

Overview of recent data protection fines in the European Union

May 2019

France – CNIL

Google LLC - SAN - 2019-001 - 21 January 2019 - Monetary penalties

On January 21, 2019, the CNIL imposed a €50 million fine against Google LLC in application of the GDPR. The CNIL considered that Google failed to provide enough information to users about its data consent policies and didn't give them enough control over how their information is used. According to the regulator, these violations had yet to have been rectified by Google. Under GDPR, companies are required to gain a user's "genuine consent" before collecting their information, which means making consent an explicitly opt-in process that's easy for people to withdraw.

To read the decision (in French) :

<https://www.legifrance.gouv.fr/affichCnil.do?id=CNILTEXT000038032552>

Uber France SAS - SAN-2018-011 - 19 December 2018 - Monetary penalties

The CNIL imposed a penalty of €400,000 against Uber for having insufficiently secured the data of the users of its driver services after having admitted that it had been hacked in 2016 and that 57 million users' personal data had been accessed.

To read the decision (in French) :

<https://www.legifrance.gouv.fr/affichCnil.do?id=CNILTEXT000037830841>

Bouygues Telecom - SAN-2018-012 – 26 December - Monetary penalties

The CNIL imposed a penalty of €250,000 against the company Bouygues Telecom for having insufficiently protected the data of customers the B & You service. For two years, people were able to, with a simple modification of the URL address, access bills of 2 million users.

To read the decision (in French) :

<https://www.legifrance.gouv.fr/affichCnil.do?id=CNILTEXT000037856073>

United Kingdom – ICO

Bounty (UK) Ltd - 11 April 2019 - Monetary penalties

Bounty UK, a company that provide parenthood support, was fined £400,000 for sharing personal data unlawfully. Bounty contravened the first data protection principle (DPP1) by

sharing the personal data of over 14 million users to a number of organisations including credit reference and marketing agencies without informing data subjects of those actions. As a result, Bounty processed that personal data unfairly and without satisfying any processing condition under the UK Data Protection Act.

To read the decision:

<https://ico.org.uk/media/action-weve-taken/mpns/2614757/bounty-mpn-20190412.pdf>

True Visions Productions - 10 April 2019 - Monetary penalties

True Visions Productions, a television production company which unfairly and unlawfully filmed patients at a maternity clinic was fined £120,000 by the Information Commissioner's Office.

True Visions Productions of London set up CCTV-style cameras and microphones in examination rooms at a clinic for a TV Channel documentary on stillbirths.

The ICO investigation found that although the production company had the hospital trust's permission to be on site, it did not provide patients with adequate information about the filming, which took place for four months in 2017, or get adequate permission from those affected by the filming in advance

To read the decision:

<https://ico.org.uk/media/action-weve-taken/mpns/2614746/true-visions-productions-20190408.pdf>

Avalon Direct Ltd - 16 April 2019 - Monetary penalties

The ICO decided to issue Avalon Direct Limited with a monetary penalty of £64,000 for having made almost 52,000 phone calls to people who were registered with the Telephone Preference Services between 1 March and 20 November 2017. The Telephone Preference Service (TPS) is a central opt out register whereby individuals can register their wish not to receive unsolicited sales and marketing telephone calls. It is a legal requirement that companies do not make such calls to numbers registered on the TPS.

To read the decision:

<https://ico.org.uk/media/action-weve-taken/enforcement-notice/2614788/avalon-en-20190412.pdf>

Belgium – ADP

In the end of January 2019, the ADP has let businesses know that, commenting on the CNIL's decision condemning Google LLC, that no case has been transmitted to the litigation department of the ADP even though investigations were ongoing.

<https://www.feb.be/domaines-daction/ethique--responsabilite-societale/privacy/premieres-sanctions-apres-lentree-en-vigueur-du-rgpd-2019-01-30/>

Germany – BayLDA (Bayern)

VGH München, Beschluss v. 26.09.2018 – 5 CS 18.1157 – Order to ban a tool

In 2017, the Bavarian State Office for Data Protection Supervision (BayLDA) banned the use of "Facebook Custom Audience," a marketing tool from Facebook, that consisted in transmitting hashed e-mail addresses for the delivery of targeted advertising. The Bayreuth Administrative Court upheld BayLDA's view and ruled in quick court proceedings that the order was lawful. The

Bavarian Administrative Court also came to the same conclusion: The use of "Facebook Custom Audience" without user consent violates data protection law.

To read the decision (in German):

<http://www.gesetze-bayern.de/Content/Document/Y-300-Z-BECKRS-B-2018-N-25018>

Italy – Garante per la protezione dei dati personali

Ordinanza ingiunzione nei confronti di Telecom Italia S.p.A. - 16 May 2018 – Monetary penalties

The Garante has ordered Telecom Italia (Tim) to pay two administrative penalties totalling €960,000 as a result of the violations of the personal data protection legislation.

The first sanction, of €800,000, concludes the procedure initiated by the complaint of an unsuspecting user who found himself the holder of 826 fixed-line telephone lines. This situation was due to unspecified errors that occurred during the activity of migration of customer data from one management system to another between 2002 and 2004.

