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ANSPDCP.Registrul Evidenta Decizii Avize Recomandari.0000055.09-06-2026

Decision

following the investigation performed at Ascendex Technology SRL

Autoritatea Națională de Supraveghere a Prelucrării Datelor cu Caracter Personal, having the premises at 28-30 Gen. Gheorghe Magheru Blvd., 1st District, PO 010336, Bucharest, legally represented by [redacted], President, **issues this decision against Ascendex Technology SRL,** with the premises in 105-107 Mihai Eminescu Street, one room, 5th floor, ap. 19, Bucharest, 2nd district, Unique registration code 45258590, registered at the Trade Register Office under no. J40/20500/2021, represented by [redacted], as administrator.

Considering the following:

I. Premise

Complaint received based on Articles 56 of the GDPR

By IMI registration no. 737169 (registered with the National Supervisory Authority for Personal Data Processing under no. 3156/19.02.2025), based on Article 56 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation – hereinafter referred to as "GDPR"), the National Supervisory Authority for Personal Data Processing (hereinafter referred to as "ANSPDCP") was notified by the French data protection authority (hereinafter referred to as "CNIL") regarding a complaint filed by a natural person from this country against Ascendex Technology SRL. The CNIL considered the ANSPDCP to be the lead authority in this case, since the controller has its sole establishment in Romania and the processing of personal data could affect data subjects from several Member States, according to Article 4 paragraph (23) letter b) of the GDPR. The CNIL proposal was accepted by the ANSPDCP.

Subject-matter of the complaint

From the analysis of the annexes to the IMI registration, it was found that [redacted] filed a complaint with the CNIL on 21.07.2024 [redacted], against Ascendex Technology SRL from Romania, on the grounds that it did not respond to his repeated requests over several months to delete his account and associated personal data from the cryptocurrency sales platform "AscendEX".

Correspondence between the petitioner and the controller was attached to this complaint. The petitioner's requests were sent on 26.08.2023, 27.08.2023, 10.10.2023, 31.12.2023, 13.04.2024, and the responses (with similar content) were formulated on 27.08.2023, 28.08.2023, 10.10.2023, 31.12.2023, 13.04.2024, 15.04.2024. Through these responses, the controller informed the complainant about the (different) registration number of each request, as well as that, once the account was closed, all services would cease, asking him to return with the mention "Confirm Account Closure", an indication respected by the complainant. Subsequently, the controller informed

the complainant that the deletion process would take 5-6 weeks, without explaining any reasons for this extension of the deadline (in accordance with Article 12 of the GDPR). Each response, although similar, appears to be sent by a different employee/collaborator of AscendEX [redacted].

II. Resolution measures taken by ANSPDCP:

ANSPDCP has undertaken several steps to investigate the issues raised in the complaint submitted by CNIL, both by requesting information in writing and by conducting an on-site investigation.

The investigation carried out by ANSPDCP resulted in the following findings:

Ascendex Technology SRL ("Ascendex") is a commercial company established in 2021, for "Information technology consulting activities", with its registered office in Bucharest, having as its sole associate the company BMXDM TECHNOLOGY PTE. LTD. from Singapore, being the controller of personal data collected through the website ascendex.com (trading cryptocurrencies and other digital assets).

The company was declared fiscally inactive from 03.01.2024, a period in which even the activity related to the management of requests for account closure and deletion of personal data was affected, in particular, in the context in which the person who had responsibilities related to the receipt and distribution of such requests to the company's legal department ceased collaboration with Ascendex during 2023.

The main reasons cited for the failure to handle the request for deletion of [redacted] personal data in a timely manner were related to the analysis of the applicant's situation in light of the obligations that would have fallen to the controller in the context of the application of legislation on the prevention and combating of money laundering and the financing of terrorism, as well as a series of internal issues related to the restructuring of the legal department that was involved in resolving such requests.

As such, [redacted] request was handled late, his data being deleted on 06.09.2024.

During the investigation, the controller's representatives, as well as the representative of BMXDM Technology PTE. Ltd., stated that in 2024 Ascendex Technology SRL had a turnover of 0 lei, and BMXDM Technology PTE. Ltd., of 0 USD.

