

Dear Sir/Madam,

I wrote to you regarding my feedback on the draft guideline 04/2022 on the calculation of administrative fines under the GDPR.

This guideline is specific and useful, providing one methodology to harmonize the calculation of the fine; certainly, I bear in mind that the supervisory authority has the discretion to decide the amount of the fine (effective proportionate and dissuasive) in each individual case.

Regarding the Clause of the 4.3 of said guideline, you mentioned that “the supervisory authority may consider adjusting the starting amount to reflect a distinction of the size of the undertaking”, and provided two scenarios, turnover below or more than 50 million euros. I have the same question with respect to Example 6a and 6b.

Example 6a: the last paragraph, “The supervisory authority considers that due to the relatively low seriousness of the infringement, offset against the relatively high turnover of the undertaking a starting amount of € 25,000,000, is considered effective, dissuasive and proportionate.”; based on the level of the seriousness (low), a starting amount between €0-€32,000,000, then based on the turnover of the undertaking, the supervisory authority may consider to further reduce this amount to 50% of the identified starting amount corresponding to the seriousness of the infringement; then in said last paragraph, it mentioned €25,000,000 is considered effective, dissuasive and proportionate. I am wondering how this €25,000,000 is decided, the 50% of the €32,000,000 should be €16,000,000.

My question on the Example 6b is the same, I am wondering how the €216,000 is decided.

Thank you.