No. Fax: 11.17.001.007.267 October 29, 2021 BY HAND DECISION Complaint XXXXX for violation of his personal data Facts: 2. On December 7, 2019, a complaint was submitted to my Office by XXXXX, Professor, XXXXX at the Cyprus University of Technology (hereinafter "the Complainant"), regarding the notification, by XXX Professor in the XXXX Department of TEPAK (hereinafter "the Complainant no. 1"), through publications, without his knowledge and without his consent , of his personal data to third parties, in violation of the provisions of Regulation (EU) 2016/679 (hereinafter "the Regulation"), which protects natural persons against the processing of their personal data and Law 125(I) of 2018 (hereinafter "the Law"). 2.1 In the complaint form he sent to my Office, the Complainant stated that he had a complaint regarding the repeated malicious disclosure of his personal information and data by the Defendant in complaint no. 1, which he considered to be in violation of Law 125(I)/2018, article 33(1)(k). 2.2 Duly, the positions/opinions of the Defendant in complaint no. 1 on the positions of the Complainant. The Defendant filed complaint no. 1 sent his answers to my Office. 2.3 The Complainant's positions and the Defendant's responses to Complaint no. 1, were summarized in 21 numbered points, which were sent on March 30, 2021 to TEPAK (hereinafter "the Defendant in the complaint no. 2"). I asked the Defendant for complaint no. 2, as taking into account the Complainant's claims that his personal data has been illegally disclosed, the Need to Know Principle and the provisions of GDPR 2016/679, reports to my Office his own positions/opinions on whether the Defendant complaint no. 1, was authorized to send documents numbered 1 – 21 to the said recipients. 1 2.4 The 21 points, which were brought to the attention of the Defendant in complaint no. 2, were as follows: 1. It was the position of the Complainant that on 21/3/2016 the Defendant filed complaint no. 1 publicized to the academic and administrative staff, but also to the students of the Professor, the complaint no. 2, the confidential note dated XXX entitled "Non-fulfilment of Teaching and other Obligations". The note had initially been sent by the Complainant to Mr. Kath in complaint no. 1. The confidential note was attached to the Defendant's email with complaint no. 1 with the same title. The recipients were: To XXXXX Cc:XXXXX 1.1 The position of the Defendant in the complaint no. 1 to my Office was that the note was originally sent by the Complainant to the Defendant in complaint no. 1, regarding his teaching duties and other obligations. The Defendant filed complaint no. 1 sent it as a reply, to the e-mail address XXXX. It has not been sent to students as claimed by the Complainant. It has been sent only to administrative and academic staff of the University. Also, the personal data of the Complainant has not been made public. Furthermore, the Board of Directors must have knowledge of everything that happens in the University area within the framework of its responsibilities and the Professor of the complaint no. 1 expressed his opinion in the electronic message in relation to the person of the Complainant. 2. Also, on

18/5/2016, the Defendant filed complaint no. 1 disclosed to the academic staff of the Professor the complaint no. 2, the minutes of the XXX Session of the Council of the School of Administration and Economics dated XXX, which were attached to an electronic message entitled "XXXX – Irregular decisions". The recipients were: To:XXXXXX Cc:XXXXX 2.1 The position of the Defendant in the complaint no. 1 to my Office was that the email was addressed to the Chancellor XXXX and academic staff. All academic and administrative staff have the right to be aware of the Meetings. The recipients of the e-mail had access to the specifics anyway. In the content of the e-mail, he expresses his personal opinion/opinions/questions on topical issues for the University, which mainly related to irregularities in the context of University work and procedures. of Minutes 3. Also, on 13/6/2016 the Defendant filed complaint no. 1 made public to the academic and administrative staff, the students and the members of the Academic Staff Union (SUP) the complaint no. 2, the minutes of the XXX Session of the Senate, Item 4.12, Part B, dated XXX in which there was a reference to the Complainant. The minutes were attached to his e-mail under the title "Senate meeting dated XXXX". The recipients were: To: XXXXX Cc: XXXXX 2 3.1 The position of the Defendant in complaint no. 1 to my Office was addressed to the Chancellor, the Director and members of the Academic Staff Union. It is the right of the staff and students to know the decisions of the councils and the Senate and for this reason they are represented in these bodies. Nowhere is it stated that the decisions of the Senate are confidential. Minutes are kept for transparency purposes. He was trying to inform the academic staff and his superiors that the Complainant was committing illegalities and irregularities. 4. Also, on 21/6/2016 the Defendant filed complaint no. 1 made public to the academic and administrative staff of the University the complaint no. 2 (lists of electronic addresses XXXX) the letter of the Complainant's lawyer, Mr. XXXX, to the President of the Council of the Complainant no. 2 Mr. XXXXX dated 2/11/2012. The letter referred to the Complainant's employment with the Defendant, complaint no. 2 and was attached to an email entitled "Illegal and irregular disciplinary action against XXXX". The recipients were: To:XXXXXX Cc:XXXXX 4.1 The position of the Defendant in the complaint no. 1 to my Office was that the recipients were the Rector, his secretary and the academic and administrative staff. His position was also recorded in the minutes of the Council, from which the administrative and academic staff could learn. Due to his status as XXXX the Defendant complaint no. 2, he himself received information which he then made public to demonstrate irregularities and illegalities taking place in a public University. dated 5. Also, on 21/6/2016 the Defendant filed complaint no. 1, published to the academic and administrative staff of the Professor the complaint no. 2: (a) the electronic message of the legal advisor of the Defendant in the complaint no. 2 Mr. XXXX to the Rector of XXXX University, dated 22/10/2012 entitled "Case XXXX", (b) the note of Ms XXXX

