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Fine for GDPR violation

The National Supervisory Authority completed in November 2021 an investigation at the operator Telekom România Communications SA, as a result of which a violation of the provisions of art. 5 para. (1) lit. d) and f) and para. (2), as well as of art. 17 of the General Data Protection Regulation (RGPD).

The operator Telekom România Communications S.A. was penalized as follows:

fine in the amount of 24,745 lei, the equivalent of 5,000 euros, for violating the provisions of art. 5 para. (1) lit. d) and f) and para. (2) from GDPR;

fine in the amount of 4,949 lei, the equivalent of 1,000 euros, for violating the provisions of art. 17 of the GDPR.

The investigation was started as a result of a complaint made by a concerned person in which he complained about the receipt, from the operator Telekom Romania Communications S.A., at his e-mail address, of invoices and notification messages regarding the arrears accumulated by a another person, subscriber of the same company.

During the investigation, the National Supervisory Authority found that the operator erroneously collected and processed certain inaccurate personal data, which also led to the illegal disclosure of some personal data to another natural person, a fact that represents a violation of the principles of personal data processing, established by art. 5 para. (1) lit. d) and f) and para. (2) of the General Data Protection Regulation.

At the same time, during the investigation, it was found that the operator did not take the necessary measures to comply with the request for deletion, according to art. 17 of the General Data Protection Regulation.

The following corrective measures were also applied to the operator:

to ensure compliance with the RGPD of the operations of collection and further processing of personal data, by implementing effective methods to ensure the accuracy of data, including in the case of data collection, such as the electronic mail address, which allow remote communication of personal data. In this sense, the implementation of appropriate and effective security measures was ordered, both from a technical point of view (such as: automated data collection, securing the transmission of documents and messages through encryption/password), and from a technical point of view from an organizational point of view, through regular training of the persons who process data under the authority of the operator;

to ensure compliance with the RGPD in the case of resolving requests for deletion or rectification of personal data, by

adopting appropriate technical and organizational measures to guarantee the effective and correct implementation of these operations in the database(s) used by the operator and the persons authorized by him , as well as the appropriate training of the persons who process data under their authority.

In this context, we mention that by recital (65) of the General Regulation on Data Protection, it was noted that "A data subject should have the right to rectification of personal data concerning him and the "right to be forgotten", if that the retention of this data violates this regulation or the Union law or the internal law under which the operator falls. (...)"

Legal and Communication Department

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