

19.05.2021

Another sanction for violating the RGPD

In April, the National Supervisory Authority completed an investigation at Banca Comerciala Romana S.A. and found a violation of the provisions of art. 5 para. (1) lit. a) and d), art. 5 para. (2) and art. 6 of the RGPD of the General Data Protection Regulation.

Banca Comercială Română S.A., as an operator, was sanctioned with a fine of 9,855.8 lei (equivalent to 2,000 euros).

The investigation was initiated following the receipt of a complaint alleging that Banca Comercială Română S.A. used, without consent, the personal data of an individual in foreclosure proceedings for debts resulting from a credit agreement of which he was unaware.

The petitioner therefore complained about the unauthorized use of his personal data for purposes other than those authorized by him, as well as the use of an address that was no longer relevant and for which the petitioner considered that the bank had illegally accessed a database. He also complained about the lack of information regarding the source of collecting this information according to art. 14 of the RGPD, as well as the failure to receive a response regarding several requests addressed by it to BCR S.A.

During the investigation, the National Supervisory Authority found that Banca Comercială Română S.A. processed the personal data of the petitioner without legal grounds, by erroneously assigning the status of guarantor in 2019, extracting outdated data, using and disclosing his personal data, in notification procedures carried out through a bailiff, regarding arrears to a credit agreement accumulated by a company, client of the bank, with which the petitioner had no relationship, in violation of art. 5 para. (1) lit. a) and d) and art. 5 para. (2), as well as of art. 6 of the RGPD.

The National Supervisory Authority applied to the operator Banca Comercială Română S.A. and the corrective action to ensure compliance with the RGPD of the operations of collection and further processing of personal data, by implementing effective methods of compliance with the exact and current nature of the data, from the moment of data collection and their entry in the operator's database; throughout the processing period; In this regard, the implementation of appropriate and effective security measures will be considered, both from a technical point of view in terms of deleting inaccurate / outdated data, and from an organizational point of view, through training. of data controllers under the authority of the controller.

In this respect, recital (39) RGPD states that "Any processing of personal data should be lawful and fair. (...) All reasonable

steps should be taken to ensure that inaccurate personal data are rectified or deleted. (...) ”

As regards the lawfulness of the processing, recital (40) of the RGPD provides that in another act of Union or national law, as provided for in this Regulation, including the need to comply with the legal obligations to which the operator is subject or the need to perform a contract to which prior to the conclusion of a contract, at the request of the data subject. ”

Legal and Communication Department

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