to the Complainant, "Satisfaction of conditions for the granting of leave without pay during the Spring Semester 2011 /12", (c) the note from Ms. XXXXX to the Complainant, dated 12/9/2012, entitled "Satisfaction of conditions for the granting of leave without pay during the Spring Semester XXXXX" and, (d) the minutes of the XXXXX Session of the Senate dated XXXX, Part A, Annex 3.2, with a decision concerning the Complainant. The above was attached to an email entitled "Illegal and irregular disciplinary action against XXXX". Recipients were: To:XXXXXX Cc:XXXXX 22/10/2012, title with 5.1 The position of the Defendant in complaint no. 1 is that he made complaints about specific irregularities and informed the rest of the academic and administrative staff about it, quoting the evidence for which Mr. XXXXX is accused. 6. Also, on 21/6/2016, 16/9/2016 and 16/11/2016, the Defendant filed complaint no. 1 publicized the complaint no. 2 (e-mail addresses XXXXX), 3 complaint against the Complainant, 170 pages, with 21 appendices filed in the Office of the Administrative Commissioner on 10/18/2012. The complaint in question was attached to the e-mails in question under the names: (a) "Complaint XXXXX duplicate.pdf", email dated 21/6/2016 entitled "Illegal and irregular disciplinary procedure against XXXX", (b) "Synaptomeno 8.pdf", email dated 9/16/2016 entitled "Senate Hearing in the presence of my legal counsel" and (c) "Kataggelia.pdf", email dated 11/16/2016 and entitled "Activation Rule 7 - Employment of the Vice-Chancellor XXXX in foreign universities". The complaint, according to the allegations of the Complainant, contained the following personal data and information: (a) Letter dated 26/7/2011, from the President of the Steering Committee of the Defendant, complaint no. 2 Professor XXXXX to the Complainant, regarding his request for a leave of absence from the Professor complaint no. 2 without remuneration (Appendix 4), (b) Note dated 23/5/2012 of the Complainant to the Rector of the Defendant regarding complaint no. 2, Professor XXXXX (Appendix 5), (c) CV of the Complainant, dated 12/3/2002 (Appendix 6), (d) Electronic message of the Complainant to the ComplainantNo. 1 , to withdraw his malicious complaints (Appendix 9), (e) Letter dated 26/7/2011 XXXXX to the Complainant (Appendix 10), (f) Email dated 27/7/2012 of the Complainant's lawyer, Mr. XXXX to the Rector (Appendix 11), (g) Minutes of the XXXX session of the Senate dated 6/6/2012, part A, appendix 3.9, with a decision concerning the Complainant (Appendix 15) and, (h) Minutes of the XXXX Session of the Senate dated 5/9/2012, Part A, Appendix 3.2, with a decision concerning the Complainant (Appendix 16). According to the Complainant's position, the letters and items (a, b, e, f, g and h), which were posted in the access file of the members of the Senate of the Complainant no. 2, came into the possession of the Defendant the complaint no. 1 illegally, because on the date of drawing up the complaint in question he did not have legal access to the file of the Senate. Recipients of the complaint against the Complainant were: To:XXXXXX Cc:XXXXX 6.1 The position of the Defendant

in the complaint no. 1 to my Office for the above, was that he was still sounding the alarm about irregularities being committed in the Defendant's complaint no. 2. Certain points from the above paragraphs are published on the internet and anyone can access them. The resume of the Complainant and the minutes of the Senate, in the form of summary decisions, are available to the general public on the internet (not all). 4 The decisions concerning the Complainant are absent. Some evidence/letters (eg annexes 4, 5, 9 and 10 and minutes of the Senate) were supplied to him by his colleagues to strengthen his positions and complaints in relation to the irregularities taking place in the Complaint no. . 2, in his capacity as XXXXX. He had at least a moral obligation to defend their interests. 7. Also, on 22/7/2016 the Defendant filed complaint no. 1 made public to the academic and administrative staff of the University the complaint no. 2. 2 Professor XXXXX, dated 4/1/2012. The responsible declaration was attached to an e-mail entitled "Declaration of extra-university activities". Recipients were: To: XXXXX Cc: XXXXX on 7.1 The position of the Defendant in the complaint no. 1 to my Office was that the responsible statement was sent to the Rector of the University, as well as to the academic and administrative staff of the Professor the complaint no. 2. In the electronic message, he expressed his personal opinion/opinions/questions on matters that were current and mainly related to irregularities in acts in the context of University work and were related to irregularities in procedures. 8. Also, on 2/9/2016 the Defendant filed complaint no. 1 made public to the academic and administrative staff of the University the complaint no. 2 (lists of e-mail addresses XXXX), the letter of XXXX to the Registrar of Trade Unions dated 16/6/2016, attached to an email entitled "Projects and Days XXXX: Total. III: Complaint against the Board of Directors of S.A.P. T.E.P.A.K. from XXXXX". The recipients were: To: : XXXXX 8.1 The position of the Defendant in complaint no. 1 to my Office was that the letter was sent to the academic and administrative staff of the Professor complaint no. 2, informing that the Complainant filed a complaint with the Registrar of Trade Unions against SAP-TEPAK. His effort was to inform the staff and prove that the complaints about the irregularities that were taking place in the Defendant's complaint no. 2 had substance and were real. The letter concerned the SAP-TEPAK guild and all interested parties had the right to be informed about the content. 9. Also, on 2/9/2016, 7/9/2016 and 16/9/2019, the Defendant filed complaint no. 1 made public to the academic and administrative staff of the University the complaint no. 2 (lists of e-mail addresses XXXX), the Complainant's note to the Rector dated 4/7/2019 entitled "Non-fulfilment of the Obligations of the Assistant Professor XXXX and Violation of the Legislation and Regulations of the University". The note was attached to corresponding electronic messages of the Defendant in complaint no. 1 with titles "Works and Days XXXXX: Ool. III: Complaint against the Board of Directors of S.A.P. T.E.P.A.K. by XXXX", "Obstruction of 5 disciplinary proceedings

