

# PRINCIPLE OF DATA PROTECTION

## OF A PERSONAL CHARACTER

Athens, 11-12-2019

Prot. No.: G/EX/8691/11-12-2019

A P O F A S H 41 /2019

(Department)

The Personal Data Protection Authority met in composition

Department at her store on 20.11.2019, upon invitation of the President

of her, in order to examine the case referred to in her history

present. George Batzalexis, Deputy President, was present

obstructed

of the President

of the Kon/nos Menoudaks Authority and

the

alternate members of the Authority Evangelos Papakonstantinou and Emmanuel

Dimogerontakis, as rapporteur, replacing the regular members

Konstantinou Lambrinoudakis and Eleni Martsoukos, respectively, who, if

and were legally summoned in writing, did not attend due to disability. The regular one

member of the Authority Charalambos Anthopoulos and his alternate member

Grigorios Tsolias, although they were legally summoned in writing, did not attend due to reason

obstacle. Present without the right to vote was Kalli Karveli, specialist

scientist-lawyer, as assistant rapporteur, who left after the debate

of the case and before the conference and decision making and the Peace

Papageorgopoulou, employee of the Authority's administrative affairs department, as

secretary

The Authority took into account the following:

With its appeal to the Authority No. C/EIS/8889/13.11.2018, the

A, an employee of the Ministry of Shipping and Island Policy (YNANP),

complains to YNANP for violation of access rights (Article 15

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GDPR) and correction (Article 16 GDPR) in the context of its participation in the no.

first ... announcement of the complained entity.

In particular, as stated in her above appeal, the applicant

she was a candidate for the position of Head at YNANP and to this end on...

was called to an interview scheduled for .... On ... the applicant

addressed a request - objection to the above body asking on the one hand to

candidates are given the right to submit objections - applications

treatment on scoring and on the other hand to inform herself individually about it

its detailed scoring.

On ... the President of the SEP YANNP responded via e-mail to the above

request of the applicant, saying that it was not foreseen at that stage

notice, the submission of objections by the candidates, rather than only the submission

objections against the confirmations of the details of the applications issued by

Directorate of Administrative Services, a procedure it claims was followed

inevitable for all candidates. He noted that the rankings of

of candidates for the positions of responsibility of Heads of Directorates who prepare the

Boards of Selection of Supervisors (SEP) contain personal data and do not

there is a legislative provision that makes it mandatory to post them

of the tables nor, after all, is it justified by reasons of public interest. In

in any case, candidates do not waive the right to apply

treatment.

Following these, the Authority, in the context of investigating the appeal, sent

document to provide clarifications to the complainant, who in 15.01.2019 and with case number C/EIS/267/15.01.2019 his answer stated that (a) the SEP prepared candidate ranking tables for each advertised position jurisdiction in descending order and called the top seven to participate in a structured interview, (b) against these tables no the possibility of filing an appeal is provided. After all, as the article points out 86 par. 8 sec. d' of the Civil Service Code provides for the filing of an objection to earlier stage. He also notes that there is no objection filed against him ranking table without the previous posting, otherwise its publication and (c) the ranking tables include personal data and there is no relevant provision of law or reasons of public interest that require posting their.

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The Authority, after examining the elements of the file and after hearing him rapporteur and the clarifications from the assistant rapporteur, who then left, after a thorough discussion

#### THOUGHT ACCORDING TO THE LAW

1. The General Regulation (EU) 2016/679 (General Protection Regulation of Data - hereinafter GDPR), which replaced Directive 95/56 EC is in implementation from May 25, 2018. In accordance with the provisions of article 15 par. 1 and 3 of the GDPR, the data subject has the right to receive from the controller a) confirmation as to whether the personnel data character that concern it are being processed as well as b) a copy of personal data processed and in particular to know the following information: the purposes of the processing, the categories personal data, any recipients or categories of recipients,

the period of their observance, the existence of the right to submit a request to the controller for correction or deletion of data, limitation of processing or right to object to said processing, the right of filing a complaint with a supervisory authority, the source of the data and the existence of automated decision-making, including training

Profile. The controller is obliged to provide the subject of the request with the information without delay within one month of its receipt of the request. This deadline may be extended by two more months, if required, taking into account the complexity of the request and the number of requests. The controller informs the subject of the data for said extension within one month of receipt of the request, as well as for the reasons for the delay (article 12 par. 3 of the GDPR). If the controller does not act on the subject's request, the controller informs the subject within one month of receiving the request of the data on the reasons why it did not act and the possibility of filing a complaint with a supervisory authority and bringing legal action (article 12 par. 4 of the GDPR).

Also, according to the provisions of article 58 par. 2 item a' of the GDPR, each supervisory authority has, among other things, the power to issue reprimands

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to the controller or processor when operations of processing have violated the provisions of this regulation.

2. From the information in the file, the following emerged: The applicant with the request to the SEP YNANP asked to be provided to the candidates for the positions of supervisors, the right to submit objections - treatment requests on the scoring and to be informed about her detailed scoring.

The Board of Selection of Heads of the Ministry of Shipping and Archipelago

Policy did not satisfy the applicant's right of access to

her detailed scoring, since she failed to respond to her relevant request

applicant. With regard to the process of submitting objections, it must

note that the right to correct the applicant's data does not

is identical with the right to submit an objection or a treatment request that may arise

the law reserves the right to re-evaluate its quota. Accordingly, the

any dispute of the obtained scoring cannot be requested with the

exercise of the right to rectification and is therefore unfoundedly referred to

specific case before the Authority the violation of article 16 GDPR.

3. Because, according to the aforementioned, in the considered case o

denounced body does not

satisfied

the right of access

her

applicant in the data that concerned her, in violation of the provisions

of articles 12 and 15 GDPR.

FOR THOSE REASONS

Addresses on the basis of article 58 par. 2 b' of Regulation (EU) 2016/679 a reprimand

to the Ministry of Shipping and Island Policy for the violation of

provisions of articles 12 and 15 of Regulation (EU) 2016/679.

The Deputy President

George Batzalexis

The Secretary

Irini Papageorgopoulou