

[doc. web no. 9039431]

Injunction against General Market di E. Barcio & Fratelli s.n.c. - July 11, 2018

Register of measures

no. 420 of 11 July 2018

THE GUARANTOR FOR THE PROTECTION OF PERSONAL DATA

IN today's meeting, in the presence of Dr. Antonello Soro, president, of dott.ssa Augusta Iannini, vice president, of dott.ssa Giovanna Bianchi Clerici and of prof.ssa Licia Califano, members and of dott. Giuseppe Busia, general secretary;

CONSIDERING the art. 1, paragraph 2, of the law of 24 November 1981, n. 689, pursuant to which the laws that provide for administrative sanctions are applied only in the cases and for the times considered in them;

HAVING REGARD TO the three infringement assessment reports, all dated 23 December 2017, with which the Company of Syracuse of the Guardia di Finanza contested General Market di E. Barcio & Fratelli s.n.c. VAT number: 00572560894, with headquarters in Syracuse, viale Teracati n. 158/C, in the person of the pro-tempore legal representative, three distinct administrative violations, all provided for by art. 161 of the legislative decree lgs. June 30, 2003 no. 196, containing the Code regarding the protection of personal data (hereinafter the "Code"), in relation to art. 13, with reference, for each of the three points of sale of the aforementioned company located respectively in Syracuse, Via Elorina nn.rr. 35/37; via Italy no. 134 and via Servi di Maria n. 98, to the failure to provide suitable information to the interested parties who accessed the three points of sale of the company for the processing of data carried out by means of three video surveillance systems, albeit in the simplified form identified in the general provision of the Guarantor of 8 April 2010 (published in Official Journal no. 99 of 29 April 2010, web doc. no. 1712680);

READ the three reports pursuant to art. 17 of the law n. 689/1981 drawn up following the non-payment to a reduced extent;

CONSIDERING that the party, for none of the three disputes, appears to have made use of the faculties provided for by art. 18 of the law n. 689/1981 (by not presenting defense writings to the Authority or asking to be heard);

NOTING, therefore, that it appears in the deeds that the aforementioned company has carried out three separate treatments of personal data pursuant to art. 4, paragraph 1, lett. a) and b) of the Code, through as many video surveillance systems, failing, in all three cases, to provide suitable information to the interested parties envisaged by art. 13 of the same Code;

CONSIDERING the art. 161 of the Code which punishes the violation of the provisions of art. 13 with the administrative

sanction of the payment of a sum from six thousand euros to thirty-six thousand euros for each of the three disputes;

CONSIDERED having to determine, pursuant to art. 11 of the law n. 689/1981 and taking into account the provisions of art.

164-bis, paragraph 1, the amount of the pecuniary sanction, in the amount of 2,400.00 (two thousand four hundred) euros for

each of the three disputes, for a total amount of 7,200.00 (seven thousand two hundred) euros;

HAVING REGARD to the documentation in the deeds;

HAVING REGARD TO the observations of the Office, formulated by the Secretary General pursuant to art. 15 of the

Guarantor's regulation n. 1/2000;

SPEAKER Dr. Giovanna Bianchi Clerici;

ORDER

at the General Market of E. Barcio & Fratelli s.n.c. VAT number: 00572560894, with headquarters in Syracuse, viale Teracati

n. 158/C, in the person of the pro-tempore legal representative, to pay the sum of Euro 7,200.00 (seven thousand two

hundred) as a pecuniary administrative sanction for the three violations envisaged by art. 161 of the Code indicated in the

motivation;

ENJOYS

to the same subject to pay the sum of 7,200.00 (seven thousand two hundred) euros, according to the methods indicated in

the attachment, within 30 days of notification of this provision, under penalty of adopting the consequent executive acts

pursuant to art. 27 of the law of 24 November 1981, n. 689.

Pursuant to articles 152 of the Code and 10 of Legislative Decree no. 150/2011, opposition to this provision may be lodged

with the ordinary judicial authority, with an appeal lodged with the ordinary court of the place where the data controller has his

residence, within the term of thirty days from the date of communication of the provision itself or sixty days if the appellant

resides abroad.

Rome, 11 July 2018

PRESIDENT

Soro

THE SPEAKER

Cleric Whites

THE SECRETARY GENERAL

Busia