against XXXX by the rector" and "Senate hearing in the presence of my legal counsel". The recipients were: To: :XXXXX 9.1 The position of the Defendant in complaint no. 1 to my Office was that the letters were sent to the academic and administrative staff of Professor complaint no. 2 responding to the note sent by the Complainant to the Defendant in complaint no. 1 and expressing his opinion about the person of the Complainant, in order to bring to the knowledge of the administrative and academic staff acts which were illegal. The note contained personal data of the Defendant in complaint no. 1. 10. Also, on 2/9/2016 the Defendant filed complaint no. 1 made public to the academic and administrative staff of the University the complaint no. 2 (lists of e-mail addresses XXXX), the opinion of the legal advisors of the university "XXXX and Associates", regarding the concept of acute enmity between the Defendant in the complaint no. 1 and of the Complainant, dated 4/7/2016. The opinion was attached to an e-mail entitled "Works and Days XXXX: Ool. III: Complaint against the Board of Directors of S.A.P. T.E.P.A.K. from XXXXX". The recipients were: To: XXXXX 10.1 The position of the Defendant in complaint no. 1 to my Office was that the opinion was sent to the academic and administrative staff of the Professor complaint no. 2. In the opinion it was pointed out that the Defendant in the complaint no. 1 should go through an evaluation committee, due to the complaints submitted by the Complainant against SAP-TEPAK. The Defendant filed complaint no. 1 wanted to inform the staff about the Complainant's actions to prove that his complaints of irregularities taking place in the Defendant's complaint no. 2 had substance and were real. 11. Also, on 2/9/2016 the Defendant filed complaint no. 1 made public to the academic and administrative staff of the University the complaint no. 2 (lists of electronic addresses XXXX), the opinion of the legal advisors of the university "XXXX and Associates", regarding the participation of the Complainant in the disciplinary committee for the examination of complaints against the Defendant in complaint no. 1, dated 4/7/2016. The recipients were: To: XXXXX CC: XXXXX 11.1 The position of the Defendant in the complaint no. 1 to my Office was that the opinion was sent to the academic and administrative staff and related to the Complainant's participation in the disciplinary committee to consider complaints against him. He expressed his opinion/opinions/questions on topical issues. Its purpose is to maintain the academic interest in maintaining the procedures and regulations of the Professor complaint no. 2. 12. Also, on 7/9/2016 the Defendant filed complaint no. 1 made public to the academic and administrative staff of the University the complaint no. 2 (lists of electronic addresses XXXX), the letter of the Rector of the 6th complaint no. 2 Professor XXXX to lawyer XXXX, regarding the Complainant's complaint against the Board of Directors of SAP-TEPAK to the Registrar of Trade Unions, dated 7/21/2016. The letter was attached to an email entitled "Obstruction of disciplinary proceedings against XXXX by the dean". The recipients

were: To: XXXXX CC: XXXXX 12.1 The position of the Defendant in the complaint no. 1 to my Office was that the letter was sent to the academic and administrative staff of the Professor complaint no. 2, informing it about the Complainant's complaint against SAP-TEPAK. In the email he was expressing his personal opinion/opinions/questions on topical issues for the University. The purpose is to maintain the academic interest and to comply with the procedures and regulations of the Complaint no. 2. 13. Also, on 15/9/2016 the Defendant filed complaint no. 1 made public to the academic and administrative staff of the University the complaint no. 2 (lists of electronic addresses XXXX), the note of the Dean of the School of Communication and Media, Professor XXXX and the Complainant, dated 19/6/2016 to the Senate regarding the transfer of Professor XXXX to the School XXX. The note was attached to an email from him entitled "Complaint of Misappropriation of Public Money - Transfer XXXX from Department XXXX". The recipients were: To: XXXXX CC: XXXXX13.1 The position of the Defendant in the complaint no. 1 to my Office was that the letter was sent to the Chancellor XXXX, the academic and administrativepersonnel and related to a complaint of embezzlement of public money and transfer of XXXX from Department XXXX. Its purpose is the defense of the public interest and transparency. 14. Also, on 21/9/2016 the Defendant in complaint no. 1 made public to the academic and administrative staff of the University the complaint no. 2 (lists of e-mail addresses XXXX), the Complainant's note to Professor XXXX dated 4/6/2014 entitled "Unethical Conduct". The note was attached to an e-mail titled “Works and Days XXX – Vol. XIII". The recipients were: To: XXXXX CC: XXXXX 14.1 The position of the Defendant in the complaint no. 1 to my Office was that the letter was sent to the Rector, the academic and administrative staff of the Professor the complaint no. 2 and concerned a note sent by the Complainant to the Senate regarding the transfer of Professor XXXX to School XXXX. It was a matter of general interest as to which professor would conduct the course in question. 15. Also, on 1/11/2016 and 18/11/2016, the Defendant filed complaint no. 1 made public to the academic staff of the Department of Trade, Finance and Shipping and possibly other academics 7 (restriction of sending electronic messages by the Departmental Council of the Professor complaint no. 2), the minutes of the XXXX Session of the Council of the DIO School, dated 8/ 9/2016. The minutes were attached to e-mails entitled "Approval of DIO School Minutes by the Senate-Collaboration of EXHN department with MFS (c/o Global Business Publications Ltd)" and "Complaint of EXHN Department Council and DIO School Council for covering up illegality and attempting to legalize it" . Recipients were: On 1/11/2016: To: XXX On 18/11/16: To: XXX 15.1 The position of the Defendant in complaint no. 1 to my Office was that the email dated 1/11/2016 was sent to the Rector, informing him not to approve the minutes for the reason that he had submitted a complaint for the use of office space,

