

Litigation Chamber

Decision on the merits 53/2020

from September 1, 2020

File number: DOS-2019-02974

Subject: Complaint due to the sending of an electoral propaganda email

The Litigation Chamber of the Data Protection Authority, made up of Mr Hielke

Hijmans, chairman, and Messrs. Frank de Smet and Christophe Boeraeve, members;

Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the

protection of natural persons with regard to the processing of personal data and the

free movement of such data, and repealing Directive 95/46/EC (general regulation on the

data protection), hereinafter GDPR;

Considering the law of December 3, 2017 creating the Data Protection Authority, hereinafter LCA;

Having regard to the internal regulations as approved by the House of Representatives on

December 20, 2018 and published in the Belgian Official Gazette on January 15, 2019;

Considering the documents in the file;

made the following decision regarding:

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the complainant ;

the defendant: a politician.

1. Facts and procedure

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1.

On May 25, 2019, the complainant submitted a request for information to the Authority of

data protection concerning the defendant's use of his e-mail address

personal for sending an electoral message received on May 22, 2019, addressed in his name by his
Secretary. The complainant points out that he never gave his consent for his address to be used
for this purpose by the defendant. The complainant also denounces the fact that this message was sent to
many recipients placed in copy, which favored the unsolicited distribution of his address
electronically to these third parties.

2.

The letter was worded as follows: "Ladies and gentlemen, dear friends, dear friends, I
am proud to be the [Xth] candidate on the [Y] list for our district [list of municipalities
concerned...]. Allow me to solicit your vote. A good result will allow me with
our team at the College and at the Provincial Council to be even more effective. I want to put everything
implemented to also support our local representatives and their projects. ".

3.

By letter dated July 2, 2019, the Frontline Service of the Data Protection Authority
invited the plaintiff to exercise his rights vis-à-vis the defendant, in this case, his right of opposition
to the processing of their personal data. At the same time, by letter dated July 2, 2019, the Service de
first line contacted the defendant to ask him in particular how he had obtained
the complainant's e-mail address, if he had submitted a data breach notification to the DPA
and what measures have been taken to ensure that this type of incident does not happen again.

4.

Of the respondent's responses to the complainant and to the Front Line Service, it
it appears that the complainant's email address was collected during a request for information
sent in March 2014 by the complainant to the secretary of the mayor of the town of X., to report
a problem of public cleanliness. Specifically, it was an email to
"secretariat.bourgmestre@X.be" concerning a clandestine landfill near the old
city walls which the plaintiff requested to be cleaned. On July 4 indeed, in his letter
addressed to the Frontline Service, co-signed by the respondent, the respondent's secretary

writes the following explanation regarding the collection of the disputed e-mail address: “The addresses come from a “permanence” file organized by the defendant when he was mayor of the city. The plaintiff therefore appears in it for having, at one time or another, had contact with the defendant. The Litigation Chamber cannot therefore follow the defendant in his explanations.

subsequent reports (July 2020) that the disputed email address (and others) were collected via e-mails addressed to him personally and not via an administrative or other service of the municipal administration.¹ The Litigation Chamber therefore understands that the data collected

¹ The defendant sets out the facts as follows: “In addition to the answers that I indicate in the form that you will find duly completed in the appendix, allow me to contradict some elements appearing in your letter: page 3- point 1 – Decision on the merits 53/2020 - 3/13

by the mayor result not only from contacts of citizens with the administration of the city but also, according to the statements of the defendant, emails having been addressed to him personally, this which was not the case with regard to the complainant's e-mail which was indeed collected via the secretariat of the mayor.

5.

Regarding the modus operandi for sending the disputed email, the defendant responded to the questions from the Data Protection Authority by co-signing the following explanation provided by the municipal employee who was his secretary when he was mayor:

“In fact, from my private messaging system, I sent an election advertisement for the defendant, in order to prevent him from using his professional email as a provincial deputy. [...] And this email has been sent spontaneously, failing to put the recipients in CCI. There is therefore no intention to misuse these addresses, nor to harm anyone. It's just a mistake manipulation that we regret. We apologized to the complainant as you have been able to read it”.²

6.

Following these responses, the complainant confirmed to the APD Frontline Service his wish

that his request for information be transmitted as a complaint to the Litigation Chamber of the DPA, by letters of July 11 and 26, 2019. On August 6, 2019, the Frontline Service of the Authority of data protection declared the complaint admissible and forwarded it to the Litigation Chamber.