Upon ANSPDCP's request to provide an extract from the database from the period 22.11.2021 (date of company registration) - 05.09.2025 (date of the controller's response), regarding requests to delete personal data received by Ascendex, at the address support@ascendex.com, the period and the method of handling, specifying the states of residence of the respective data subjects, such an extract was communicated, from the analysis of which it is found that the respective users come from various states both in the EU (France, Romania, Spain, Netherlands, Portugal, Germany, Bulgaria, Croatia, Italy, Cyprus, Greece, Sweden, Finland, Malta, Belgium, Latvia, Ireland, Denmark, Luxembourg, Slovenia, Lithuania), and from outside the EU, and in the case of many accounts the state of residence is not specified ("Unknown").

Also, the extract submitted notes that there were several situations in which the one-month - maximum three-month deadlines stipulated in Article 12 paragraphs (3)-(4) of the GDPR as deadlines for handling requests for deletion of personal data were exceeded. In cases where information on the state of residence of the respective users is provided, the people whose accounts were closed late come from both EU countries (France, Netherlands, Germany, Italy, Greece, Belgium) and non-EU countries.

The interval between the date of the request requesting the closure of the account and the date on which it was closed (the requests being reiterated in some cases) varies from approximately 8 months to approximately 37 months.

In the case of [redacted], his first request of 26.08.2023 was effectively handled on 06.09.2024, that is, after approximately 12 months and without being sent a final response regarding the resolution of his request, contrary to Article 12 paragraphs (1) and (3), in conjunction with Article 17 of the GDPR. Thus, even the deadlines initially communicated to the applicant ("5-6 weeks") were exceeded without any justification.

Regarding the reason invoked during the investigation as the basis for the delay in effectively handling the request to delete personal data related to his account, namely the need to carry out a series of checks from the point of view of compliance with the legislation in the field of preventing and combating money laundering and terrorist financing, Ascendex's representatives did not present evidence regarding the classification of the petitioner's situation in a category for which it would have been necessary to apply these measures, which would have implicitly entailed its obligation to retain the documents and data related to transactions for at least 5 years.

Thus, Article 21 of *Law no. 129/2019 on the prevention and combating of money laundering and terrorist financing, as well as on the amendment and completion of certain normative acts*[1] provides the following:

"**(1)** Reporting entities, when applying customer due diligence measures, are required to keep in paper or electronic format, in a form admissible in legal proceedings, all records obtained through the application of these measures, such as copies of identification documents, of the monitoring and verifications carried out, including, if available, of information obtained through electronic identification means, relevant trust services provided for in Regulation (EU) no. 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC or any other secure, remote or electronic identification process, regulated, recognised, approved or accepted by the Romanian Digitalisation Authority necessary for compliance with customer due diligence requirements, for a period of 5 years from the date of termination of the business relationship with the customer or from the date of the occasional transaction.

(2) The reporting entities shall keep supporting documents and records of transactions, consisting of account slips or commercial correspondence, necessary for the identification and reconstruction of transactions, including the results of any analysis carried out in relation to the customer, for example, requests to establish the history and purpose of complex, unusually large transactions. These documents may be originals or copies admissible in legal proceedings and must be kept for a period of 5 years from the date of termination of the business relationship with the customer or from the date of the occasional transaction.

(3) When the extension of the document retention period is required in order to prevent, detect or investigate money laundering or terrorist financing activities, reporting entities are required to extend the deadlines provided for in paragraphs (1) and (2) by the period indicated by the competent authorities, without this extension exceeding 5 years.

(4) Upon expiry of the retention period, reporting entities are required to delete personal data, except in situations where other legal provisions require the continued retention of the data."

However, according to the statements of Ascendex's representatives, "starting with 06.09.2024, no data relating to [redacted] has been kept by the Company", given that his account was created on 27.08.2021.

Therefore, the reasons invoked to justify the delay in resolving the data subject's request to have his data deleted cannot be considered as well-founded, in relation to the obligations that would have arisen from the applicability of the provisions of Law no. 129/2019.

Equally, the reasons related to the restructuring of the legal department cannot be retained, given that the periods in which requests for deletion of personal data were not resolved are long (between 8 and 37 months), during which the controller showed negligence in designating a person responsible for managing such requests, in relation to its obligations under the GDPR.

The investigation carried out in the present case resulted in the fact that Ascendex Technology SRL did not justify in the responses sent to [redacted] the reasons for which it was unable to comply with the request for deletion of his data within a maximum period of one month and delayed taking measures to effectively delete his data beyond the maximum period of three months, while also failing to transparently communicate a response to the applicant

[1] This law transposes in Romania Directive (EU) 2015/849 of the European Parliament and of the Council of 20 May 2015 on the prevention of the use of the financial system for the purposes of money laundering or terrorist financing, amending Regulation (EU) No. 648/2012 of the European Parliament and of the Council and repealing Directive 2005/60/EC of the European Parliament and of the Council and Commission Directive 2006/70/EC, published in the Official Journal of the European Union, L series, No. 141 of 5 June 2015 and Council Directive (EU) 2016/2.258 of 6 December 2016 amending Directive 2011/16/EU as regards access by tax authorities to information on combating money laundering, published in the Official Journal of the European Union, L series, No. 342 of 16 December 2016.

regarding the adoption of these measures, in relation to its obligations under Article 17 paragraph (1), in conjunction with Article 12 paragraphs (1) and (3) of the GDPR.

