

Date: 7.3.2024

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 - official consolidated text, 21/13, 111/13, 74/14 - US Decree, 92/14 - US Decree, 32/16, 15/17 - US Decree, 73/19 - US Decree, 175/20 - ZIUOPDVE and 5/21 - Decree No. 21/11 - official consolidated text, 21/13, 111/13, 74/14 - US Decree, 92/14 - US Decree, 32/16, 15/17 - US Decree, 73/19 - US Decree, 175/20 - ZIUOPDVE and 5/21 - ZIUOPDVE), shall, upon the request of the authorised official...- the state data protection officer, . 113/05 and 51/07 - ZUstS-A), in the infringement proceedings against the legal entity ... (registration number: ..., hereinafter: ...), and Articles 2 and 8 of the Information Commissioner Act (Official Journal of the RS, No. 113/05 and 51/07 - ZUstS-A), in the infringement proceedings against the legal entity ... (registration number: ..., hereinafter: ...) and its responsible person ..., for offences under Article 91(1)(1) and Article 91(2) of the Personal Data Protection Act (Official Journal of the RS, No 94/07-UPB1 and 177/20, hereinafter: ZVOP-1), as follows

AN INFRINGEMENT DECISION

To the offender:

I. **responsible person:** ..., ID number: ..., citizen of ..., employed at the time of the offence by ...,

is responsible

for two (2) offences

under Article 91(2) ZVOP-1 in conjunction with Article 91(1)(1) ZVOP-1,

by unlawfully processing, as the responsible person of the legal person, for which she was authorised to work, ..., in ..., from ..., the personal data of ... and, from ..., the personal data of ..., namely their e-mail addresses ... and ... and the traffic data of the e-mails sent to those addresses during the period referred to below, by unlawfully processing the e-mail addresses of ... and ... and by unlawfully processing the e-mail traffic data of ... and ..., after termination of their employment, to those individuals in, but gave explicit instructions to the company ... (registration number: ...), which provided the services of ... to, including the provision of mailbox services to ..., to the effect that all e-mails sent to ... were:

- 1.) between ... and ..., to the e-mail address ..., which belonged to ... and
- 2.) during the period from ... to ... arrived at the address of ..., which belonged to ...

redirected to her email address (...), even though it had no basis in law or in the individual's personal consent for such use, transmission, communication or processing of personal data ... and ..., thereby infringing **Article 8(1) of the GDPR-1** on two (2) occasions during the above-mentioned periods, i.e. on a case-by-case basis.

The offences described above were committed by ... in the course of her business and on behalf of and with the funds of the legal person ..., to which she was authorised to carry out the works and tasks of ..., which makes her liable for the said offence as the responsible person of the legal person ... on the basis of Article 15(1) of the Law on the Protection of Human Rights and Fundamental Freedoms and Article 15a(1) of the Law on the Protection of the Protection of Human Rights and Fundamental Freedoms.

II. **responsible legal entity:** ..., ..., ..., ...

is responsible

for two (2) offences

under Article 91(1)(1) ZVOP-1,

committed by its responsible person ... by acting as the responsible person of a legal person ...who was authorised to work for ..., in ..., from ... to ..., unlawfully processed the personal data of ... and, from ... to ..., unlawfully processed the personal data of ..., namely their e-mail addresses ... and ... and the traffic data of the e-mails sent to those addresses during the period referred to below, by giving those e-mail addresses to those individuals in ..., after the termination of their employment, in, ..., ... (registration number: ...), which is the parent company of ..., ..., ..., ..., ..., ..., ..., ..., ..., ..., ..., ..., which included the provision of a mailbox service to ..., gave explicit instructions under which all emails sent to ... were :

- 1.) between ... and ..., to the e-mail address ..., which belonged to ... and
- 2.) during the period from ... to ... arrived at the address of ..., which belonged to ...

redirected to her email address (...), even though it had no basis in law or in the individual's personal consent for such use, transmission, communication or processing of personal data ... and ..., thereby **infringing Article 8(1) of the GDPR-1** on two (2) occasions during the above-mentioned periods, i.e. on a case-by-case basis.

... committed the offences of unlawful processing of personal data of female employees in the course of its business and on behalf of and with the funds of the legal person ..., to which it was authorised to carry out the works and tasks of ..., which makes the legal person ... liable for the offences in accordance with Article 14(1) of the Law on the Protection of Personal Data of Female Employees.

For the offence under Article 91(2) ZVOP-1 in conjunction with Article 91(1)(1) ZVOP-1, for which a fine of EUR 830.00 is prescribed, taking into account Article 91(2) ZP-1 and Article 119(1) ZVOP-2 on the application of a less restrictive provision, the offender shall be fined EUR 830.00 on the basis of Article 91(2) ZVOP-1 and Article 119(1) ZVOP-2 on the application of a less restrictive provision, in accordance with Article 91(1) ZVOP-1. Article 97, paragraph 1, subparagraph 1, and applying Article 52, paragraph 3, and Article 26, paragraphs 1, 2 and 3, and Article 27 of the PDL-1, and to the offending legal person on the basis of Article 91, paragraph 1, subparagraph 1, subparagraph 1, of the ZVOP-1 and applying the same provisions of the PDL-1,

P a g e

1. the responsible person of the legal person ...:

- for the offence of unlawful processing of personal data ... under point I.1.) of the present Sentence: GLOBA in the amount of EUR 200,00,
- for the offence of unlawful processing of personal data ... under point I.2.) of the present Sentence: GLOBA in the amount of EUR 200,00,

2. a legal person ...:

- for the offence of unlawful processing of personal data ... under point II.1.) of this judgment: GLOBA in the amount of EUR 4 170,00,
- for the offence of unlawful processing of personal data ... under point II.2.) of this judgment: GLOBA in the amount of EUR 4 170,00.