7.

On August 25, 2019, the Litigation Chamber considered that the file was ready for processing on the merits under articles 95 § 1, 1° and 98 LCA. On the same date, the Litigation Chamber forwarded the complaint and the exhibits to the defendant by registered letter and invited the parties to make their case according to a set schedule. This letter specified that "each of the parties is required to transmit its conclusions simultaneously to the secretariat of the Litigation Division and to the other part".

8.

By letter dated October 14, 2019 received on October 18, 2019, the defendant states that he is at the disposal of the Litigation Chamber to be heard if the Chamber so wishes. the defendant explains in his brief letter that he confirms "that the sending of the file to all of the people was a simple handling error at the time of sending the document which be [sic] individualized".

2nd paragraph – it is stated: "the defendant used in order to send election mail a list of citizens who been in contact with the municipality for various questions. Answer: This statement is not correct. I had actually from a file of people who contacted me personally and not an administrative or other department of the Municipal Administration" (letter from the defendant dated July 6, 2020 addressed to the Litigation Chamber by e-mail dated 2020).

2 Respondent's letter to the APD Front Line Service, July 4, 2019.

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9.

The defendant also indicates that he "sought the opinion of a specialist in the new legislation" to help him supervise his team "in order to avoid in the future any new error of the

kind". The Respondent clarifies that the question of what precautions to take with the e-mail addresses that people have not transmitted spontaneously, is still being analyzed. the Respondent concludes that he thought he was authorized to contact the people who had sent him their address, and that he is now aware that it is "obviously not so obvious".

10.

By email of November 7, 2019, the complainant introduced his arguments as the timetable conclusion invited him to do so. On this occasion, the complainant pointed out that he had not received the conclusions of the defendant, reiterates the elements of his complaint, and asks to retain as an aggravating circumstance that the attacks denounced were committed by a politician in the exercise of his mandate.

11.

The Litigation Chamber resumed the case by written procedure on July 3, 2020 and adopted a draft decision. On the same day, the Litigation Chamber communicated by e-mail to the defendant the amount of the fine envisaged against him, as well as a list of the breaches noted in the GDPR and justifying this amount. In particular, the Chamber found that the Respondent did not submit its conclusions to the complainant. The defendant was invited, by this same e-mail, to put forward his pleas defense in respect of the amount of the proposed fine. In this communication, the Chamber contentious underlined that the debates on the merits were closed. The Litigation Chamber received the defendant's response by email on July 7, 2020 (completed fine form and letter accompanying document dated July 6, 2020).

2. GDPR Breaches

12.

The defendant in his capacity as mayor at the time of the collection of the e-mail address concerned, is the controller of the personal data file that he has compiled from the data of citizens contacting its secretariat and/or itself personally for various requests. It is his responsibility to ensure that the data data subjects have been processed on an appropriate legal basis and in compliance with

strictly the principles laid down by the GDPR. It is also responsible for taking the measures appropriate technical and organizational nature to guarantee in particular that the data does not will not be further processed for a purpose incompatible with the purpose for which they were originally collected and processed (Articles 5.1(f), 6.4 and 32 of the GDPR). It appears from the supplied parts by the defendant himself that he was mayor at the time the disputed e-mail address was collected (email addressed to "secretariat.bourgmestre@....be"). The Litigation Chamber takes note Decision on the merits 53/2020 - 5/13

the fact that the defendant was no longer mayor when the disputed email was sent³. For the part of data collected from emails sent to the secretary of the mayor, the Chamber litigation finds that the defendant therefore processed data collected on a personal basis as mayor, at the very least, the email of the complainant.

13.

On the basis of these elements of the file, the Litigation Chamber considers that it is established which the defendant used in order to send election mail a list of citizens who were in contact with the municipality of which the defendant was then mayor, for various questions related to its function as a public representative, and that the personal data collected in this context would have had to be dealt with for the strict purpose of answering questions posed by citizens.

14.

In its capacity as data controller, the defendant is required to respect the principles data protection and must be able to demonstrate that they are respected (principle liability – article 5.2. GDPR). He must also implement all the measures necessary for this purpose (Article 24 of the GDPR).

15.