It is also noted that this conduct of the controller is not unique, as several cases have been recorded in its database to date in which it did not immediately take measures to close accounts and delete personal data related to them, as results from the analysis of the extract from the database made available by the operator.

Given that Ascendex's representatives stated that the global number of accounts (as of 05.09.2025) was 2.5 million, without being able to accurately determine the number of accounts per state, but the extract from the database submitted showed numerous accounts coming from individuals from various EU member states, according to the above, it can be concluded that the processing carried out by Ascendex affects data subjects from several EU member states, within the meaning of Article 4 point (23) letter b) of the GDPR.

III. Cooperation measures with the concerned supervisory authorities

Following the investigation, ANSPDCP electronically informed the other supervisory authorities, including the French authority, via IMI, within the cooperation procedures carried out under Article 60 of the GDPR, of the conclusions drawn from the investigation, of our institution's intention to conclude it by means of a decision imposing a fine and two corrective measures, and of the draft decision itself. During these procedures, the only comments submitted by another supervisory authority were those from the French authority, which expressed its agreement without objection.

Also, during the steps to handle the complaint, ANSPDCP electronically requested, via IMI, the French authority to inform the complainant of the fact that an investigation had been initiated and, respectively, that his data had been deleted in September 2024, according to the controller's statements.

Consequently, the present draft decision was elaborated, based on the report no. 1109 of 21.05.2026 and the minutes of findings no. 16502 of 21.05.2026 drawn up by the control personnel pursuant to Article 60 of Regulation (EU) 2016/679 and of Article 16 paragraphs (3), (5), (6), (7) of Law no. 102/2005, republished.

IV. Minutes of the findings

Following the investigation carried out, the minutes of the findings no. 16502 of 21.05.2026 was concluded, through which the following facts were found:

"As of the date of these minutes, it is found that Ascendex Technology SRL, with the identification data and headquarters mentioned on the first page of these minutes, violated the provisions of Article 12 paragraphs (1) and (3), with reference to Article 17 paragraph (1) of the GDPR, regarding the defective manner in which the request for deletion of personal data submitted by [redacted] was handled, such conduct of the controller not being a singular one, considering that other data subjects were also affected; thus, the handling of the requests lasted in the case of [redacted] approximately 12 months (his first request of 26.08.2023 was effectively handled on 06.09.2024), and in other cases, approximately 37 months (according to the extract from the controller's database for the period 22.11.2021 - 05.09.2025), the violation of the GDPR provisions being a continuous one (at least until 05.09.2025), according to the findings in these minutes.

This deed constitutes the contravention provided by Article 12 of Law no. 190/2018, by reference to the provisions listed in Article 83 paragraph (5) letter b) of the GDPR."

Since in this case Ascendex Technology SRL carries out cross-border processing, the provisions of Article 60 of Regulation (EU) 679/2016, as well as those of Article 16 paragraphs (3), (5), (6), (7) of Law no. 102/2005, republished, which provide for the application of sanctions/corrective measures by decision of the president of ANSPDCP, which is based on the minutes of findings and the report of the control staff, become applicable.

V. Recitals and reasoning:

Having regard to the conclusions of the investigation carried out at Ascendex Technology SRL,

Based on the aspects retained and recorded in the minutes of findings no. 16502 of 21.05.2026, mentioned above,

Having regard to the following provisions of the GDPR:

- according to Article 12 paragraph (1) of the GDPR, "The controller shall take appropriate measures to provide any information referred to in Articles 13 and 14 and any communication under Articles 15 to 22 and 34 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language, in particular for any information addressed specifically to a child. The information shall be provided in writing, or by other means, including, where appropriate, by electronic means. When requested by the data subject, the information may be provided orally, provided that the identity of the data subject is proven by other means";
- according to Article 12 paragraph (3) of the GDPR, "The controller shall provide information on action taken on a request under Articles 15 to 22 to the data subject without undue delay and in any event within one month of receipt of the request. That period may be extended by two further months where necessary, taking into account the complexity and number of the requests. The controller shall inform the data subject of any such extension within one month of receipt of the request, together with the reasons for the delay. Where the data subject makes the request by electronic form means, the information shall be provided by electronic means where possible, unless otherwise requested by the data subject";
- according to Article 17 of the GDPR, "(1) The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies: a) the personal data are no longer necessary in relation to the purposes for which they were collected or otherwise processed; b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1), or point (a) of Article 9(2), and where there is no other legal ground for the processing",

