

Summary Final Decision Art 60

Complaint

Reprimand

EDPBI:FR:OSS:D:2021:169

Background information

Date of final decision:	6 January 2021
Date of broadcast:	6 January 2021
LSA:	FR
CSAs:	IE
Legal Reference:	Notification of a personal data breach to the supervisory authority (Article 33), Communication of a personal data breach to the data subject (Article 34)
Decision:	Reprimand
Key words:	Electronic communications, Personal data breach

Summary of the Decision

Origin of the case

The Controller send an email to its customers with their email addresses being visible for all recipients (the controller did not place the email addresses in bcc). The number of email addresses amounted to 37. The LSA received three complaints concerning that incident.

Findings

The LSA found that the incident is due to a human error committed by the controller's service provider. The LSA stated that the incident constitutes a personal data breach under Article 4.12 GDPR. The LSA found that the breach in question did seem likely to generate a risk for the data subjects and considered that the controller failed to comply with its obligation to notify a breach to the supervisory authority according to Article 33 GDPR.

The controller took steps to prevent such incident in the future, namely issued a reminder to all of controller's service provider's staff regarding the procedure on sending emails.

Decision

The LSA issued a reprimand regarding controller's obligations pursuant to Article 33 GDPR in accordance with the provisions of Article 58.2.b) GDPR.