

04.03.2021

#### Penalty for violation of the RGPD applied to an individual

The National Supervisory Authority completed on 16.02.2021 an investigation into a natural person, who held, at the same time, the position of Secretary General within a sector branch in Bucharest of a political party and found a violation of the provisions of art. 32 para. (1) and (2) and the provisions of art. 58 para. (1) lit. a) and e) of the General Data Protection Regulation.

The natural person, as an operator, was sanctioned with a fine of a total amount of 2,437.35 lei (the equivalent in lei of 500 EURO).

The investigation was launched following the receipt of a complaint alleging that on a social network, on the personal page of a natural person holding the position of Secretary General within a sector branch of a political party, a list of 10 positions with signatories / supporters for the election of the General Council and the Mayor of Bucharest, in which their personal data are accessible, disclosing name and surname, signature, citizenship, date of birth, address, series and document number identity, the political choice of the signatories / supporters.

During the investigation, the National Supervisory Authority found that the operator, contrary to the obligations established by art. 32 of the RGPD, did not implement adequate technical and organizational measures to ensure a level of security appropriate to the risk of processing for the rights and freedoms of individuals, which led to disclosure to the general public and unauthorized access to personal data of a number of 10 natural persons concerned, supporters of a candidate in the local elections of September 2020, although according to art. 5 lit. f) of the RGPD, had the obligation to respect the principle of "integrity and confidentiality".

Therefore, the operator was sanctioned for contravention for violating the provisions of art. 32 RGPD on processing safety.

At the same time, the operator was sanctioned for minor offenses and for the deed provided by art. 83 para. (5) of Regulation (EU) 679/2016, reported to art. 58 para. (1) lit. a) and letter e) and corroborated with art. 8 of O.G. no. 2/2001 as it did not respond to the requests of the National Authority for the Supervision of Personal Data Processing.

The authority also applied to the operator the corrective measure to delete the data revealed by posting on its personal page on a social network the list of signatories / supporters for the election of the General Council and the Mayor of Bucharest.

In accordance with the above, recital (39) states that a "(...) Personal data should be processed in a manner that adequately

ensures their security and confidentiality, including in order to prevent unauthorized access to them or the unauthorized use of personal data and the equipment used for processing. "

At the same time, recital 83 states: "In order to maintain security and prevent processing in breach of this Regulation, the controller or the controller should assess the risks inherent in the processing and implement measures to mitigate such risks, such as encryption. . Those measures should ensure an appropriate level of security, including confidentiality, taking into account the current state of development and the costs of implementation in relation to the risks and the nature of the personal data whose protection is to be ensured. When assessing the risk to the security of personal data, attention should be paid to the risks posed by the processing of data, such as destruction, loss, alteration, unauthorized disclosure or unauthorized access to personal data transmitted, stored or otherwise processed. accidentally or illegally, which may lead in particular to physical, material or non-material damage. "

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