Whereas failure to comply with the rights of data subjects under Articles 12-22 of the GDPR may result in fines pursuant to Article 83 paragraph (5) letter b) of the GDPR, "of up to EUR 20,000,000 or, in the case of an undertaking, up to 4% of the total worldwide annual turnover of the preceding financial year, whichever is the higher",

Having regard to the circumstances in which the facts occurred, which, according to the findings, present a certain degree of gravity requiring the application of a fine, mainly for the following relevant considerations, in relation to the individualisation criteria regulated by Articles 83 paragraphs (2) and (3) of the GDPR, applicable in this particular case:

- *the nature, gravity and duration of the infringement, taking into account the nature, scope or purpose of the processing in question, as well as the number of data subjects affected and the level of damage suffered by them* – the transparency conditions and the legal deadlines provided for in Articles 12 and 17 of the GDPR regarding the exercise of the right to erasure of personal data were not respected, by not immediately adopting measures to erase personal data in the case of [redacted], but also of other data subjects from various EU Member States or outside the EU; the handling of the requests lasted in the case of [redacted] approximately 12 months (his first request of 26.08.2023 was effectively handled on 06.09.2024), and in other cases,

approximately 37 months (according to the extract from the controller's database for the period 22.11.2021 - 05.09.2025), the violation of the GDPR provisions being a continuous one;
- *the negligent character* of the controller's guilt in these cases;
- *the categories of personal data* affected by the infringement: name, surname, email address, activity carried out in the account, IP address used;
- *the manner in which the infringement became known to the supervisory authority* - through the complaint submitted by the French authority;
- *the remedial measures* adopted by the controller during the investigation, but also prior to it, regarding the deletion of the applicant's data;
- *the degree of cooperation with the supervisory authority, in order to remedy the infringement and mitigate the possible adverse effects of the infringement* - the controller cooperated with the supervisory authority during the investigation;
- *the mitigating nature of some of the circumstances,* such as: the types of personal data affected; the lack of proof of any damage suffered by the petitioner/the data subjects; the adoption of the data deletion measures requested by the petitioner; cooperation with the supervisory authority during the investigations undertaken; the absence of previous violations sanctioned by the ANSPDCP; the declared turnover of 0 lei (for Ascendex Technology SRL)/0 USD (for BMXDM Technology Pte. Ltd. – sole associate of Ascendex Technology SRL) for the year 2024, the company being fiscally inactive since 03.01.2024,

Looking at the latest turnover records from the National Trade Register Office (ONRC) in Romania, dating back to 2022, the year in which Ascendex Technology SRL reported the following financial situation:

"Taxes, contributions and fees unpaid on time to the state budget, of which::-

19. GROSS PROFIT OR LOSS: - Loss (rd. 63 - 62): 250948165 LEI
24. NET PROFIT OR LOSS FOR THE FINANCIAL YEAR: - Loss (rd. 65 + 66 + 67 + 68 - 64 + 66a - 66b): 250948165 LEI
19. GROSS PROFIT OR LOSS: - Profit (rd. 62 - 63): 0 LEI
Research and development expenses:: -
Average number of employees: -
1. Net turnover (rd. 02+03-04+05+06): 134851012 LEI
The actual number of employees at the end of the period, namely on December 31: -
Innovation expenses: -
EQUITY - TOTAL (rd. 85+86+87+91-92+93-94+95-96+97-98-99): -211119470 LEI
24. NET PROFIT OR LOSS FOR THE FINANCIAL YEAR: - Profit (rd. 64 - 65 - 66 - 67 - 68 -66a + 66b): 0 LEI
FIXED ASSETS – TOTAL (rd. 07 + 17 + 24): 300719001 LEI
CURRENT ASSETS – TOTAL (rd. 30 + 36 + 39 + 40): 5174295 LEI",

Considering that, based on the violations found and the elements of individualization of sanctions, identified pursuant to Article 83 paragraph (2) of the GDPR, ANSPDCP proceeded to analyze the effectiveness, proportionality and dissuasive effect of the fine imposed,

