

Feb 22, 2021

The Personal Data Protection Agency has ex officio issued a decision imposing an administrative fine on the security company based in Zagreb (hereinafter: the company) as the executor of processing (violation of Article 32, paragraph 1, item b) and d) and paragraph 2. and 4. General Data Protection Regulation, more precisely due to failure to take appropriate technical security measures for personal data processing, which led to unauthorized processing of personal data of respondents through their public publication on social networks and media, or unauthorized disclosure of personal data.

Namely, the Head of Processing addressed the Personal Data Protection Agency in accordance with Article 33, paragraph 1 of the General Regulation on Data Protection with a report of personal data breaches of respondents technical and physical protection in the branch office, recorded a video of video surveillance from the surveillance screen with a mobile device and shared it with a third party, after which the recording reached social networks and the media.

The agency conducted a procedure in which it found that the company, due to failure to take appropriate technical security measures, allowed its employee to create a video surveillance monitor image with a mobile device. During the proceedings it was established that the executor did not take appropriate technical security measures, neither before nor after the incident, which should have prevented or reduced the risk of the same or similar violation to a minimum, which is why the Agency decided to impose an administrative fine.

After a detailed examination of the available remedies under Article 58 (2) of the General Data Protection Regulation and taking into account the circumstances identified and that any remedies must be effective, proportionate and dissuasive, the Agency decided to impose an administrative fine. In deciding on the imposition of an administrative fine, as well as its amount, the Agency was guided by the criteria prescribed by Article 83 (2) of the General Data Protection Regulation. It was established that the processor violates the obligations to implement appropriate technical security measures for personal data processing for more than two and a half years and it continues, because after the disputed incident the processor did not anticipate or implement appropriate technical protection measures. Also, the personal data of one respondent were processed in such a way that the recording reached social networks and the media, and consequently the respondent was exposed to insults, ridicule and mockery in public, which could cause some non-pecuniary damage or affect his mental integrity. The company did not take any action to remove the disputed video from social networks, ie from the media, and it remained publicly available.

The Agency also took as an aggravating circumstance the fact that the processor did not fulfill its legal obligation to inform the controller of the incident as required by Article 33 (2) of the General Regulation, but submitted a statement to the controller at their request upon receipt of the respondent's complaint.

Also, the fact that the main activity of the company is the provision of physical and technical protection, which includes the application and use of video surveillance, and the company is one of the leaders in the Republic of Croatia in this activity.

Therefore, the society as such should be a relevant subject in giving opinions, guidelines, advice and proposing solutions to processing managers on the use of video surveillance system, and at the same time set an example with their work and pay more attention to it than others.