Then, in accordance with Article 27(2) of the Law on the Prohibition of Torts in conjunction with Article 26(1), (2), (3) and (5) of the Law on the Prohibition of Torts, and taking into account Article 17(2)(3) and (4) of the Law on the Prohibition of Torts, the offenders shall be sent a fine of EUR 400.00 for all the same offences in the bundle instead of the single sanction of EUR 8 340.00 for the responsible person and EUR 8 340.00 for the responsible legal person....,

A s s e s s m e n t

a single sanction:

1. to the person responsible for ...: **GLOBA, the sum of EUR 300,00;**
2. the responsible legal person ...: **GLOBA for an amount of EUR 6 255,00.**

The offender, the responsible person ... shall pay the **fine of EUR 300,00** to the **account of the recipient: the Information Commissioner, IBAN of the recipient: SI56 0110 0845 0051 825**, BIC code of the bank of the recipient: BSLJSI2X, purpose code: GOVT, purpose of payment: 0609-6/2024/7 fine, reference: SI11 12157-7120010-202426.

The offender, the responsible legal person ... shall pay the **fine of EUR 6 255,00** to the **account of the recipient: the Information Commissioner, IBAN of the recipient: SI56 0110 0845 0051 825**, BIC code of the bank of the recipient: BSLJSI2X, purpose code: GOVT, purpose of payment: 0609-6/2024/7 fine, reference: SI11 12157-7120010-202424.

The offender, the person responsible ... shall **pay a court fee of EUR 40.00** pursuant to Article 143(1) in conjunction with Article 144(1) and Article 58(2) of the CP-1. **The court fee**, which is levied on the offender in respect of the fine imposed on him under tariff No 8111 of the Court Fees Act (Official Journal of the RS, No 37/08, as amended), shall be..., hereinafter: ZST-1) in the amount of EUR 40,00 **shall be paid by the infringer as the responsible person to the account of the recipient: the 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: 0609-6/2024/7 court fee, reference: SI11 12157-7120010-202427.

The offender, the responsible legal person ... shall, pursuant to Article 143(1) in conjunction with Article 144(1) and Article 58(2) of the Civil Code, **pay a court fee of EUR 625,50**. **The court fee**, which is assessed to the offender for the fine imposed under tariff number 8111 ZST-1 in the amount of EUR 625,50, **shall be paid by the offender as a 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: 0609-6/2024/7 court fee, reference: SI11 12157-7120010-202425.

The offenders shall pay the **full amount of the fine and the court fee within fifteen (15) days of the final decision on the offence**. After the expiry of the time limit for payment, the offenders may apply to the authority responsible for enforcement (the Financial Administration of the Republic of Slovenia) for payment of the fine and the costs of the proceedings (court fee) in instalments.

If the fines and court costs (court fees) are not paid by the offending legal entity and the responsible person within the time limit set, the unpaid fines and court costs (court fees) will be recovered by enforcement action.

If the person responsible for the offence, who would be entitled to regular free legal aid according to the material criterion laid down in the law governing free legal aid on account of his/her financial situation or ability to pay, is unable to pay the fine and the costs of the proceedings (court fees) in the amount of at least EUR 300.00, he/she may, not later than the expiry of the time-limit for payment, submit a request to the authority which issued the decision that the payment of the fine and the costs of the proceedings (court fees) be replaced by work for the common good.

The court grants the applicant, who would be entitled to regular free legal aid under the substantive criteria of the law governing free legal aid, the compensation of the fine and the costs of the proceedings by means of a work of general interest.

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 announce or make an announcement within the statutory time limit for lodging the request withdraws the application, he or she shall be deemed to have waived his or her right to apply for 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 without reasons on the date of service of the 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.

The offender who fails **to notify an application for judicial protection** against the decision on the offence shall **pay half of the fine imposed within eight (8) days of the expiry of the time limit for notification of the application for judicial protection (half of the fine is EUR 150.00 for ... and EUR 3 127.50 for ...), otherwise he shall pay the full amount of the fine imposed** within the time limit set out in the operative part of this Decision. The infringer who announces an application for judicial protection against the decision and subsequently fails to lodge a reasoned application against the decision shall also be required to pay the full amount of the fine within the time limit laid down in the operative part of the decision.

If the offender pays half of the fine before the expiry of the time limit for the notification of the request for judicial protection, the request for judicial protection against the decision shall not be admissible, unless the offender was required to pay the fine before the expiry of the time limit for the notification of the request in accordance with the provisions of the CP-1.

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

...

To be served: