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»Practice» Decisions of the CPDP for 2018

»Decision on the appeal with registration № PPN-01-94 / 15.02.2018 Decision on the appeal with registration № PPN-01-94 / 15.02.2018

ANSWER

№ PPN-01-94 / 2018

Sofia, July 10, 2018

The Commission for Personal Data Protection (the "Commission") composed of Tsvetelin Sofroniev, Maria Mateva and Veselin Tselkov, at a regular meeting held on 30.05.2018 and objectified in the minutes № 25 / 30.05.2018, on grounds of art. 10, para. 1, item 7 of the Personal Data Protection Act considered an admissibility of a complaint with registration № PPN-01-94 / 15.02.2018, filed by H.P.P. against TB EAD.

The Commission for Personal Data Protection has been seised with a complaint Reg.

Mrs. H.P.P. informs the Commission that on 28.10.2015 her wallet with personal documents, debit cards was stolen, a fact of which she informed and reported to the I Regional Police Department - V. on 31.10.2015, for which a file was opened. On 16.03. In 2016, an official from the III Regional Police Department V. informed Ms. HPP that there was a detained person and the ID card was found. The applicant received her personal documents from the First Regional Police Department - V. and, as invalid, submitted them for destruction.

In June 2016, at her personal address, the applicant received an invitation from a collection company to pay outstanding debts to TB EAD. After a check in the store of TB EAD, Mrs. H.P.P. found that a contract for two issues had been concluded in her name on 14 November 2015. The complainant explained in the office of TB EAD that it was an abuse of her personal identity, for which there was evidence.

She filed a complaint with TB EAD, and in response the company refused to provide a copy of the concluded contracts.

The complainant informed that she had never used the services of TB EAD and that the company had used her personal data to conclude contracts without her knowledge and consent.

The complaint of H.P.P. is fully compliant with the requirements for regularity, according to Art. 30, para. 1 of the Rules of Procedure of the Commission for Personal Data Protection and its administration (PDKZLDNA), namely: there are data about

the complainant, the nature of the request, date and signature.

Considered admissible, the appeal is procedurally inadmissible.

According to Art. 27, para. 2 of the Administrative Procedure Code (APC), the administrative body checks the prerequisites for the admissibility of the request with which it is seised. The legislator links the assessment of the admissibility of the request with the presence of special requirements established by law, for which the respective administrative body monitors ex officio (Article 27, paragraph 2, item 6 of the APC). Such requirements are regulated in the Personal Data Protection Act (PDPA). The norm of art. 38, para. 1 of the LPPD provides for a limitation period for referral to the Commission - within one year of learning of the violation, but not later than five years from its commission. The complainant states that she found out about the illegal processing of her personal data in the sixth month of 2016. She found that the alleged violation of her rights under the LPPD was committed in 2016. The complaint was filed with the Commission on 15.02.2018. the alleged violation was committed two years before the filing of the complaint - in this sense provided in Art. 38, para. 1 of LPPD term has not been met.

It should be borne in mind that from 25.05.2018 in all Member States 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 shall apply. data and on the free movement of such data and repealing Directive 95/46 / EC (General Data Protection Regulation), i.e. at the time of issuing this decision there is a change that should be taken into account under Arg. of Art. 142, para. 1 of the APC and Art. 15, para. 2 of the Law on Normative Acts. In this sense, the Commission for Personal Data Protection considers that the provisions of the Personal Data Protection Act discussed above do not contradict the regulation.

In view of the above and on the grounds of Art. 27, para. 2, item 6 of the APC in connection with Art. 38, para. 1 of LPPD, the Commission ruled as follows

ANSWER:

Announces a complaint with registration № PPN-01-94 / 15.02.2018, filed by H.P.P. against TB EAD for procedural inadmissibility and terminates the proceedings.

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

MEMBERS:

Tsvetelin Sofroniev / p /

Maria Mateva / p /

Veselin Tselkov / p /

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