infrastructure, consumables and general expenses by an operating business in the Defendant's complaint no. 2 by the Complainant's wife. If the minutes were legalized, they might eventually be deemed illegal. The reference to the Complainant's wife served the purpose of preventing illegality. 16. Also, on 17/11/2016 the Defendant filed complaint no. 1 made public to the members of the XXXX Departments and to the members of the Academic Staff Union (SAP.TEPAK) the Professor's complaint no. 2, the letter addressed to him and the Complainant's note to the School Council members, dated 11/15/2016 entitled "Decision of the XXXX Department Council regarding the teaching of Assistant Professor XXXX's courses". The documents in question were attached to an e-mail entitled "Teaching of Courses XXXXX by Professor XXXXX". Recipients were: To: XXXXX Cc: XXXXX 16.1 The position of the Defendant in complaint no. 1 to my Office was that the letter was sent to the members of the XXXX Departments and to the members of the Academic Staff Union (SAP-TEPAK), regarding complaints made by the Complainant about the Defendant complaint no. 1. He was expressing his opinion in relation to the person of the Complainant. Its purpose was to bring to the knowledge of the administrative and academic staff acts which were illegal. 17. Also, on 4/12/2016 the Defendant filed complaint no. 1 released to the members of the XXXX Departments and other persons, an appendix to the minutes of the 78th Session of the Rector's Council dated 9/9/2016, Part 4.2.9 entitled Assignment of Teaching to XXXX (decision). According to the Complainant, the minutes were presented at the 73rd Session of the Senate, Part A, three days after the complaint no. 1 dated 4/12/2016 with the title "Waste of Public Money in the HEPN - Interventions by a Member of Parliament". Recipients were: To: XXXXX Cc: XXXXX 8 17.1 The position of the Defendant in complaint no. 1 to my Office was that the appendices of the minutes were sent to the members of Sections XXXX. The minutes of the Rector's Council were not secret and all academic and administrative staff of the University had the right to be informed. There was also no personal data of the Complainant in the said note. 18. Also, on 6/12/2016 the Defendant filed complaint no. 1 released to the members of Departments XXXX, the minutes of the 57th Session of the Council of the School of Administration and Economics dated 25/11/2016, which were attached to an electronic message entitled "Attempt to legalize illegalities concerning the MFS organization". Recipients were: To: XXXXX 18.1 The position of the Defendant in complaint no. 1 to my Office was that the minutes were sent to the members of Sections XXXX. The minutes of the Council were not secret and all academic and administrative staff of the University had the right to be informed of their content. 19. Also, on 26/11/2019 the Defendant filed complaint no. 1 made public to the members of the Academic Staff Union (SAPTEPAK e-mail address list), the report of the Commissioner for Administration and Protection of Human Rights against the Defendant, complaint no. 2, dated

August 8, 2019, Fax NO.: A/P 2111/2016, in which there was an extensive reference to the name of the Complainant, attached to the Defendant's electronic message, complaint no. 1. The recipient of the message was: To: XXXXX 19.1 The position of the Defendant in complaint no. 1 to my Office was that the Commissioner's report and the email was sent to the members of the Academic Staff Union of the Professor complaint no. 2. It was a matter of general interest and concerned all the academic staff, the content of which the entire society had the right to be aware of since it concerns the University's ill-gotten gains. Complaint no. 2. It also reflected his personal opinion that the procedures in question are not followed properly and as they should be. 20. Also, on 27/11/2019 the Defendant filed complaint no. 1 released to the members of the Academic Staff Guild (SAPTEPAK mailing list), an email entitled "Questions about the rector's election" in which there were various references of a personal nature about him and members of his family. Recipient was: To: XXXXX 20.1 The position of the Defendant in complaint no. 1 to my Office was that the email was sent to the Academic Staff Union, the fact that the Complainant is facing allegations of a range of misconduct, both disciplinary and criminal, which staff were already aware of. There is no mention of any members of the Complainant's family. 9 21. Also, on 29/11/2019 the Defendant filed complaint no. 1 made public to the members of the Academic Staff Union (SAPTEPAK mailing list), an electronic message entitled "Rectoral Elections", which had as an attachment the personal note dated November 18, 2016 entitled "Teaching courses of Assistant Professor XXXX" which he sent with the status of Dean of School XXXX to a specific candidate. The recipients were: To: XXXXX Cc: XXXXX 21.1 The position of the Defendant in the complaint no. 1 to my Office was that the message was sent to the Academic Staff Union, XXXXX, XXXXX and XXXXX (Chairman of the TEPAK Council) and was about a note about which professor will teach a particular course. Academic staff members must be aware of developments. The Defendant filed complaint no. 1 in the e-mail expressed his personal opinion regarding the Rectoral election process. It is not personal data to publicize a purely factual event to persons who must know and/or would receive knowledge of the events as soon as they occur. 2.5 The Defendant in complaint no. 2 responded on May 13, 2021 to my call, stating that he does not have a complete picture of the events. Most incidents took place in 2016, before GDPR 2016/679 and National Legislation 125(I)/2018 came into force. They had started an investigation in relation to the reported incidents in order to gather the necessary evidence. For the publications that were mentioned in my Office's letter, they cannot have the same opinion as to the content, as the e-mails were sent to specific recipients and have not come to their attention. They added that due to the above limitation, there was difficulty in locating the publications in question in order to evaluate the positions expressed by the parties involved. They stated that in