The second sanction of the Garante, of €160,000, sanctions the telephone company for a case of data breach that occurred at the end of 2013. The malfunction of an authentication system had led to the visualization of users' data (telephone number, residual credit, e-mail address, last four digits of the credit card, if inserted) by those who intended to use the online assistance services.

To read both decisions (in Italian):

<https://www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9370122>

<https://www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9370105>

Ordinanza ingiunzione nei confronti di Vodafone Italia S.p.A. - 5 July 2018 – Monetary penalties

The Garante ordered Vodafone to pay an administrative fine of €800,000 for carrying out marketing activities in violation of the legislation prior to the European Regulation.

In less than two years millions of people had been contacted by phone or text messages without their consent. The promotional campaigns covered both current and potential customers as well as those who had changed company.

To read the decision (in Italian):

<https://www.garanteprivacy.it/web/guest/home/docweb/-/docweb-display/docweb/9025351>

Spain – Agencia española de protección de datos

Resolución: R/00141/2019 - PS/00329/2018 – Monetary penalties

The Spanish Data Protection Agency imposed on the Financiera Española De Crédito A Distancia, EFC, S.A., for an infringement of article 6.1 of the LOPD (Ley Orgánica de Protección de Datos de Carácter Personal), a fine of €40,010 (forty thousand and ten euros), typified as a serious infringement after the Financiera Española De Crédito A Distancia accessed the information of patrimonial solvency Badexcug without legitimacy.

To read the decision (in Spanish):

https://www.aepd.es/resoluciones/PS-00329-2018_ORI.pdf

Resolution of disciplinary proceedings - Procedure No: PS/00089/2019 – Opening of a sanction proceeding

The Spanish Data Protection Agency commenced sanction proceedings against the Association Of Mothers And Parents Of The Maria Blanchard School. The claimant filed a complaint dated 18 June 2018 with the Spanish Data Protection Agency which is directed against the claimant after it has taken photographs of children, in order to market some calendars, in contravention of Article 6.1.a) in relation to Article 8 of the RGPD, as he had only asked the school for its consent.

To read the decision (in Spanish):

https://www.aepd.es/resoluciones/PS-00089-2019_ORI.pdf

Sweden – Datainspektionen

Klarna – 29 March 2019 – Engagement of an Audit procedure

The Data Inspectorate has initiated a review of Klarna Bank AB to inspect the way the company processes personal data. The review takes place after the authority has taken note of the company's data protection policy and has received several complaints from Klarna Bank's users.

To read the press release (in Swedish):

<https://www.datainspektionen.se/nyheter/datainspektionen-har-inlett-en-granskning-av-klarna/>

Netherlands - Autoriteit Persoonsgegevens

Uber sanction - 6 November 2018 – Monetary penalties

The Dutch Data Protection Authority imposed a fine of €600.000 on Uber B.V. and Uber Technologies, Inc (UTI) for violating the Dutch data breach regulation. In 2016, a data breach occurred at Uber opening unauthorised access to personal data of customers and drivers. Uber did not report the data breach to the Dutch DPA and the data subjects within 72 hours after the discovery of the breach.

This data breach has affected 57 million Uber users worldwide, and concerns 174.000 Dutch citizens. Amongst the data were names, e-mail addresses and telephone numbers of customers and drivers.

To read the decision (in Dutch):

https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/boetebesluit_uber.pdf

UWV sanction – 30 July 2018 – Periodic penalty payment

The Dutch Data Protection Authority imposed an order for incremental penalty payments of 150,000 euros per month with a maximum of 900,000 euros after the security level of the employer portal has been declared inadequate. The UWV must have the security level of this portal in order by 31 October 2019 at the latest. If the UWV did not have this in order, it should pay the penalty.

To read the decision (in Dutch):

https://autoriteitpersoonsgegevens.nl/sites/default/files/atoms/files/last_onder_dwangsom_uwv_werkgeversportaal.pdf

Greece - Hellenic Data Protection Authority

ΑΠΟΦΑΣΗ 7/2019 – 15 April 2019

On April 15, 2019, the Greek Data Protection Authority imposed a fine on Hellenic Petroleum S.A. of €20,000 for unlawful processing of personal data and of €10,000 for failing to adopt appropriate data security measure.

The company had engaged a vendor to conduct a study on its behalf. The results of the study that included sensitive data (without a legal basis) was exposed online and accessible by the public. The DPA determined that Hellenic Petroleum S.A. was the data controller and the vendor was the data processor, which made Hellenic Petroleum S.A. responsible for its vendor's actions. Hellenic Petroleum S.A. has been declared responsible for failing to ensure appropriate technical and organizational measures in order to protect the data.

To read the decision (in Greek):

https://www.huntonprivacyblog.com/wp-content/uploads/sites/28/2019/04/7_2019anonym.pdf

Poland – REZES URZEDU OCHRONY DANYCH OSOBOWYCH

Decyzja ZSPR.421.3.2018 - 15 March 2019

The Polish Data Protection Authority (PUODO), has imposed a €230,000 fine for the violation of Article 14 of the GDPR as it provides the applicable behaviour of a data controller towards data obtained by third parties. The company has been considered as not conscientious enough regarding the requirement of provision of information on the data controller to the data subjects.

<https://uodo.gov.pl/decyzje/ZSPR.421.3.2018>