these bodies means that they are subscribers of Ciela Info, to which the General Terms of Use of Computer Legal Information Systems "Siela" versions 5.1 and higher apply. In section X "RESPONSIBILITY" of these general conditions, it is written that the information provided by "Siela Norma" JSC through the legal and informational products "Siela" has a reference and informational nature. Ciela Norma shall not be liable for any loss, direct, indirect or consequential damages and lost profits, resulting from or in connection with the use of the Ciela IPR, as well as the improper use or inability and lack of experience in the use of the IPR. With a precise check of the data and the ability to work with the information product, it can be seen that in the majority of the documents the names D.L.B. appear, and the address and the EGN correspond and refer to the person exercising the legal profession. Obviously, there is a technical error due to the coincidence of the three names of two different persons, whose TINs are public due to the registration of the persons in public registers: Trade register and BULSTAT register - one as an agricultural producer - D.L.B. with identification number 79*** (the applicant), the other as liquidator - D.L.B. with EGN 80****, about which, however, the company was not notified neither in 2018, when the error was discovered, nor later - neither by the state authorities nor by the interested party. At the open hearing held to consider the appeal, the parties did not appear or represent themselves. With this established, the Commission considered the complaint on its merits, accepting it as partially justified based on the following: Regulation 2016/679 and the Personal Data Protection Act (PDPA) define the rules regarding the protection of natural persons in connection with the processing of their personal data, as well as the rules regarding the free movement of personal data. The aim is to protect fundamental rights and freedoms of natural persons, and in particular their right to protection of personal data. The subject of the complaint is an allegation of unlawful processing of the complainant's personal data by designating her as the liquidator of several companies and seeking her in this capacity from authorities. From the factual side, the following was established: As

can be seen from the written evidence submitted to the complaint, messages were sent to the complainant from the National Revenue Agency, and she was identified by three names (D.L.B.), EGN (79*****) and address (Montana, ****) and states that he is the liquidator of several commercial companies. Through the specified data, the applicant can be identified in an undoubted way within the meaning of Art. 4, item 1 of Regulation 2016/679. An official check in the public register of liquidators, maintained by the Registration Agency, testifies that a person with the same names - DLB, is duly entered as a liquidator in the register. From the registration documents presented by the Registration Agency, it is established that the person entered in the register has a different social security number - 80*** and a different address - Varna, ****. The address is listed in the public register, but the EGN is not. The NRA requested information on where it got the applicant's personal identification number, which is not publicly indicated in the register of liquidators. The NRA states that according to data from the GRAO register, there are three persons with these three names with different social security numbers. This necessitated a check in the legal information system "Siela" on the lot of several companies, where the applicant's personal identification number was reflected as the liquidator of the companies. Printouts are presented to this effect. An official check confirmed what was indicated by the National Revenue Agency, that on the account of three companies (Company 1, Company 3 and Company 4)) a person with the names "D.LB" and EGN 79***** is indicated as the liquidator - that of the applicant. In the documents required by the Registration Agency for the appointment of a liquidator with the names "DLB" for the three companies, the contact details - address, e-mail, phone number - of the person entered in the public register of liquidators are entered. EGN is not entered. If so determined, the processing of the applicant's personal data by each of the personal data administrators should be considered: 1. Registration Agency: The Registration Agency does not process the applicant's personal data. The person entered in the register of liquidators is different from the applicant. In the deeds for the appointment of liquidators of the three companies, data about the person entered in the register is indicated. Contrary to Siela's claims, no evidence has been presented that the Registration Agency provided the applicant with a personal identification number - in the documents for the appointment of a liquidator presented by the Civil Registry Agency, no personal identification number is indicated, and Siela states that they do not store the information received for a long period. because it is in huge volume and loads the servers, as well as due to the fact that the data format changes and the old ones become unusable. It should be noted here that the requisites for the act of appointment of a liquidator upon his official appointment by a registration official are legally defined in Art. 134, para. 3 of Ordinance No. 1 of February 14, 2007 on keeping, storing and accessing the commercial

register and the register of non-profit legal entities and are: the name, education and specialty of the liquidator, the legal entity in which the liquidator is appointed, the remuneration of the liquidator, as well as a deadline for the presentation of a notarized agreement by the liquidator with a sample of his signature. These details have been determined since January 2009, and the appointment of a person named "DLB" as liquidator of the Company 1, Company 3 and Company 4 is from the period 2019-2020. In view of the above, it was not established that the Registration Agency provided the applicant's personal identification number to Ciela, therefore the complaint against her is unfounded.

