

PRESS RELEASE

Fine based on Law no. 506/2004

The National Supervisory Authority completed an investigation at the operator Artmark Holding SRL and found that it violated the provisions of art. 13 para. (1) lit. q) of Law no. 506/2004, corroborated with art. 13 para. (5) of Law no. 506/2004 and with art. 7 of Government Ordinance no. 2/2001.

The operator Artmark Holding SRL was sanctioned with a fine of 10,000 lei.

The sanction was applied to the operator as he did not prove the obtaining of the express and unequivocal prior consent for the transmission of commercial messages by e-mail in violation of the provisions regarding the unsolicited communications provided by art. 13 para. (1) lit. q) of Law no. 506/2004 on the processing of personal data and the protection of privacy in the electronic communications sector.

In this context, it was recommended to the company to take the necessary measures to comply with the provisions of art. 12 of Law no. 506/2004, in order to send commercial messages by electronic means of communication only with the prior express consent of the recipients.

In accordance with art. 12 para. (1) of Law no. 506/2004 on the processing of personal data and the protection of privacy in the electronic communications sector, it is forbidden to make commercial communications by using automatic call and communication systems that do not require the intervention of a human operator, by fax or e-mail or by any another method that uses electronic communications services intended for the public, unless the subscriber or user concerned has given their prior express consent to receive such communications.

The National Supervisory Authority applied the sanction as a result of a petition claiming that the operator Artmark Holding SRL sent unsolicited commercial messages to the petitioner on his e-mail address without his consent. Thus, although the petitioner had requested that the company delete his personal data from the operator's database as they had been obtained without his consent, he continued to receive unsolicited commercial messages from Artmark Holding SRL on his e-mail address.

Legal and Communication Department

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