order to position themselves, it is important that they study the content and evaluate the claims of those involved. They did not ask however, anything on behalf of my Office, such as to allow them to inspect the documents that were in my administrative file. 2.6 My Office sent a second letter to the Defendant with complaint no. 2, dated May 14, 2021, emphasizing that it had not been requested to comment on the content of the 21 numbered documents, as they were described in our letter dated March 30, 2021 so that the Defendant in complaint no. 2 to be hindered by the absence of these documents. What had been requested and after a detailed description of the type of document, the sender and the recipient, was to comment on whether the Complainant's personal data had been illegally shared, according to the Need to Know principle. In other words, what was requested is to state whether (a) it was legal for the Defendant to possess these documents in complaint no. 1, in the context of his capacity as an employee of TEPAK, since most of them were documents of TEPAK and (b) whether the recipients of the documents that the Defendant subsequently sent in complaint no. 1, were legitimized to receive 10 knowledge on the basis of their own status. It was also emphasized that although most of the documents are from 2016, the then current Law 138(I)/2001, had similar obligations with GDPR 2016/679 and this does not mean that the Defendant in complaint no. 2 to ensure the confidentiality of these documents. In conclusion, the Defendant requested complaint no. 2 to clarify whether (a) their letter dated May 13, 2021 is their final position, so that I would proceed with issuing a Decision, or (b) if they wanted time to revisit the matter and answer the questions put to it. 2.7 The Defendant in complaint no. 2 replied to my above letter on July 2, 2021, stating that TEPAK's positions are recorded in the letter dated May 13, 2021. Legal aspect: 3. According to GDPR 2016/679 “(1) The protection of natural persons against the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union ("Charter") and Article 16(1) of the Treaty on the Functioning of the European Union (TFEU) state that every person has the right to the protection of personal data concerning him .». On the other hand, however, "(4) The processing of personal data should be intended to serve humans. The right to the protection of personal data is not an absolute right; it must be assessed in relation to its function in society and weighed against other fundamental rights, in accordance with the principle of proportionality. This regulation respects all fundamental rights and observes the freedoms and principles recognized in the Charter as enshrined in the Treaties, in particular respect for private and family life, residence and communications, protection of personal data, freedom of thought, conscience and religion, freedom of expression and information, freedom of enterprise, the right to an effective remedy and an impartial tribunal, and cultural, religious and linguistic diversity." 3.1 According to Article 15 of the Constitution (corresponding to Article 8 of the

European Convention on Human Rights): "1. Everyone has the right to have their private and family life respected. 2. There is no interference with the exercise of this right, even if it would be in accordance with the law and necessary only in the interest of the security of the Republic or the constitutional order or public security or public order or public health or public morals or the protection of the rights and liberties guaranteed by the Constitution to any person or in the interest of transparency in public life or for the purposes of taking measures against corruption in public life." 11 3.2 Article 4 of GDPR 2016/679 defines that "personal data" is "any information concerning an identified or identifiable natural person (data subject); an identifiable natural person is one whose identity can be ascertained, directly or indirectly,...". Data controller is defined as anyone (the natural or legal person, public authority, agency or other body) who, "alone or jointly with another, determine the purposes and manner of processing personal data", the breach of personal data as "the breach of security leading to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure or access of personal data transmitted, stored or otherwise processed", while ""third party": any natural or legal person , public authority, agency or body, with the exception of the data subject, the controller, the processor and the persons who, under the direct supervision of the controller or the processor, are authorized to process the personal data ». 3.3 The "Guidelines" issued by the European Data Protection Board on personal data breach notification on October 3, 2017 and revised on February 6, 2018 clarifies that "...a breach is a type of security incident" which can to result either from an attack on the organization from an external source, or from internal processing, which violates security principles. 3.4 Article 5 of GDPR 2016/679 states the Principles governing the processing of personal data, such as e.g. that the data must be "b) collected for specified, express and lawful purposes and not further processed in a manner incompatible with those purposes... ("purpose limitation"), or "f) processed in a way that guarantees the appropriate security of personal data, including their protection against unauthorized or unlawful processing and accidental loss, destruction or damage, by using appropriate technical or organizational measures ("integrity and confidentiality")." According to paragraph 2 of Article 5, "2. The controller is responsible and able to demonstrate compliance with paragraph 1 (`accountability').' 3.5 In Article 6 of the Regulation, the cases where the processing of personal data is considered lawful, such as for example when "c) the processing is necessary to comply with a legal obligation of the controller," or "e) the processing is necessary for the fulfillment of a duty performed in the public interest or in the exercise of a public authority assigned to the controller". 3.6 Related to the issue of data security are Articles 24 and 32 of the Regulation, where Article 24 states the controller's responsibility to "implement appropriate technical and organizational measures in order to ensure and be able to prove that the

processing 12 conducted in accordance with this regulation." and in Article 32 the responsibility of the data controller to apply the appropriate technical and organizational measures "in order to ensure the appropriate level of security against risks, including, among others, as the case may be: (...) b) the ability to ensure privacy, integrity , the availability and reliability of processing systems and services on an ongoing basis". 3.7 According to Article 33 par. 1 of GDPR 2016/679, in the event of a personal data breach, the data controller must "immediately notify and, if possible, within 72 hours of becoming aware of the breach of the of personal data to the supervisory authority competent in accordance with Article 55, unless the breach of personal data is not likely to cause a risk to the rights and freedoms of natural persons. Where notification to the supervisory authority is not made within 72 hours, it shall be accompanied by a justification for the delay.' 3.8 According to recital (85) "… If such notification cannot be obtained within 72 hours, the notification should be accompanied by a justification stating the reasons for the delay and the information may be provided gradually without undue delay." Article 33 par. 4 of the Regulation is also relevant, which states that "In the event that it is not possible to provide the information at the same time, it can be provided gradually without undue delay." 3.9 According to Article 34 par. 3 of GDPR 2016/679 "When the breach of personal data may put the rights and freedoms of natural persons at high risk, the data controller shall immediately notify the breach of personal data to data subject." An exception exists in the event that the controller (a) has implemented appropriate technical and organizational protection measures of such a nature as to render the personal data unintelligible to those not authorized to access it, (b) has subsequently taken measures to ensure that it is not the high risk referred to in paragraph 1 to the rights and freedoms of the data subjects is more likely to occur and (c) the communication requires disproportionate efforts. In such a case, the announcement may be made publicly or in such a way that the data subjects are informed in an equally effective manner. 3.10 It is the controller's responsibility to assess the risk that could arise from the incident so that it can take effective action to contain and address the breach, but also to help determine whether notification to the supervisory authority is required and, if necessary, notification to the persons concerned 3.11 Similar basic principles as Article 5 of GDPR 2016/679 had Article 4 of the repealed Law Concerning the Processing of Personal Data 13 (Protection of the Individual) Law 138(I)/2001. Likewise, in relation to Article 6 of GDPR 2016/679 and the legality of a processing, it was Article 5 of Law 138(I)/2001, while in relation to the obligations of the processor to take the appropriate organizational and technical measures for the security of their data, through those under the control of the individuals and following his orders to them, had article 10 of Law 138(I)/2001. 3.12 According to article 9 of the General Principles of Administrative Law Law of 1999, 158(I)/1999,

