

Number : 0609-20/2024/6

Date: 28.3.2024

The Information Commissioner (hereinafter referred to as the offence authority), acting ex officio on the basis of Article 51, paragraph 2 and Article 46 of the Act on Offences (Official Gazette of the RS, No. 29/11-UPB8, 21/13, 111/13, 74/14 - Decree of the US, 92/14 - Decree of the US, No. 21/13, 111/13, 92/14 - Decree of the US, No. 29/11-UPB8, 21/13, 111/13, 74/14 - Decree of the RS, No. US, 32/16, 15/17 - decl. US, 73/19 - decl. US, 175/20 - ZIUOPDVE and 5/21 - decl. US; hereinafter: ZP-1), Article 2 and 8 of the Act on the Information Commissioner (Official Journal of the RS, No. 113/05 and 51/07 - ZUstS-A, hereinafter: ZInfP) and Article 95 of the Act on the Protection of Personal Data (Official Gazette of the RS, No. 163/22; hereinafter referred to as ZVOP-2), in an infringement proceeding against the legal entity ... and its responsible person ..., for an offence under Article 95(1) ZVOP-2 in conjunction with Article 83(4)(a) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27. (1) of Article 96(1) of the ZVOP-2 in conjunction with Article 83(4)(a) of the General Regulation, as follows

AN INFRINGEMENT DECISION

The offender:

1. the person responsible:

..., ... citizen, ID number: ..., at the time of the offence employed by ..., as ..., is

**responsible for the offence
according to Article 96(1)(1) ZVOP-2
in conjunction with point (a) of Article 83(4) of the General Regulation,**

committed by acting as the responsible person of a legal person ..., in the period from ... to ..., in ..., by failing to ensure that the procedures for regular testing, assessment and evaluation of the effectiveness of the technical and organisational measures to ensure the security of the processing of personal data of borrowers in the process of recovery of payments due to ... were implemented. under the concluded credit agreements and did not ensure that the written working instructions and application support for the implementation of the reminder process were updated in such a way that the written reminders containing the (identification, financial and economic) personal data of the borrowers were not forwarded and disclosed to their employers, as none of the conditions for the lawfulness of the processing of personal data set out in the first paragraph of Article 6(1) of Regulation (EC) No 1095/2010 was met for such forwarding and disclosure. Article 6 of the General Regulation in conjunction with Article 6 of the GDPR in conjunction with Article 6 of the GDPR-2, with the result that ... in the course of carrying out the process of reminding the borrowers during the specified period, by sending written reminders to the employers, the ... unauthorised disclosure of the aforementioned types of personal data of the ... borrowers to the ... employers,

thereby infringing the controller's obligation to ensure the security of processing, as laid down in Article 32 of the General Regulation, by failing to implement appropriate technical and organisational measures to ensure an adequate level of security of borrowers' personal data

... je zgoraj očitani prekršek storil s svojim dejanjem (opustitvijo) pri opravljanju dejavnosti ter v imenu in s sredstvi pravne osebe ... , pri kateri je v času storitve prekrška bil pooblaščen opravljati delo direktorja upravljanja tveganj z občani, zaradi česar na podlagi prvega odstavka 15. člena ZP-1 in prvega odstavka

15.a člena ZP-1, za prekršek odgovarja kot odgovorna oseba pravne osebe

2. the responsible legal person

..., registration number: ... , is

**responsible for the offence
under Article 95(1) ZVOP-2
in conjunction with Article 83(4)(a) of the General Regulation,**

committed by ... by failing to ensure, as the responsible person of the legal person ..., in the period from ... to ..., in ..., that procedures were carried out for the regular testing, assessment and evaluation of the effectiveness of the technical and organisational measures to ensure the security of the processing of personal data of borrowers in the process of recovering payments of liabilities to under the credit agreements concluded, and did not ensure that the written working instructions and application support for the implementation of the reminder process were updated to ensure that written reminders containing (identification, financial and economic) personal data of borrowers were not forwarded and disclosed to their employers, as none of the conditions for the lawfulness of the processing of personal data set out in the first paragraph of Article 6(1) of Regulation (EC) No .../... were met for such forwarding and disclosure. Article 6 of the General Regulation in conjunction with Article 6 of the GDPR in conjunction with Article 6 of the GDPR-2, with the result that ... in the course of carrying out the process of reminding the borrowers during the specified period, by sending written reminders to the employers, the ... unauthorised disclosure of the aforementioned types of personal data of the ... borrowers to the ... employers,

thereby infringing the controller's obligation to ensure the security of processing, as laid down in Article 32 of the General Regulation, by failing to implement appropriate technical and organisational measures to ensure an adequate level of security of borrowers' personal data