The purpose principle is a cornerstone of data protection. Consecrated from 1981 in Article 5(b) of the Convention for the Protection of Individuals with regard to the Processing automated processing of personal data of the Council of Europe (ETS 108), it is set out in

Article 6.1.b) of Directive 95/46/EC of the European Parliament and of the Council of October 24, 1995

on the protection of individuals with regard to the processing of personal data

personal data and the free movement of such data as well as Article 4 § 1, 2° of the Law of 8 December

1992 on the protection of privacy with regard to the processing of personal data

staff. When enshrining the right to data protection as a fundamental right

by article 8 of the Charter of Fundamental Rights of the European Union in 2000, the principle of

purpose has been set out as a key element of this right. This principle has, quite logically, been taken up

Article 5.1.b) of the GDPR under the Principles relating to the processing of personal data

(Chapter II).

16.

Article 5.1.b) of the GDPR thus provides that:

“1. Personal data must be: (...) b) collected for the purposes

determined, explicit and legitimate, and not to be further processed in a manner

incompatible with these purposes; further processing for archival purposes in the interest

public, for scientific or historical research purposes or for statistical purposes is not

3 Letter from the defendant to the Litigation Chamber of July 6, 2020.

4 Article 8 of the Charter of Fundamental Rights of the European Union: 1. Everyone has the right to data protection

of a personal nature concerning her.

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considered in accordance with Article 89 paragraph 1, as incompatible with the purposes

initials” (limitation of purposes). »

17.

Personal data may therefore not be further processed in a way

incompatible with their purpose of collection (article 5.1.b. of the GDPR)5. Further data processing

of a personal nature for purposes other than that(s) for which these data were

initially collected is only authorized if this further processing is compatible with the purposes

for which the personal data was initially collected, taking into account the link
between the purposes for which they were collected and the purposes of further processing
envisaged, also taking into account the framework in which the personal data were
collected, of the possible consequences of the further processing envisaged for the data subject
and the existence of appropriate safeguards.

18.

A compatible purpose is, for example, a purpose that the data subject can foresee
or which can be considered compatible under a legal provision (see article 6.4. of the
GDPR). Pursuant to the criteria referred to in Article 6.4 of the GDPR: there is no link between the two
purposes of processing, and the contexts of data collection are totally unrelated, one
concerning the management of the municipality in the treatment of the answers to the questions of the citizens,
the other that of the relations between a voter and a candidate for an elective mandate. This incompatibility
is further illustrated by the fact that the applicable law allows electoral candidates to have access
to a list of voters specially dedicated to the realization of their campaign.

19.

Any further incompatible use is prohibited except for two exceptions provided for in Article
6.4. of the GDPR. Where the data subject has given consent to further processing for
a distinct purpose or when the processing is based on a legal provision which constitutes a
necessary and proportionate measure in a democratic society, in particular for the guarantee of
important purposes of public interest, the controller then has the possibility of processing
subsequently such personal data for other purposes, whether compatible
or not with the initial purposes. In this case, the respondent cannot base its further processing
of data neither on the consent of the persons concerned, nor on a legal basis of Belgian law
or European Union constituting a necessary and proportionate measure in a democratic society for
ensure the purposes referred to in Article 23.1 of the GDPR (Article 6.4 of the GDPR).
5 Article 5 § 1 b) of the GDPR thus provides that “personal data must be: (...) b) collected for purposes

specified, explicit and legitimate purposes, and not further processed in a manner incompatible with those purposes". See the explanations on this principle of finality in the decision of the Litigation Chamber 11/2019 of November 25 2019.

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20.

The purpose of advertising/electoral propaganda is not a subsequent processing purpose data compatible with the original purpose of collecting citizen data in the context evoked. In its "Elections" note published in the early 2000s on its website and updated following the entry into force of the GDPR⁶, the Data Protection Authority mentions than :

"However, political parties and their candidates in an election may be tempted to have use of personal data collected in the context of other processing whose primary purpose had nothing to do with electoral propaganda. It is also worth for data extracted from public sector files (such as the National Registry, civil service personnel file data, a list of people assisted by a CPAS, data obtained in the exercise of an alderman's mandate, ...) that for data from files in the private sector (customer file of a company, list of members of an association, etc.)

21.

The note goes on to state: "With this in mind, it is therefore not permitted to reuse the personal data recorded in the aforementioned files for propaganda purposes electoral. Such processing is incompatible with the purposes for which these data were initially harvested, which is punishable under Article 83.5 of the GDPR".

22.

