

23.03.2023

Penalty for GDPR violation

In February of the current year, the National Supervisory Authority completed an investigation at the operator Tehnoplus Industry SRL in which it found a violation of the provisions of art. 5 para. (1) lit. a), c), e) and para. (2), as well as of art. 6 of the General Data Protection Regulation (RGPD).

As such, the company Tehnoplus Industry SRL was sanctioned as follows:

fine in the amount of 14,697.9 lei, the equivalent of 3,000 EURO for violating the provisions of art. 5 para. (1) lit. a), c), e) and para. (2) and art. 6 of the GDPR;

fine in the amount of 9,798.6 lei, the equivalent of 2,000 EUROS for violating the provisions of art. 5 para. (1) lit. e) and para. (2) of the GDPR.

The investigation was carried out as a result of a complaint claiming that the operator processed the personal data of the petitioner through the GPS system installed on his company car, without having been informed about the monitoring of the vehicle, the purpose and the legal basis of this processing and the duration of storage of the data thus collected.

The petitioner also complained that the information extracted from the GPS system was used by the operator for a purpose other than that of monitoring the service car assigned to him.

During the investigation, it was found that Tehnoplus Industry SRL excessively processed (outside working hours) the location data of the petitioner, an employee of the operator, through the GPS monitoring system installed on his company car, without having demonstrated that previously exhausted other less intrusive methods to achieve the purpose of the processing and without proving the complete information of the petitioner in relation to the data processing through the GPS system, thus violating the provisions of art. 5 para. (1) lit. a), c) and (2) and art. 6 of the GDPR.

At the same time, it was found that the operator stored the data from the above-mentioned system, after the expiration of the storage period, without presenting evidence from which it can be concluded that exceeding the 30-day period provided for by art. 5 of Law no. 190/2018 is based on justified reasons, thus violating the provisions of art. 5 para. (1) lit. e) and (2) of the GDPR.

It was also found that the operator used the petitioner's data from the GPS system for a purpose other than the one for which he had originally collected it.

At the same time, pursuant to art. 58 para. (2) lit. d) from the RGPD, have decided against the company Tehnoplus Industry SRL:

- the corrective measure to ensure compliance with the RGPD of the operations of collection and further processing of personal data, by reassessing the need to achieve the proposed goals by using the location data from the GPS monitoring system installed on the service cars of the operator's employees and avoiding excessive collection of the data, by referring to the obligations provided by the RGPD and Law no. 190/2018;
- the corrective measure to ensure compliance with the RGPD of the operations of collection and further processing of personal data, by limiting the period of data storage by reference to the purposes of data processing, according to the obligations provided by the RGPD and Law no. 190/2018.

Legal and Communication Department

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