

GZ: 2020-0.111.488 from October 19, 2020 (case number: DSB-D550.279)□

[Note editor: Names and companies, legal forms and product names,□

Addresses (incl. URLs, IP and email addresses), file numbers (and the like), etc., as well as□

their initials and abbreviations may be abbreviated for reasons of pseudonymization□

and/or changed. Obvious spelling, grammar and punctuation errors□

have been corrected.]□

penal order□

Accused: Dr. P*** K***, [ZIP] [City], [Street, HNr.]□

As the person responsible within the meaning of Art. 4 Z 7 of Regulation (EU) 2016/679 on□

Protection of natural persons in the processing of personal data, for free□

data traffic and repealing Directive 95/46/EC (General Data Protection Regulation, im□

the following:□

"GDPR"), OJ No. L 119□

from the□

05/04/2016 S1,□

following□

Administrative offence(s) committed:□

In any case, from the **. February 2020 to anyway **. June 2020 on your□

personal facebook page below□

(https://www.facebook.com/****) Excerpts from□

Patient letters, findings and□

other medical records/protocols□

released. The published data include in detail patient names,□

Findings data, medical diagnoses, medication data, admission and discharge data□

of hospitals, social security numbers of patients, and the names of□

treating physicians.□

You have personal data - including health data in mind ☐

of Art. 4 Z 15 GDPR - processed contrary to the prohibition of Art. 9 Para. 1 GDPR. this ☐

because ☐

a) no express consent from all those affected by the processing ☐

exists, and ☐

b) the processing does not conclude with any of the other provisions of Art. 9 Para. 2 GDPR ☐

standardized exceptions can be supported. ☐

By doing so, you have breached the following legal provisions: ☐

Article 5(1)(a), Article 9(1) and (2) in conjunction with Article 83(5)(a) of the Ordinance ☐

(EU) 2016/679 on the protection of natural persons with regard to the processing of personal data, ☐

to the ☐

free movement of data and repealing Directive 95/46/EC ☐

(Privacy- ☐

Basic Regulation), OJ No. L 119 of 4 May 2016, p. 1 (GDPR) ☐

The following penalty will be imposed on you for this administrative offence(s): ☐

fine of euros ☐

if this is irrecoverable, ☐

substitute imprisonment of ☐

according to ☐

€ 600.00 ☐

36 hours ☐

Art. 83 (5) lit. a GDPR in conjunction with §§ 16 ☐

and 47 ☐

administrative penal law ☐

1991 – VStG ☐

Any other statements (e.g. about expiration): ☐

Furthermore, you have to pay according to § 64 paragraph 3 of the Administrative Penal Act 1991 - VStG:□

Euro as a replacement for the cash expenses for□

The total amount to be paid (penalty/cash expenses) is therefore□

600.00□

Euro□

Payment term:□

If you do not object, this penalty order is immediately enforceable. the□

In this case, the total amount must be paid within two weeks after the entry into force of law□

Account BAWAG P.S.K., Georg-Coch-Platz 2, 1018 Vienna, IBAN: AT460100000005490031,□

BIC: BAWAATWW,□

made payable to the data protection authority. When□

The reference number and the completion date may be given□

will.□

If no payment is made within this period, the total amount can be dunned. In□

In this case, a flat-rate contribution to costs of five euros must be paid. He follows□

still no payment, the outstanding amount will be enforced and in the event of his□

uncollectibility, the penalty of imprisonment corresponding to this amount is enforced.□

Legal notice:□

You have the right to appeal this penalty order.□

The objection is within two weeks after service of this penalty order□

submitted to us in writing or orally. In objection you can use your□

present evidence useful for the defence.□

If you raise an objection in good time, we will initiate the regular procedure;□

the objection applies□

in this case as a justification□

within the meaning of § 40 of the□

Administrative Penal Act 1991 – VStG.□

The entire penal order becomes ineffective as a result of the objection. However, this does not apply□

if in the appeal you only expressly state the extent of the penalty imposed or the□

contest the decision on costs.□

No higher penalty may be included in the penal decision issued on the basis of the objection□

be imposed than in this penalty order.□

In the penal decision issued on the basis of the objection, the person convicted is□

Contribution to the costs of criminal proceedings in the amount of 10% of the fine, but at least□

in the amount of 10 euros.□

The objection can be submitted in any technically possible form, by e-mail□

but only to the extent that there are no special forms of transmission for electronic traffic□

are provided.□

Technical requirements□

or□

organizational restrictions□

of□

electronic traffic are announced on the following website:□

Please note that the sender with each type of transmission□

associated risks (e.g. loss of transmission, loss of the document).□