

Administrative fine imposed on telemarketing company for ignoring an order issued by the Data Protection Ombudsman

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The Data Protection Ombudsman has imposed an administrative fine on a telemarketing company selling natural products, since the company had failed to comply with the Data Protection Ombudsman's previous order concerning the realisation of a data subject's access to their personal data. The telemarketing company had not fulfilled the customer's request to access the recording of a sales call made to the customer. In July 2021, the Data Protection Ombudsman ordered the company to give the customer access to the recording. In the autumn, the customer reported that they still had not received the call recording from the telemarketing company in spite of the Data Protection Ombudsman's order. The Office of the Data Protection Ombudsman looked into the matter with the telemarketing company, which refused the customer access to the call recording even at this point. The recording was only delivered after the Office of the Data Protection Ombudsman had taken measures due to the company's non-compliance and delivered a request for information regarding the imposition of an administrative fine. The Sanctions Board of the Office of the Data Protection Ombudsman finds that the company had not complied with the Data Protection Ombudsman's order to fulfil the request appropriately and within a reasonable period of time. The Sanctions Board imposed an administrative fine of EUR 8,300 to the telemarketing company for non-compliance with an order issued by the Data Protection Ombudsman. This is the first time that the Data Protection Ombudsman has imposed an administrative fine on a controller for non-compliance with an order. The customer who requested the call recording had needed the recording to determine whether the telemarketing company's practices had been legal when marketing and selling its products to an elderly person. The Data Protection Ombudsman has referred the matter to the Finnish Competition and Consumer Authority with regard to the marketing practice. Decision of the Sanctions Board in Finlex (in Finnish) Further information: Data Protection Ombudsman Anu Talus, [anu.talus\(at\)om.fi](mailto:anu.talus@om.fi), tel. +358 29 566 6766 The decision-making of the sanctions board and legal protection of controllers are provided for in the Finnish Data Protection Act. The sanctions board is made up of the Data

Protection Ombudsman and two Deputy Data Protection Ombudsmen, and it has the power to impose administrative fines for violations of data protection legislation. The maximum amount of the administrative fine is four percent of the company's turnover or EUR 20 million.

lawful sanctions