"when the administrative body is to issue an act, following an application, it will be based on the legislative regime, in force at the time of the issuance of the deed, regardless of whether this was different at the time of submitting the relevant application. When the administration, after the lapse of a reasonable time, fails to examine the application, the status that was in force at the end of the expiry of the reasonable time shall be taken into account." 3.13 According to the "Need to Know" Principle, there should be a restriction on access to classified or unclassified documents, to personnel who are absolutely necessary to obtain knowledge and/or to competent employees for the performance of their duties. When there is a need to restrict access, the Competent Authority or the Head of Department, or another Head of Sector/Division/Branch authorized by them decides accordingly whether or not it is appropriate to be handled based on the "Need to Know" principle. In the event that he considers that there is a need for restriction, he notes on the document the names of the employees or the group of employees who will have access to the document in question for handling. 3.14 In accordance with article 31 of GDPR 2016/679 "The data controller and the processor and, as the case may be, their representatives cooperate, upon request, with the supervisory authority for the exercise of its duties.", while according with article 33(1)(b) of Law 125(I)/2018 "33.- (1) Commits a criminal offence- (b) a data controller or processor, who does not cooperate with the Commissioner, in accordance with provisions of article 31 of the Regulation". 3.15 In recital (31) it is stated that: "(31) Public authorities to which personal data are disclosed in accordance with a legal obligation for the exercise of their official duties, ... should not be considered recipients, if they receive personal data of a nature which are necessary to carry out a specific investigation in the general interest, in accordance with the law of the Union or a Member State. Disclosure requests sent by public authorities should always be in writing, reasoned and appropriate, and should not concern the entirety of a filing system or lead to the interconnection of filing systems. The processing of personal data by said public authorities should comply with the applicable data protection rules depending on the purposes of the processing. 14 3.16 Finally, article 33(1)(k) of Law 125(I)/2018 on which the Complainant bases his complaint, states that: "(1) Commits a criminal offence- (k) a person who without right intervenes in any way in a personal data filing system or obtains knowledge of such data or removes, alters, damages, destroys, processes, exploits in any way, transmits, announces, makes it accessible to unauthorized persons or allows such persons to receive knowledge of said data, for profitable or non-profitable purposes," Rationale: 4. In the present case the Complainant complains that the Defendant in complaint no. 1 had maliciously published his personal data in violation of Article 33(1)(k) of Law 125(I)/2018 and that he had additionally published an electronic message in which there were various references of a personal nature about him and family

members of (see point 20 of par. 2.4). According to the said article of the Law, the Complainant seems to consider that the Defendant in the complaint no. 1 is liable to criminal liability for interfering with a system of archiving or obtaining knowledge of the data, or removing it, altering it, causing damage or destruction, processing, exploitation, transmission, communication, etc. The personal data of the Complainant, which had been exposed and leading to his identification, were his name and the email address he used in his various emails. 4.1 The Defendant in complaint no. 1 sent various electronic messages, to recipients who belonged to the majority of them to the academic and administrative staff of the Professor, the complaint no. 2. The Defendant in complaint no. 1, also sent various electronic messages to the members of other departments of the University, such as Department XXXX, to the Union of Academic Staff (SAP.TEPAK), to the students (see point 6 of par. 2.4), or to the Auditor General (see point 21 of par. 2.4) and/or other Competent Authorities. 4.2 The Complainant and the Defendant in complaint no. 1, at the given time of the notifications, were employees of the Defendant in complaint no. 2. Consequently, bearing in mind that both the Complainant and the Defendant in complaint no. 1 were persons who were under the supervision of the Defendant in complaint no. 2 (see recital (4) of the Regulation in relation to the interpretation of the "third" person), the Defendant requested complaint no. 2, as he states his own positions/opinions on whether the Defendant in the complaint no. 1, was legalized in the context of his duties, to send the 1-21 numbered documents to the said recipients. 4.3 The Defendant in complaint no. 2 initially stated that he did not have a complete picture of the events, because most of the incidents took place in 2016, he could not 15 have the same opinion regarding the content, there was difficulty in locating the publications in question in order to evaluate the positions expressed by the parties involved and therefore could not be placed, without studying the contents of the documents. In no case, however, was anything requested from my Office, such as the inspection of my administrative file, in which the documents in question were located. Despite this, the Defendant was given the opportunity to file complaint no. 2, to redefine, if he wished, his position, indicating that what he was being asked to do was to inform my Office if (a) the Defendant was legitimizing complaint no. 1 to share the documents he possessed, most of which were documents of the Defendant in complaint no. 2 (e.g. minutes, etc.) and (b) whether the recipients of the documents sent by the Defendant in complaint no. 1, were legitimized to receive knowledge based on their own status (e.g. academic and administrative staff, etc.). The Defendant filed complaint no. 2, however, adopted his original position, without adding anything else. 4.4 I consider the behavior of the Defendant to be unfortunate in complaint no. 2 to my Office, since the documents that were communicated had been brought to his attention with a detailed description, as well as the positions of the Complainant