The need to adopt corrective measures to remedy the violations found,

Pursuant to Articles 14, 15 and 16 of Law no. 102/2005, republished, of Article 12 of Law no. 190/2018, in conjunction with Article 83 paragraphs (2) and (3) and with the dispositions listed in Article 83 paragraph (5) letter b) of Regulation (EU) 2016/679, corroborated with the provisions of Article 58 paragraph (2) letters i), c) and d), as well as of Article 60 of Regulation (EU) 2016/679, by reference to the provisions of Articles 24, 25 and 26 of the Investigation Procedure, approved by the Decision of the President of ANSPDCP no. 161/2018,

Autoritatea Națională de Supraveghere a Prelucrării Datelor cu Caracter Personal

ORDERS

the following measures against Ascendex Technology SRL:

1. Imposing a fine of 57.839,1 lei, the equivalent 11000 euros, for the deed found based on the minutes of findings no. 16502 of 21.05.2026 and of the report of the control personnel no. 1109 of 21.05.2026, based on Article 83 paragraph (5) letter b) of Regulation (EU) 2016/679, for the infringement of the provisions of Article 12 paragraphs (1) and (3) of Regulation (EU) 2016/679, by reference to Article 17 paragraph (1) of Regulation (EU) 2016/679;
2. Imposing the corrective measure provided for in Article 58 paragraph (2) letter c) of Regulation (EU) 2016/679 whereby **Ascendex Technology SRL** is obliged to communicate an adequate response to [redacted], but also to other data subjects in a similar situation, according to what was found in the investigation, regarding the manner of handling requests for deletion of personal data – deadline: 30 days from the date of communication of this decision;
3. Imposing the corrective measure provided for in Article 58 paragraph (2) letter d) of Regulation (EU) 2016/679 whereby **Ascendex Technology SRL** is obliged to provide regular training measures for its staff regarding the correct, clear, transparent management and handling, in compliance with the legal deadlines, of requests by which data subjects exercise their rights provided for in Regulation (EU) 2016/679 – deadline: 40 days from the date of communication of this decision.

Ascendex Technology SRL shall communicate to ANSPDCP the measures adopted for the implementation of the corrective measures within the expiration of the above deadline.

This decision is subject to the procedure provided for in Chapter VII of Regulation (EU) 2016/679, being sent for approval to all concerned supervisory authorities.

According to Article 15 paragraph (6) of Law no. 102/2005, republished, when imposing the fine, the official exchange rate of the National Bank of Romania of the date of 05.06.2026, time 11:45 (1 euro = 5,2581 lei) was taken into account.

According to the provisions of Article 17 paragraph (3) of Law no. 102/2005, republished, **Ascendex Technology SRL** has the obligation to pay the fine within 15 days from the communication of the minutes of findings (attached in photocopy) and this decision, otherwise enforcement will be carried out.

The fine will be paid into the account of the State Treasury where **Ascendex Technology SRL** has its fiscal premises, account code 20A350102, within 15 days of communication, and within the same period a copy of the receipt or payment order will be sent to Autoritatea Națională de Supraveghere a Prelucrării Datelor cu Caracter Personal.

Article 83 of Regulation (EU) 679/2016 provides only the maximum limit of fines that can be imposed, not their minimum limit, so that Article 28 paragraph (1) of the Government Ordinance no. 2/2001, with the subsequent amendments and additions, regarding the possibility of paying half of the minimum fine provided by the normative act, does not find its application in this case.

This decision, together with the minutes of findings no. 16502 of 21.05.2026 (attached in photocopy) shall be communicated **Ascendex Technology SRL** that has the right to challenge them pursuant to Article 17 of Law no. 102/2005:

"Article 17
(1) The data controller or processor may file an appeal against the report of the finding/sanctioning and/or the decision to apply the corrective measures, as the case may be, with the administrative contentious section of the competent court, within 15 days from handing, respectively from communication. The decision resolving the appeal can be appealed only by appeal. The appeal is judged by the competent court of appeal. In all cases, the competent courts are those in Romania.
(2) The report of finding/sanctioning or the decision of the president of the National Supervisory Authority unchallenged within 15 days from the date of handing, respectively the communication, constitutes an enforceable title without any other formality. Introducing the appeal provided in paragraph (1) suspends only the payment of the fine, until a final court decision is issued.
(3) The deadline of payment of the fine is 15 days from the date of handing, respectively from the date of communication of the minutes of finding/sanctioning or of the decision of the president of the National Supervisory Authority."

President,

[redacted]