2. National Revenue Agency: NRA has processed the applicant's personal data (identification number, address, phone number) to contact her, considering her to be the liquidator of several companies - by sending letters, calling by phone. As stated, the applicant is not the liquidator of these companies, but a third party with identical names. In this case, the employees of the NRA did not carry out a complete and indisputable identification of the person - the liquidator of the companies. After receiving information from the Registration Agency, they found out the three names of the liquidator, then, due to the lack of a personal identification number, they checked with GRAO, where there were three different persons with these names. After a check in the legal information system Siela Info for the lots of the companies, the applicant's social security number was also known, where her social security number was incorrectly indicated. Despite the presence of three persons with identical names, the National Revenue Agency did not take additional steps to identify the liquidator and relied on the information from Ciela Info. This is evidenced by the fact that the applicant was searched at her address and telephone number, which data, upon checking the public register of registered liquidators at the Registration Agency, would be found to be different from those of the registered liquidator. It should be stated here that the applicant is entered in the BULSTAT register as an agricultural producer and her address and telephone number, at which she is wanted by the NRA, are entered on her lot in the register. This data is apparently available in the NRA system and is processed for tax purposes. In this case, however, they were also processed for other purposes - to contact the applicant in the capacity of "liquidator" of commercial companies, which capacity she does not have. Therefore, there is a violation of the principle of limitation of the objectives under Art. 5, paragraph 1, letter "b" of Regulation 2016/679, according to which personal data are collected for specific, explicitly stated and legitimate purposes and are not further processed in a manner incompatible with these purposes.

3. "Siela Norma" JSC: Siela processed the personal data of the complainant by specifying her unique civil number on the accounts of several companies to which a liquidator was appointed with identical names as hers. As stated in point 1, Siela does not share the opinion that the applicant's personal identification

number was provided to the company by the Registration Agency through the automatically received service packages for the integration between the Commercial Register and the Siela legal information system, carried out on the basis of a concluded contract. The appellant and the registered liquidator are different persons. Therefore, the identification of the applicant through the EGN as a liquidator of commercial companies under their lot is inaccurate. The principle of accuracy in the processing of personal data under Art. 5, paragraph 1, letter "d" of Regulation 2016/679 provides that personal data should be accurate and, if necessary, kept up-to-date. The fact that the Ciela legal information system is an information database means that it has an obligation to comply with this principle. By indicating the applicant's personal identification number as the liquidator of several commercial companies, which she does not have, the stated principle of accuracy is violated. In the case of violations committed by the NRA and Ciela Norma, the complaint should be partially upheld. CPLD has operational independence, and in accordance with the functions assigned to it, it assesses which of the corrective powers under Art. 58, par. 2 of Regulation 2016/679 to exercise. The assessment is based on considerations of expediency and effectiveness of the decision, taking into account the specifics of each specific case and the degree of impact on the interests of the specific natural person - data subject, as well as the public interest. The powers under Art. 58, par. 2, without the one under letter "i", have the nature of coercive administrative measures, the purpose of which is to prevent or stop the commission of a violation, thus achieving the due behavior in the field of personal data protection. The administrative penalty "fine" or "property penalty" under Art. 58 par. 2, letter "i" has a punitive nature. When applying the appropriate corrective measure under Article 58, par. 2 of the Regulation takes into account the nature, severity and consequences of the violation, as well as all mitigating and aggravating circumstances. The assessment of what measures are effective, proportionate and dissuasive in each individual case also reflects the goal pursued by the selected corrective measure – prevention or termination of the violation, sanctioning of illegal behavior or both, which possibility is provided for in Art. 58, par. 2, letter "i" of Regulation 2016/679. The violation committed by the NRA is characterized by a lower degree of public danger, since in this case the officials were misled by the reference in the Ciela legal information system. In addition, there is no evidence that the applicant made an official request to the National Revenue Agency to delete or correct her data as a liquidator of companies. In the course of the proceedings, the NRA indicated that they had deleted the applicant from their systems as liquidator of companies. Given the many mitigating circumstances, the CPLD finds that it should issue an official warning to the National Revenue Agency on the basis of Art. 58, paragraph 2, letter "b" of Regulation 2016/679. The same is intended to draw attention to the administrator to take more careful

actions when identifying the persons in similar cases given the reasons for the present decision and as a warning that in the case of a subsequent similar violation, a pecuniary sanction could also be imposed. Regarding the violation committed by Siela, CPLD accepts that the applicant's personal identification number was not provided to Siela by the Registry Agency. Since the applicant is entered separately in the BULSTAT register as an agricultural producer, there is a reasonable assumption that there is automatic indexing and transfer of the TIN for persons with identical names, when there is no TIN for one of them. In view of the above, CPLD finds that it follows on the basis of Art. 58, paragraph 2, letter "d" of Regulation 2016/679 to order the administrator to comply with the processing operations with the provisions of the regulation on the accuracy of the processed data, by checking its system for possible automatic indexing and entry of TINs of persons with identical names in the absence of the EGN from the source of information. CPLD considers that, in addition to the mentioned order, it should also impose an administrative penalty "property penalty" for the violation committed on the basis of Art. 83, paragraph 5, letter "a" of Regulation 2016/679. An aggravating circumstance that determines the imposition of a pecuniary sanction is that Ciela provides the information database to all its customers, i.e. unlimited to available and potential users, and in the case of inaccurate information, it is possible to mislead both private legal entities and government authorities, as is the case here. It was the incorrect indication of the applicant's personal identification number in Ciela Info that led to the repeated search for the applicant by various authorities, which Mrs. D.B. defined as "this mental harassment". The specific circumstances for determining the amount of the property sanction, in accordance with Art. 83, paragraph 2 of Regulation 2016/679, are the following: Letter "a" - nature, severity and duration of the violation, number of affected entities and damage caused: the processing consists in the undisputed identification of a natural person by indicating the personal identification number. So far, the person has not been identified by just his three names and no additional identifying information. In this case, the wrong person was identified in front of all third parties who use the Ciela Norma product, which also led to a search for the person by various authorities in connection with the liquidation of several commercial companies. These are burdensome liability circumstances. No pecuniary damages have been established, but the complaint contains an allegation of non-pecuniary ones - "this mental harassment" in connection with the search of the complainant by various authorities. This is directly and immediately related to the violation - if the applicant's TIN had not been indicated in Ciela Norma as a liquidator of companies, it would not have been possible to search for her in connection with this activity. This is also an aggravating circumstance. One data subject was affected by the breach, which mitigates liability. Letter "b" - whether the violation was

