



NEWSLETTER | OCTOBER - DECEMBER / 2021 DEPUTY SUPERINTENDENCE FOR PERSONAL DATA PROTECTION

SIC FINES TELECOMMUNICATIONS COMPANY FOR USING PORTABILITY DATABASES IN MARKETING CAMPAIGNS

The Superintendence of Industry and Commerce (SIC) of Colombia, as National Authority for Personal Data Protection, imposed a sanction of \$245.000 USD to the telecommunications company **CLARO COLOMBIA**, for making use of a data portability database (where all cell phone numbers in Colombia are registered), with the goal of making massive marketing campaigns and attract new users.

The company would have consciously and improperly used a database that has been created jointly by several operators and the Colombian authorities for marketing purposes, even when it was aware that said database was design solely and exclusively to facilitate the data portability process of users when they wish to transit between operators of services of mobile telecommunications.

It was established that, between January 2020 and April 2021, **CLARO** made around 7.425.820 unauthorized calls to users of other operators, improperly treating the information contained in the data portability database, and generating profits that amount to approximately \$3.458.364 USD.





SIC FINED RAPPI FOR REPEATED VIOLATIONS OF THE PERSONAL DATA PROTECTION REGIME



The Superintendence of Industry and Commerce (SIC) of Colombia, as National Authority for Personal Data Protection, imposed a sanction of \$128.973 USD to the Colombian multinational company '**RAPPI**', for repeated violations of the personal data protection regime, specifically, for not giving a timely response to multiple requests from users to delete their personal data, or failing to present their prior authorization for using their personal information.

The decision was made through Resolution 67775 of October 2021, and was originated by a complaint from a citizen who requested **RAPPI**, on four different occasions, that they no longer sent him commercial emails. Additionally, during the course of the investigation it was established that this company did not have the prior authorization of the owner to be able to use his data for advertising or marketing purposes.

This is not the first sanction imposed on **RAPPI** for this infraction, since in 2019 the company was also fined with \$76.849 USD when another citizen demanded that the company refrain from using its personal information, as well as not send emails or phone messages for commercial or marketing purposes.



SIC FINES COMCEL FOR ILLEGAL REPORT OF CITIZENS IN FINANCIAL INFORMATION CENTER

The Superintendence of Industry and Commerce (SIC) fined the company "**COMUNICACIÓN CELULAR - COMCEL**" with \$30.830 USD, for not previously informing a citizen that it would be reported as defaulter to a financial information center; not having proof of the existence of the reported obligation; and not having evidence of the citizen's authorization to report it.

The decision was made through Resolution 29913 of 2021, due to the complaint of a citizen who stated that he had not been able to acquire other credit products after being informed that he supposedly had overdue obligations with **COMCEL**. The citizen alleged that his identity had been supplanted because he had never signed any contract with **COMCELS.A.**

In its decision, the Superintendence ordered the company to accredit the implementation of mechanisms and procedures that allow it to control the reports of impersonations made by the owners of the information and to update the reports in an effective manner and within the legal term, in addition to ordering it to submit to this Authority the corrective actions taken.

SIC PARTICIPATED IN THE OAS WEBINAR ON 'UPDATED PRINCIPLES ON PRIVACY AND PERSONAL DATA PROTECTION'

The 'Updated Principles on Privacy and Personal Data Protection' approved by the Inter-American Juridical Committee (**CJI**) last April were presented on Monday, June 7 in a webinar organized by the Department of International Law (**DIL**) of the **OAS** Secretariat for Legal Affairs.

Nelson Remolina, Deputy Superintendent for Personal Data Protection of the Superintendence of Industry and Commerce of Colombia developed 'Principle Thirteen: on Personal Data Protection Authorities' and shared practical considerations from the point of view of the authority. In addition to highlight the importance of having authorities that are effective in the protection of personal data, Deputy Superintendent Remolina emphasized the importance of international cooperation and said he was in favor of privacy by default and by design.

