

A NEW FINE IN THE APPLICATION OF THE RGPD

On 02.07.2019, the National Supervisory Authority completed an investigation at the operator WORLD TRADE CENTER BUCHAREST S.A. and found that it violated the provisions of art. 32 para. (4) referred to in art. 32 para. (1) and para. (2) of the General Regulation on Data Protection, regarding the security of processing.

The operator WORLD TRADE CENTER BUCHAREST S.A. was sanctioned with a fine of 71,028 lei, the equivalent of 15,000 euros.

The breach of personal data security consisted in the fact that a list printed on paper, used to verify customers serving breakfast and containing the personal data of a number of 46 customers, staying at the hotel belonging to WORLD TRADE CENTER BUCHAREST SA, was photographed by unauthorized persons from outside the company, which led to the disclosure in the online environment of personal data of some customers, through publication.

The operator WORLD TRADE CENTER BUCHAREST S.A. was sanctioned for failing to take steps to ensure that its employees who have access to personal data only process them at its request, in accordance with the law.

The operator has also not implemented adequate technical and organizational measures to ensure a level of security appropriate to the risk of processing generated in particular, accidentally or illegally, by unauthorized disclosure or unauthorized access to personal data. This led to unauthorized access to the personal data of a number of 46 customers of WORLD TRADE CENTER BUCHAREST SA and the unauthorized disclosure of these data, in the online environment, which led to the violation of the rights to privacy and protection personal data, guaranteed by art. 7 and art. 8 of the Charter of Fundamental Rights of the European Union and art. 16 of the Treaty on the Functioning of the European Union.

The National Supervisory Authority conducted the investigation following the submission by WORLD TRADE CENTER BUCHAREST S.A. of a notification regarding the personal data breach by completing the form regarding the personal data breach, provided by art. 33 of the RGPD.

The General Regulation on Data Protection establishes, through art. 24, the principle of liability of the controller, according to which: "Taking into account the nature, scope, context and purposes of the processing, as well as to ensure and be able to demonstrate that the processing is carried out in accordance with this Regulation. Those measures shall be reviewed and updated as necessary. "

At the same time, recital (75) of the RGPD states:

"The risk to the rights and freedoms of individuals, with varying degrees of probability of materiality and seriousness, may be the result of the processing of personal data which could cause harm of a physical, material or moral nature, in particular where: the processing may lead to discrimination, theft or fraud of identity, financial loss, compromise of reputation, loss of confidentiality of personal data protected by professional secrecy, unauthorized reversal of pseudonymization or any other significant economic or social disadvantage; data subjects may be deprived of their rights and freedoms or prevented from exercising control over their personal data; (...) personal issues are assessed, in particular the analysis or forecasting of aspects of workplace performance, economic situation, health, personal preferences or interests, reliability or behavior, location or travel, in order to create or use personal profiles; the personal data of vulnerable persons, in particular children, are processed; or the processing involves a large amount of personal data and affects a large number of data subjects. "

Legal and Communication Office

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