committed intentionally or negligently: the violation was committed by a legal entity that is not at fault. Letter "c" - actions to mitigate the consequences of damage: no property damage is caused, non-property damage cannot be removed. Letter "d" - degree of responsibility given the introduced technical and organizational measures: the violation does not refer to failure to take technical and organizational measures. Letter "e" - related previous violations: there is no breach of data security within the meaning of Article 33 of the Regulation or other related violations - a mitigating circumstance. Letter "e" - degree of cooperation with the supervisory authority to eliminate the violation and mitigate the adverse consequences: after learning about the complaint, an internal check was carried out by the administrator and actions were taken to correct the still available EGN of the complainant as a liquidator of batches of companies . This is a mitigating circumstance. Letter "g" - affected categories of personal data: EGN - unique national identifier. Special categories of personal data are not processed within the meaning of Art. 9 of Regulation 2016/679 – mitigating circumstance. Letter "h" - knowledge of the violation by the supervisory authority: after referral to the supervisory authority by the data subject. Letter "i" - previous corrective measures imposed and whether they have been complied with: no measures have entered into force under Art. 58, par. 2 of the Regulation at the time of rendering the decision. Letter "y" - adherence to approved codes of conduct or certification: no approved codes of conduct at the time of processing.

Letter "k" - other circumstances: not established.

According to Art. 10d of the WPLD when exercising its tasks and powers in relation to administrators or processors of personal data that are micro-enterprises, small and medium-sized enterprises, the WPLD should take into account their special needs and available resources. In this sense, when imposing the administrative penalty "property penalty", the amount should be determined in a way that does not create exceptional difficulties for the sanctioned administrator or processor. An analysis of the company's financial data shows that the administrator falls within the concept of a medium-sized enterprise within the meaning of Art. 3 of the Law on Small and Medium Enterprises.

After discussing all mitigating and aggravating circumstances in their totality, the CPLD finds that the amount of the administrative penalty "property penalty" should be in the amount of BGN 5,000.

Thus motivated and based on Art. 38, para. 3 of the Personal Data Protection Act, the Commission for the Protection of Personal Data

RESOLVE:

1. Declares complaint No. PPN-01-871/04.12.2020, filed by D.L.B., as groundless against the Registry Agency.
2. Declares complaint No. PPN-01-871/04.12.2020, filed by DLB, as well-founded against the National Revenue Agency for violation of Art. 5, paragraph 1, letter "b" of Regulation 2016/679.
3. Based on Art. 58, paragraph 2, letter "b" of Regulation 2016/679 sends an official warning to the National Revenue Agency for data processing operations that violated the provision under item 2.
4. Declares complaint No. PPN-01-871/04.12.2020, filed by D.LB., as well-founded against "Siela Norma" JSC for violation of Art. 5, paragraph 1, letter "d" of Regulation 2016/679.
5. Based on Art. 58, paragraph 2, letter "d" of Regulation 2016/679 for the violation under item 4 orders "Siela Norma" JSC to comply with the processing operations with the provisions of the regulation on the accuracy of the processed data, by checking its system for possible automatic indexing and entry of TINs of persons with identical names in the absence of TINs from the source of information. Deadline for implementation of the order 3 months from the entry into force of the decision, after which the CPLD will be notified of the implementation with presentation of the relevant evidence.
6. Based on Art. 58, paragraph 2, letter "i" of Regulation 2016/679 in connection with Art. 83, paragraph 5, letter "a" imposes on the personal data administrator "Siela Norma" AD with EIC 130199580, an administrative penalty "property penalty" in the amount of BGN 5,000 (five thousand) for the violation under item 4.

This decision can be appealed within 14 days of its delivery through the Commission for the Protection of Personal Data, before the Administrative Court of Sofia - city.

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

BNB Bank - CU

IBAN: BG18BNBG96613000158601 BIC BNBBGGSD

Commission for Personal Data Protection, BULSTAT 130961721

In case the sanction is not paid within 14 days from the entry into force of the decision, actions will be taken to collect it forcibly.

CHAIRMAN:

MEMBERS:

Vencislav Karadjov /p/

Tsanko Tsolov /p/

Maria Mateva /p/

Veselin Tselkov /p/

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Decision on appeal with reg. No. PPN-01-871/04.12.2020

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