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## A new penalty for breaching GDPR

In August 2022, the National Supervisory Authority completed an investigation at the Bitfactor SRL operator and found a violation of the provisions of art. 25 para. (1) and art. 32 para. (1) and para. (2) of the General Data Protection Regulation.

The operator Bitfactor SRL was fined 9,852.8 lei (the equivalent of 2000 EURO) for contravention.

The investigation was started as a result of the transmission by the operator of a notification of a breach of the security of personal data under the General Data Protection Regulation.

The data breach occurred as a result of the malfunctioning of an application of the operator that sent marketing communications to users of its website, which led to a breach of the privacy of the personal data of a number of 1757 data subjects, users of the website of the operator.

During the investigation, it was found that the operator did not implement adequate technical and organizational measures, which would continuously protect the personal data of the persons concerned, both at the time of establishing the means of processing, and at the time of the processing itself, intended to put in effectively apply the principles of data protection and integrate the necessary guarantees within the processing, although, according to art. 5 lit. f) from the General Data Protection Regulation, the operator had the obligation to respect the principle of integrity and confidentiality.

In this context, we emphasize that art. 25 para. (1) of the General Regulation on Data Protection, states that "the operator, both at the time of establishing the means of processing, and at the time of the processing itself, implements appropriate technical and organizational measures, such as pseudonymization, which are intended to effectively implement data protection principles, such as data minimization, and integrate the necessary safeguards into the processing, to meet the requirements of this regulation and protect the rights of data subjects."

Also, recital (78) of the General Data Protection Regulation establishes that "the operator should adopt internal policies and implement measures that respect in particular the principle of data protection from the moment of conception and that of implicit data protection."

As such, the operator Bitfactor SRL was fined 9,852.8 lei (the equivalent of 2000 EURO) for violating the provisions of art. 25 para. (1) and art. 32 para. (1) lit. b), d) and para. (2) of the General Data Protection Regulation.

Legal and Communication Department

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