

THIRD FINE IN THE APPLICATION OF THE RGPD

On 05.07.2019, the National Supervisory Authority completed an investigation with the operator LEGAL COMPANY & TAX HUB SRL and found that it violated the provisions of art. 32 para. (1) and para. (2) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46 / EC (General Data Protection Regulation).

The LEGAL COMPANY & TAX HUB SRL operator was sanctioned with a fine of 14,173.50 lei, the equivalent of 3,000 euros. The sanction was applied to the operator as it did not implement adequate technical and organizational measures in order to ensure a level of security appropriate to the risk of processing. This led to unauthorized disclosure and unauthorized access to personal data of persons who made transactions received by the avocatoo.ro site (name, surname, correspondence address, email, telephone, job, details of transactions made), publicly accessible documents, between December 10, 2018 - February 1, 2019.

The National Supervisory Authority applied the sanction as a result of a notification dated 10.12.2018 stating that a set of files regarding the details of the transactions received by the avocatoo.ro website, which contained name, surname, correspondence, email, telephone, job and details of transactions made, was publicly accessible through two links.

We emphasize that, according to art. 5 para. 1 lit. f) of the RGPD, the controller has the obligation to process data in a way that ensures adequate security of personal data, including protection against unauthorized or illegal processing and against accidental loss, destruction or damage, by taking technical measures or appropriate organizational structure ("integrity and confidentiality").

Also, the General Regulation on Data Protection provides, in art. 32 that: "(1) Given the current state of development, the costs of implementation and the nature, scope, context and purposes of the processing, as well as the risk with varying degrees of probability and seriousness for the rights and freedoms of individuals, operators and it implements appropriate technical and organizational measures to ensure a level of security appropriate to that risk, including, inter alia:

- a) pseudonymization and encryption of personal data;
- b) the ability to ensure the confidentiality, integrity, availability and ongoing resilience of processing systems and services;
- c) the ability to restore the availability of personal data and access to them in a timely manner in the event of a physical or

technical incident;

d) a process for periodic testing, evaluation and assessment of the effectiveness of technical and organizational measures to ensure the security of processing.

2. In assessing the appropriate level of security, account shall be taken, in particular, of the risks posed by processing, in particular accidentally or unlawfully generated by destruction, loss, alteration, unauthorized disclosure or unauthorized access to transmitted personal data, stored or otherwise processed. "

Legal and Communication Office

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