and the Defendant of complaint no. 1 on the documents. The recipients of the documents were also detailed, since the documents were sent by email and the recipients were clear. Most of the recipients were members of the Defendant's own complaint no. 2, such as the Rector, other academics, etc. The documents were sent to electronic addresses which actually belong to the Defendant in complaint no. 2, such as CUTaca and CUTadm or ...@cut.ac.cy. The Defendant filed complaint no. 2 should have answered the questions he was asked, but he should also have been aware of the correspondence that had been exchanged within his organization. Even if a long time had passed and he did not remember the specific documents, the Defendant in complaint no. 2 should have to investigate the incident as it was brought to his attention, and to answer the requested questions, since both the sender and the recipients belonged to his staff. He also had to, within the framework of his obligations to implement appropriate technical and organizational measures, to know to whom information and/or documents concerning the organization are sent and in the event that a security incident was detected which would lead to a leak of personal data, to receive the appropriate measures. The only conclusion that can be drawn from the stance taken by the Defendant in complaint no. 2 to my Office, is that he had essentially chosen not to cooperate with my Office, in order to refrain from taking a position in the internal conflict which took place and/or is still taking place in his premises, between the Complainant and the Professor th complaint no. 1. 4.5 In any case, despite all this, with all the data I have before me, I will have to decide without having the positions of the data controller - read the complaint no. 2, in relation to the Complainant's complaint against the Defendant, complaint no. 1. 16 4.6 Taking into account all the facts that came to my attention, I take into account the following: (1) Both the Complainant and the Defendant in complaint no. 1, are part of the controller. (2) The Complainant was hierarchically superior to the Defendant in complaint no. 1. (3) Between the Complainant and the Defendant in complaint no. 1, there was a chronic conflict, which was always directly related to the professional status of the two. (4) The personal data of the Complainant that was exposed (as well as of other persons), were his name and professional email address. (5) The Defendant in complaint no. 1 had been XXXXX representing the Academic Staff. (6) The Syntechnia informed the Defendant of the complaint no. 1 for various issues concerning the Academic world of the Defendant complaint no. 2, sometimes supplying him with various documents such as e.g. minutes of the Senate. The Defendant filed complaint no. 1, he tried, among other things, in his capacity as XXXX of the Syntechnia, to defend the interests of the other Academicians. (7) The content of the correspondence of the Defendant in complaint no. 1, concerned primarily internal issues of TEPAK, and secondly issues that concerned and may concern other Competent Authorities and were directly related to the status of the

Complainant and the Defendant in complaint no. 1 as employees of the Defendant in complaint no. 2. (8) In similar notifications of correspondence to academic and administrative staff, students and/or lawyers, other persons of the Defendant appear to have made the complaint no. 2, such as XXXXX in a letter dated 12/9/2016 to: XXX (content of Document No. 6). The Defendant filed complaint no. 1 was expressing his views/complaints through his e-mails and attaching various documents, which he believed supported/reinforced his various positions/opinions. (9) (10) The issues raised directly and/or indirectly related to the rest of the academic and/or other staff of the Defendant in complaint no. 2. (11) The between the Complainant and the Defendant of complaint no. 1 dispute, had been notified and/or reported to other Competent Authorities, such as for example the Commissioner of Administration since 2012, the Auditor General, the Education Committee of the Parliament, etc. In the dispute between them, Prof. th complaint no. 2, who had even taken opinions on the various issues arising from legal advisers. (12) The time of correspondence and disclosure of most documents by the Defendant in complaint no. 1, is in 2016 (for issues 1 to 18) and 2019 (for issues 9, 19-21), while the complaint to my Office was made at the end of 2019. (13) The content of the correspondence and communications did not fall under in the sphere of private law and the personal and family life of the Complainant, but related to his professional capacity. 17 (14) The communications in which the Defendant made complaint no. 1 in other sections of the Defendant's complaint no. 2 and/or staff, are considered notifications within the controller itself and not notifications to "third parties", so that it is perceived as a leak of documents containing personal data. (15) Pursuant to the Regulation, public authorities to which personal data are disclosed in accordance with a legal obligation for the exercise of their official duties, should not be considered recipients if they receive personal data necessary to carry out a specific investigation in the general interest, in accordance with Union or Member State law. In any case, however, for the disclosure to the Supervisory Authorities, there should be institutionalized procedures in order to legitimize them. (16) Among the recipients of the correspondence and various documents, there were also individuals who belong to various law firms, for whom in any case the Complainant, from the description he provided on his complaint form, does not seem to have considered that there was anything untoward. They may be the people who have provided legal advice to both sides over the years on the issues raised. (17) Whether the Defendant in complaint no. 1 is liable for a criminal offence, as the Complainant's position was, it is not something that is within my jurisdiction. The Complainant should contact the Police and if the Police proceeds with criminal proceedings against the Defendant in complaint no. 1, then the issue of criminal responsibility will be decided before a Court. (18) What my Office duly could only examine was whether the persons who received knowledge of the various

documents were entitled to know, based on the "Need to Know" Principle. (19) In relation to this issue, the Defendant in complaint no. 2, who was the competent body to cooperate and inform my Office regarding the responsibilities of the recipients and if it was within their duties to obtain such knowledge, they have not done so. (20) In the absence of such information, I cannot know for sure whether the Defendant in complaint no. 1 was legalized or not, to communicate the documents in question which were attached to his correspondence, to the recipients in question. (21) Regarding the Note in Document no. 1, which was classified as "confidential", I do not have the position of the Defendant in the complaint no. 2, on whether (a) it had been correctly classified as "confidential" and whether (b) it had been wrongly attached to the Defendant's electronic mail-response to complaint no. 1, which he sent to the administrative and academic staff of the University. In any case, directly interested in the confidentiality of the document, was the Defendant in the complaint no. 1. (22) It was the responsibility of the Defendant to file complaint no. 2 to place in restriction and/or under his control, documents which were shared and should not have been shared and/or even classify them based on the Need to Know Principle, noting on the documents the names or the group of officials who should have had access to said documents for handling. From the evidence I have before me, it does not appear that such a procedure had been followed for the documents that had been shared, with the exception of the confidential note that the Complainant had sent to the Defendant in complaint no. 1. (23) In the event that the Defendant in complaint no. 2 found that the Defendant exceeded his duties in complaint no. 1, should have activated mechanisms to examine this issue. The Complainant himself should also be hierarchically superior to the Defendant in the complaint no. 1, to address to the Defendant the complaint no. 2, and to activate the procedures in relation to this matter. Before me, I do not have any evidence that any legal procedure was followed against the Defendant in complaint no. 1, in relation to the disclosure of the documents, about which the Complainant now complains to my Office. 4.7 In addition to the above, I also find that between the Complainant and the Defendant of the complaint no. 1 difference, seems to have also concerned the press, since an Officer of my Office has identified various publications on this subject. Further, announcements to the media seem to have been made by all the parties, since in Document number 12, the Defendant in the complaint no. 1 addressed to the then Rector XXXXX, refers (a) to a public statement of XXXXX, in relation to the referring of the Professor the complaint no. 1 before the Disciplinary Control Committee, (b) in statements of the Complainant to the newspaper Politis that "XXXX" of him and in a related attachment (which was not presented to me) entitled "XXXX", and (c) in statements again of the then Rector , for the fact that the matter was forwarded to the EPE for rapid investigation and relatedattached (which again was not provided