With regard to the prohibition on the reuse for electoral propaganda purposes of the data obtained in the exercise of a mandate as alderman or mayor, the Chamber

also refers to the explanations provided on this subject in its decision on the merits□

11/2019 of November 25, 2019⁷. The Litigation Chamber also emphasizes that the reuse by□

a mayor of personal data collected as part of his duties for the purposes□

incompatible, is likely to undermine the foundations of democracy and equality between□

candidates.□

23.□

Under these conditions and on the basis of all the foregoing elements, the Chamber□

Litigation considers that the defendant, according to his own statements, processed data to□

personal character of the citizens of his commune, and in particular those of the complainant, in violation of□

Article 5.1.b of the GDPR (limitation of purposes) of the GDPR and Article 6 of the GDPR (lawfulness of the□

processing). The Litigation Chamber also finds the violation of Articles 25.1 and 25.2 of the□

6 Processing of personal data for the purpose of personalized mailings of electoral propaganda and respect for life□

privacy of citizens: fundamental principles, <https://www.autoriteprotectiondonnees.be/publications/note-juridique-sur-les->□

elections.pdf.□

See□

7□

https://www.autoriteprotectiondonnees.be/citoyen/chercher?q=&search_category%5B%5D=taxonomy%3Apublications&search_type%5B%5D=decision&search_subtype%5B%5D=taxonomy%3Adispute_chamber_substance_decisions&s=recent&l=25□

(DEDF11-2019), p. 5 and 6.□

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GDPR, under which it is the controller's responsibility to implement the measures□

appropriate technical and organizational measures to ensure that, by default, only data to be□

personal character which are necessary with regard to each specific purpose of the processing are□

processed.□

24.□

With regard to the sending of an email of which all the recipients are visible, the Chamber□

litigation finds that the defendant does not dispute the facts and declares that the person acting under his authority has made an error when processing the personal data of the plaintiff "by omitting to put the addressees in CCI"8. Whether or not there was an error in manipulation, the Litigation Chamber considers that there has been a violation of Articles 32.1 and 32.4 of the GDPR9 and that these facts constitute a security breach within the meaning of Article 4.12 of the GDPR, such as denounced by the plaintiff in his complaint. The Litigation Chamber recalls that it is also incumbent on the data controller to put in place the technical and organizational measures appropriate to ensure that, by default, only the data necessary for the purposes of each specific purpose, including from the point of view of their accessibility (art. 25.2 of the GDPR). The Litigation Chamber also recalls that it is the responsibility of the data controller to notify such data breaches to the competent authority when the conditions of application of article 33 of the GDPR are met. In this case, such a notification was not submitted, which constitutes Also a breach of GDPR.

25.

the Litigation Chamber establishes the following violations of the GDPR:

In summary, in light of the inspection report and taking into account the conclusions of the defendant,

- Violation of Articles 5.1.a, 5.1.b) and 6.1 of the GDPR, given that by sending the disputed email,

the respondent processed personal data of the complainant without a legal basis and in

violation of the purpose for which these data were collected by the Secretariat of the

mayor (answer his questions).

- Violation of Articles 25.1 and 25.2 of the GDPR, according to which it is the responsibility of the person responsible for

processing to implement the appropriate technical and organizational measures to

ensure that, by default, only personal data that is necessary for the

regard to each specific purpose of the processing are processed.

- Violation of Articles 32.1 and 32.4 of the GDPR, since a person acting under

the authority of the defendant sent the email details of the complainant to third parties, within the framework

an email where all recipients were visible. Violation of Article 33 of the GDPR being

given that this data leak was not notified to the DPA.

8 Respondent's letter to the APD Front Line Service, July 4, 2019.

9 In

the Litigation Chamber ANO 2/2019 of April 2, 2019, see

https://www.autoriteprotectiondonnees.be/citoyen/chercher?q=&search_category%5B%5D=taxonomy%3Apublications&search_type%5B%5D=decision&search_subtype%5B%5D=taxonomy%3Adispute_chamber_substance_decisions&s=recent&l=2.

the same meaning, see

the decision of

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3. Corrective action

26.

The Litigation Chamber has already had the opportunity to settle cases of unlawful processing

of data for electoral purposes in the following cases: Decision 11-2019 of November 25, 2019;

Decision 10-2019 of November 25, 2019; Decision 04/2019 of May 28, 2019 and Decision 30/2020 of 8

June 2020.

27.

In these four cases, the Litigation Chamber imposed administrative fines,

in particular for non-compliance with the principle of finality, enshrined in article 5.1.b of the GDPR. It was

in these cases, of the unlawful further processing for electoral purposes of personal data

personnel collected (at least with respect to the disputed email address on May 22, 2019)

within the framework of the exercise of municipal powers. The present case falls within this

case law.

28.

The Litigation Chamber considers that the breaches it has identified (infra, § 22)

justify the imposition of administrative fines in accordance with Articles 100, 13° and 101 of the LCA

as well as 83 of the GDPR, and this taking into account the following elements.□

29.□

First, the nature and seriousness of the breaches are taken into account (article 83, 1,□

a) GDPR). Indeed, breaches of Articles 5.1.b (incompatible further processing), 5.1.a□

(lawfulness) and 6.1 of the GDPR (unlawful processing) identified in this decision constitute□

breaches of fundamental data protection principles. It is, moreover,□

breaches for which the maximum fine amounts are the highest (article 83.5 of the□

GDPR).□

30.□

Secondly, the Litigation Chamber considers that the quality of the defendant, at the time□

data collection, namely that of the mayor, and subsequently, the quality of□

parliamentarian at the time the disputed e-mail was sent¹¹, constitutes an aggravating circumstance for the□

title of article 83.2.k. In view of this role played by the defendant in public life, he could□

legitimately be expected of him the greatest concern not to reuse personal data□

collected via the secretariat of the city of which he had been mayor, and to carry out an electoral campaign□

10 Available on the APD website under the publications tab “decisions of the Litigation Chamber”,□

<https://www.autoriteprotectiondonnees.be/citoyen/publications/decisions>.□

11 The Litigation Chamber notes the clarification made by the defendant in his letter of July 6, 2020 to the Chamber□

litigation, according to which he was no longer mayor when the disputed email was sent. The Litigation Chamber notes□

however, according to the public information available to him, the defendant was then a provincial deputy, a position he□

still occupies in July 2019. The Litigation Chamber relies on public information available on the website of the□

province that the defendant represents where the defendant's CV is described. In July 2019 and July 2020, the defendant signed

letters to the Litigation Chamber as a provincial deputy of the province he represents.□

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in compliance with all the rules applicable therein and in this case, the rules for the protection of□

data.□

31.□

Finally, the Litigation Division takes due note of the fact that the defendant sets out his good□
willingness to implement the GDPR, in that he declares having “sought the opinion of a specialist in the□
new legislation “to help him supervise his team” in order to avoid any new errors in the future□
gender” (see § 9 above). The Litigation Chamber cannot take into account the entry into force□
of the GDPR as a mitigating circumstance, because the breaches observed in the principles of purpose and□
lawfulness are not new elements in data protection legislation□
personal. In his “Elections” note published in the early 2000s on the website of□
the DPA and update following the entry into force of the GDPR¹², the Data Protection Authority□
already mentioned the ban on the reuse for electoral purposes of data extracted from files of the□
public sector (such as the National Registry, civil service personnel file data□
public, a list of people helped by a CPAS, data obtained as part of□
exercise of an alderman's mandate, etc.) or private sector file data (customer file of a□
company, list of members of an association, ...) »□

32.□

These principles already formed the cornerstone of Parliament's Directive 95/46/EC□
European Parliament and of the Council of October 24, 1995 (art. 6.1.b and art. 6.1.a and 7), which the GDPR replaced. He□
the same applies to the obligation to put in place organizational and security measures□
adequate under the old Directive (art. 17), which has been reinforced and clarified in the GDPR in article□
32 in particular.□

33.□

The Litigation Division also notes that according to the facts transmitted to it, the□
defendant failed to convey its conclusions to the plaintiff, or at the very least, to reserve the□
proof that such communication has been made (registered or proof of sending email). The mail□
registered letter addressed to the defendant by the Litigation Chamber on September 25, 2019 indicated in□
effect very clearly: "Each of the parties is required to transmit its conclusions simultaneously□

to the secretariat of the Litigation Chamber and to the other party". However, the complainant pointed out that he had not received the submissions of the defendant, who is therefore in default of providing at least proof of its full cooperation in this procedure. The defendant did, however, receive the letter

of September 25, 2019 inviting him to conclude by October 25 at the latest, and send

its conclusions simultaneously to the other party. The defendant acknowledged receipt of this letter

by letter of October 14, 2019¹³. The Litigation Division cannot therefore follow the defendant in

12 Processing of personal data for the purpose of personalized mailings of electoral propaganda and respect for life and privacy of citizens: fundamental principles, <https://www.autoriteprotectiondonnees.be/publications/note-juridique-sur-les-elections.pdf>.

13 The Litigation Division did indeed send this registered letter dated 30-09 to the business address of the defendant.

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the assertion that "I was never asked or even advised to send

submissions to the complainant"¹⁴. The registered mail of the Litigation Chamber also offered

the possibility for the defendant to request a copy of the exhibit file, in which he could have read

his own statements in order to ensure the consistency of his own defence, which he did not do.

34.

The defendant did not follow the procedure communicated to him by registered mail

and by email. His response that he was not informed of the obligation to send

conclusions to the complainant is contrary to the facts. The Litigation Chamber considers that by this

omission and erroneous denials of facts, the Respondent failed to provide full cooperation in the

procedure, which constitutes an aggravating circumstance.

35.

In its response to the Proposed Fine Reaction Form, the Respondent

mainly argues that the sending of this mail results from his point of view of an error of

handling. In this regard, the Litigation Chamber recalls that such a handling error, the

where applicable, constitutes a security breach and as such a data breach within the meaning of Article

4.12 of the GDPR which entails the responsibility of the respondent with regard to the implementation

prior adequate security measures to avoid such errors (see § 20 above). The

Litigation Chamber notes, however, that nothing in the file attests that the infringement would have been

committed deliberately, on the instructions of the defendant. The Litigation Chamber therefore retains

the non-deliberate nature of the attack as a mitigating circumstance.

36.

The defendant's arguments do not change the fact that the personal data

of the complainant and of all the persons included in the "permanence" file were unlawfully

processed, i.e. all persons calling on the mayor's secretariat (see above, §

5).

37.

Finally, as to the amount of the fine, the Litigation Chamber retains the same criteria as

those set out above to withhold the amount of EUR 5,000 in order to dissuade the defendant from repeating

such shortcomings.

38.

As regards the amount, the defendant stresses that the amount of the fine seems to him

disproportionate given the fact that it is, in his view, a handling error which would not have

brought no benefit. In this regard, the Litigation Division has no information available to it.

making it possible to reasonably assess the extent to which the processing of the data in the file

"permanence" did or did not favorably influence the outcome of the elections. Bedroom

14 Letter from the defendant to the Litigation Chamber of July 6, 2020.

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litigation cannot therefore accept this element put forward by the defendant as a circumstance

mitigating within the meaning of Article 83.2.k of the GDPR.

39.

Regarding the financial means, the defendant reports financial difficulties following a

legal dispute from which he emerged victorious and which caused him significant legal costs still
not cleared. The defendant emphasizes that the amount claimed today by the Litigation Chamber
would only add to these difficulties. The defendant does not, however, provide any element of such a nature as to
establish its statements, and does not propose to be at the disposal of the Litigation Chamber
this subject. The plaintiff bears the burden of proof of the elements he puts forward in response to the
fine form. At this stage of the procedure, the Litigation Chamber decides not to reopen
debates on this point.

40.

The Litigation Chamber retains the status of the defendant at the time of the facts (mayor
then provincial deputy), as an aggravating circumstance in the present case (see above, § 5 and 30).
Indeed, it is incumbent on all public officials to adopt exemplary conduct, including with regard to
concerns compliance with the legislation on the protection of personal data.

41.

the envisaged fine of EUR 5,000.

42.

Given the importance of transparency with regard to the decision-making process
and the decisions of the Litigation Chamber, this decision will be published on the website of the Authority
data protection by deleting the direct identification data of the parties
and the persons cited, whether natural or legal.

For these reasons, the Litigation Chamber considers that it is appropriate to maintain the amount of

FOR THESE REASONS,

THE LITIGATION CHAMBER,

Decides, after deliberation, to impose on the data controller a fine of EUR 5,000 on the
based on Articles 100, 13° and 101 of the LCA as well as 83 of the GDPR, for all breaches
withheld, namely for breach of Article 5, 1., b) of the GDPR, and breach of Articles 5.1.a)
and 5.1.b), 6.1, 25.1 and 25.2, 32.1 and 32.4 of the GDPR read together.

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This decision may be appealed within thirty days from the

notification, to the Court of Markets¹⁵ (article 108, § 1 of the LCA), with the Authority for the protection of

given as defendant.

(Sr.) Hielke Hijmans

President of the Litigation Chamber

¹⁵ The Brussels Court of Appeal.