

# Summary Final Decision Art 60

Legal obligation

Administrative fine

EDPBI:IE:OSS:D:2020:165

## Background information

Date of final decision:	9 December 2020
Date of broadcast:	15 December 2020
LSA:	IE
CSAs:	All SAs
Legal Reference:	Notification of a personal data breach to the supervisory authority (Article 33)
Decision:	Administrative fine
Key words:	Personal data breach, Publicly available data, Social media, User account

## Summary of the Decision

### Origin of the case

The controller notified the LSA about the personal data breach on 8 January 2019. The personal data breach concerned a bug in the controller's app for Android: changing the email address (associated with the user account) by any user automatically caused that user's "protected" feed being publicly available without the user's knowledge.

The LSA conducted an inquiry concerning the controller's compliance with its obligations under Articles 33.1 and 33.5 GDPR in respect of the notification and documentation of the data breach.

### Findings

As far as the controller could identify, the data breach, which was ongoing for the period between 5 September 2017 and 11 January 2019 inclusive, impacted over 88,726 EU and EEA data subjects. It became apparent that the breach was discovered by a data sub-processor on 26 December 2018, and was deemed to be data breach by the wider controller's organisation on 3 January 2019.

The LSA found that the controller did not comply with its obligation as a controller to notify the personal data breach within the prescribed timeframe (Article 33.1 GDPR). The LSA considered that the controller ought to have been aware of the breach at the latest by 3 January 2019.

The documentation of the breach did not contain sufficient information as to enable the question of controller's compliance with the requirements of Article 33 to be verified. The LSA considered that the controller did not comply with its obligation to document the personal data breach (Article 33.5 GDPR).

### Decision

The LSA considered that the steps taken by the controller to rectify the bug are the sole mitigating factor in assessing the amount of the administrative fine to be imposed.

The LSA imposed an administrative fine of \$500,000, which equates (in the LSA's estimation for this purpose) to €450,000.