... committed the offence charged above by his act (omission) in the course of his business and on behalf of and with the funds of the legal person ..., at which, at the time of the commission of the offence, he was authorised to perform the work of the Director of Citizens' Risk Management, which renders the legal person ... liable for the said offence as a responsible legal person in accordance with Article 14(1) of the Law on the Protection of the Rights of Persons with Disabilities (LIPD-1), Article 14(2) of the Law on the Protection of the Rights of Persons with Disabilities (LIPD-1).

Therefore, on the basis of Article 96(1)(1) ZVOP-2 in conjunction with Article 83(4)(a) of the General Regulation, the infringer shall be held liable, and on the basis of Article 95(1) ZVOP-2 in conjunction with Article 83(4)(a) of the General Regulation, the infringer shall be held legally liable, in application of Article 114 ZVOP-2, Article 26(2) and Article 21(1) **ZP-1**.

**for an offence
A s s e s s m e n t**

1. to the person responsible for the infringement ... : **WARNING**;
2. to the legal person responsible for the infringement ... : **REMINDER**.

The offender, the person responsible ... shall pay a court fee of EUR **30.00** pursuant to Article 143(1) in conjunction with Article 144(1) and Article 58(2) of the Law on Court Fees (Official Gazette of the Republic of Slovenia, No. 37/08, as amended). **The court fee**, which is levied on the offender for the reprimand issued pursuant to tariff number 8112 of the Law on Court Fees (Official Journal of the Republic of Slovenia, No. 37/08, as amended), **Information Commissioner, IBAN of the recipient: SI56 0110 0845 0162 502**, BIC code of the bank of the recipient: BSLJSI2X, purpose code: GOVT, purpose of payment: 0609-20/2024/6 court fee, reference: SI11 12157-7120087-

The offender, the responsible legal person ... shall, pursuant to Article 143(1) in conjunction with Article 144(1) and Article 58(2) of the CP-1, pay a court fee of EUR **30.00**. **The court fee**, which is assessed to the infringer for the issued reprimand according to tariff number 8112 ZST-1, shall be paid by the **infringer-responsible legal person to the account of the recipient: Information Commissioner, IBAN of the recipient: SI56 0110 0845 0162 502**, BIC code of the bank of the recipient: BSLJSI2X, purpose code: GOVT, purpose of payment: 0609-20/2024/6 court fee, reference: SI11 12157-7120087-....

The offenders must pay the court fee within fifteen (15) days after the final decision on the offence. If the offenders fail to pay the court fee within the time limit set, the unpaid court fee shall be recovered by compulsory execution.

LAW LESSON: You can apply for judicial protection against an offence decision. The request must be notified in writing within eight (8) days of receipt of this decision to the **Information Commissioner, Dunajska cesta 22, 1000 Ljubljana**, otherwise the beneficiary of the request (the infringer, legal representative or defence counsel) shall be deemed to have waived the right to request judicial protection. The statement of claim shall be sent by post or delivered directly in duplicate and shall be deemed to be in time if it is lodged on the last day of the period for lodging the statement of claim by registered post or directly with the authority which issued the decision. An application for judicial protection which has been lodged may be withdrawn until the expiry of the time-limit for lodging the notice of application.

If the person entitled to a request for judicial protection does not make or withdraws an announcement within the statutory time limit for making such a request, he or she shall be deemed to have waived the right to request judicial protection.

If none of the persons entitled to apply for judicial protection announces such an application, the offending authority shall not issue a reasoned decision on the offence, but shall be deemed to have served a final decision on the date of service of the unreasoned decision, which shall become final on the expiry of the time-limit for announcing the application for judicial protection.

Where at least one of the beneficiaries of the request for judicial protection announces the lodging of such a request, a written decision on the offence, stating the reasons for the decision, shall be drawn up and dispatched not later than thirty (30) days after receipt of the announcement of the request for judicial protection. The reasoned decision shall in that case be served on all persons entitled to apply for judicial protection.

Under the conditions and in accordance with the rules governing the financial management of the offending authority, the offender may also pay the costs of the proceedings (court fee) by means of a non-cash means of payment.