

One Year of GDPR in Romania

Now that the GDPR has been in force for one year, the Romanian Data Protection Authority (DPA) has published a brief report regarding its activity. During this time, its main priority has been to provide guidance to controllers to ensure adequate compliance with the new data protection rules.

DPA Report

Following statistical information for the period from 25 May 2018 to 24 May 2019, it appears that: (i) 398 security breach notifications were registered; (ii) 5,260 complaints were received; (iii) 485 investigations were conducted *ex officio*; and (iv) 496 investigations were conducted based on complaints made by data subjects.

The complaints received mainly concerned: (i) non-compliance with legal requirements regarding the exercise of rights of data subjects (e.g. information rights, access, opposition, right to be forgotten, etc.); (ii) receiving unsolicited commercial messages; (iii) disclosure of personal data on the internet; (iv) violation of the principles of processing personal data in connection with data processing in the banking system; (v) the legality of video surveillance systems; and (vi) violation of the privacy and security rules of personal data processing.

The DPA recommends that all natural persons exercise their rights under the GDPR and provides that in case such rights are not observed, the data subject may register a complaint with the DPA.

The most common data security breaches concerned: (i) unauthorized access to personal data

processed by the controller; (ii) erroneous transmission of invoices to the controller's customers; (iii) disclosure of personal data / patient data; and (iv) the loss of items sent by post. The number of security breach notifications increased in 2018, indicating that controllers are complying with their obligations under the GDPR and are taking the appropriate action in the case of incidents.

DPA Sanctions

The DPA investigations resulted in 57 corrective measures and 23 warnings.

On 27 May 2019, the DPA finalized an investigation into a bank based on a complaint registered at the end of 2018 and imposed a fine of EUR 130,000. The sanction was applied considering that the bank did not implement appropriate technical and organisational measures, such as pseudonymization / data minimization, in an effective manner and did not integrate the necessary safeguards when processing personal data. This led to the disclosure of personal data (e.g. personal number, address, etc.) of the payer to the beneficiary of the transaction.

The DPA also finalized an investigation into a controller in the hotel industry based on a notification for breach of the security of personal data and imposed a fine of EUR 15,000. The sanction was applied considering that the controller did not take necessary measures to ensure that its employees process personal data exclusively on its express instructions, as per the law.

Considering the above and the fact that the number of data protection related complaints increased in 2018, this indicates that individuals have become more aware of the rights they en-



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joy under the GDPR and that the competent authority is willing to support controllers in their efforts to ensure their compliance with the GDPR and to impose sanctions on entities which do not take such steps.

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