

24.08.2021

Penalty for GDPR violation

In August 2021, the National Supervisory Authority completed an investigation at the operator Actamedica SRL and found a violation of the provisions of art. 12 para. (3), art. 15 para. (1), art. 28 para. (1), art. 32 and art. 33 of the General Data Protection Regulation.

As such, the operator Actamedica SRL was sanctioned for contravention:

with a fine of 9,836.6 lei (equivalent to 2,000 EURO), for violating art. 28 para. (1) and art. 32 of the General Data Protection Regulation;

with a fine in the amount of 4918.3 lei (the equivalent of 1,000 EURO) for the violation of art. 33 of the General Data Protection Regulation;

with a warning, for violating the provisions of art. 12 para. (3) and art. 15 para. (1) of the General Data Protection Regulation.

The investigation was started as a result of receiving a complaint that Actamedica SRL from Târgu-Mureș sent information to a natural person about the loss of his biological samples and a sum of money sent through a courier company, the parcel arriving damaged at the addressee. When asked to be informed what personal data was exposed to him on this occasion and whether ANSPDCP was notified in relation to this incident, in the response sent the operator indicated to the individual the contact details of the company's lawyer and an e-mail address from the courier company to express their "grievances".

During the investigation launched, the National Supervisory Authority found that Actamedica SRL did not adopt sufficient security measures, according to art. 28 para. (1) and 32 of the GDPR, adapted to the nature of the personal data that were processed, which led to a security incident. In this context, it was found that the provisions of art. 28 para. (1) and art. 32 of the General Data Protection Regulation.

Also, the National Supervisory Authority found that the operator did not notify the National Supervisory Authority of the security incident mentioned above, thus violating the provisions of art. 33 of the General Data Protection Regulation.

On the same occasion, the National Supervisory Authority noted that Actamedica SRL did not present evidence from which it could be concluded that it communicated an answer to the postal address of the natural person concerned regarding the categories of personal data that were exposed to him during the incident respectively, related to the express request sent.

Therefore, it was found that the provisions of art. 12 para. (3) and 15 par. (1) of the General Data Protection Regulation.

Also, the following corrective measures were applied to the operator:

the corrective measure to ensure compliance with the General Data Protection Regulation of personal data processing operations, by implementing technical and organizational security measures appropriate to the specifics of the processing and identified risks, throughout the data processing cycle, including under the aspect the election of authorized persons who present sufficient guarantees for the implementation of appropriate technical and organizational measures, so that the processing complies with the requirements provided for in the regulation and ensures the protection of the rights of the persons concerned;

the corrective measure to respond to the data subject's request, regarding the categories of personal data concerned by the occurrence of the security incident, and to communicate the response to the postal address indicated in the request.

Legal and Communication Department

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