to me) entitled "XXXXX".

4.8 On the other hand, the Complainant in the complaint form, regarding

Document No. 12, focuses his complaint on the fact that Kath

complaint no. 1 released to academic and administrative staff (lists

CUTaca and CUTadm email addresses), the Rector's letter to

the lawyer XXXXX. The fact that the Defendant in complaint no. 1 shared

letters of the Rector, clearly shows, once again, the responsibility that he had

According to the complaint no. 2 to investigate any breach of duties by a party

of the Defendant's complaint no. 1 for said notifications. Also note,

that the first recipient of Document no. 12, and directly interested in any

breach of duty on the part of the Defendant in complaint no. 1, is the same o

Rector.

4.9 Indicative of the condition and size of the subject, the following

original publications, which an Officer of my Office found at

internet, the first from the electronic newspaper OMEGA, daily XXXX and the

second, from the electronic newspaper Politis daily XXXXX, and which

are directly related to the content of the documents shared by the Professor

the complaint no. 1 and about which the Complainant complains to my Office.

"HHHH…."

4.10 The between the Complainant and the Defendant of the complaint no. 1 dispute,

at least in relation to the position of Vice Chancellor, he also ended up at the Supreme Court

Court. The Decision of the AD is relevant. With reference to Article 146 of

Syntagma, XXXXX v. Cyprus University of Technology, No. Min. XXXXX, date

XXXX.

4.11 Possibly related to the disputes in question, be a case which

was brought before a Court of Justice and related to investigative misconduct
programs of TEPAK and the University of Cyprus. Related article at
Alphanews daily XXXXX refers to a will statement of an official of the Professor
the complaint no. 2, which involved other members of the Defendant in complaint no.
2, including the Defendant in complaint no. 1 ("XXXXX."), while in more
old publication of the same electronic newspaper, dated XXXXX refers to
complaint of the Defendant complaint no. 1 against XXXX colleagues, the
who, according to his position, were involved in scandals involving rigging
promotions and hiring, while he played a role in uncovering the scandals with the
rentals and subleases of buildings.

4.12 For the above publications which occupied the press, and had
directly related to the content of the correspondence and documents that Prof
the complaint no. 1 communicated, does not make any reference to the complaint
of the Complainant. I don't think it's right for him to wait for the Bureau to investigate
issues which should properly have already been examined by Prof.
th complaint no. 2 and which, after all, had occupied the press
and they were known not only within the Court, the complaint no. 2, but also
to the citizens who followed and were informed by the media about it
internal dispute that had broken out in TEPAK.

Conclusion:

5. Bearing in mind the above findings, my conclusion in relation to
complaint under consideration before me, is that the disclosures made by
According to the complaint no. 1 in relation to the person of the Complainant, no
are notifications to third parties.

5.1 Any disclosure of name and professional email
address of the Complainant, to persons who worked for the Defendant

complaint no. 2-responsible for processing, does not fall under the sphere of protection

of private and family life, since the content of the shared

it concerned the professional status of the Complainant and was directly related to the

his responsibilities/duties as an employee of the Defendant in complaint no. 2.

The email addresses to which the documents were sent belonged to

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According to the complaint no. 2-responsible for processing. People who didn't belong

to the Defendant the complaint no. 2, they seem to have been directly involved with each other

Complainant and the Defendant's complaint no. 1 and no. 2, issues.

5.2 In relation to the issue of the "Need to Know" Principle in regards to

persons belonging to the controller and receiving knowledge of

of various documents, I cannot make any conclusion, since I do not have

the positions of the Defendant in complaint no. 2 in relation to this issue. In every

case, from the evidence I have before me, it does not appear the documents which

the Defendant notified the complaint no. 1, to have been classified as documents, h

use of which should have been restricted.

5.3 The Defendant in complaint no. 2, had the responsibility to investigate whether Prof.

th complaint no. 1 deviated from his duties, both during the time stage

that the notifications of the 21 numbered elements had been made, as well as after which of

the complaint investigated by my Office was notified.

5.4 The matters raised by the Defendant in complaint no. 1 subjects, for which

the Complainant complains that it was communicated to various recipients,

employed and became known not only to other Competent Authorities, but also to

Press.

5.5 In any event, my Office has no jurisdiction to conclude whether

there is criminal liability of the Defendant in the complaint no. 1 in relation to

notifications made, as was the position of the Complainant.

5.6 In view of the above and within the framework of my duties based on the Article

57(f) to handle complaints submitted by the subject of

data and investigate them as appropriate and inform about it

the Complainant, my conclusion is that I have investigated to the extent possible

matters that were within my competence, but for which I cannot

reach safe conclusions in the absence of the necessary data. In every

case, I also do not have any evidence that the

any process of characterizing the documents, based on its Authority

Need for Knowledge.

5.7 Based on the above, complaint no. 2, as in

in case they do not exist, such procedures are established, which

allow for the investigation of similar complaints, through internal mechanisms.

Irini Loizidou Nikolaidou

Commissioner of Protection

Personal Data