Athens, 19-07-2022 Prot. No.: 1866 DECISION 25/2022 (Department) The Personal Data Protection Authority met as a Department via teleconference on 11-05-2022 at the invitation of its President, in order to examine the case referred to in the history of the present. Georgios Batzalexis, Deputy President, due to the disability of the President of the Authority, Constantinos Menoudakou, was present, the deputy member, Maria Psalla as rapporteur, in place of the regular member Grigorio Tsolias, who, although he had been legally invited in writing, was absent due to disability, and the alternate members Nikolaos Livos and Demosthenes Vougioukas to replace regular members Charalambos Anthopoulos and Konstantinos Lambrinoudakis respectively, who, although they were legally invited in writing, were absent due to disability. The meeting was attended by order of the President, Kyriaki Karakasi, legal auditor - lawyer, as assistant rapporteur and Irini Papageorgopoulou, employee of the Authority's administrative affairs department, as secretary. The Authority took into account the following: With the no. prot. C/EIS/3939/15-06-2021 her complaint A complains that since September 2020 she has been receiving phone calls from representatives of the complained anonymous company with the name "doValue Greece Anonymous Company for the Management of Loans and Credits" regarding its debts to Eurobank, which were assigned to the former for management. Subsequently, at 1-3 Kifisias St., 11523 Athens, Tel: 210 6475600, Fax: 210 6475628, contact@dpa.gr / www.dpa.gr 02-04-2021 submitted, through its attorney, a statement of opposition to the above processing, requesting the immediate cessation of the harassment and the deletion of her personal data from the company's list of debtors (see documents attached to the complaint as well as the authorization of the complainant to the attorney from 04-02-2021, while the from 07-01-

2021 its relevant authorization). He pointed out in the context of this above request that following its issue with no. ... Decision of the Magistrate's Court [region] X, by which she was subject to the law 3869/2010 on over-indebted households, her debts were settled for four years, including the disputed ones for which she is being harassed by phone by the complained company, while with the no. ... A decision of the same Court certified her exemption from the rest of her debts, due to the normal performance of the obligation imposed on her by the first court decision in the context of article 8 par. 2 of Law 3869/2010. However, according to the complainants, the telephone harassment from the complainant company continued. Subsequently, after the complainant was informed by telephone that the disputed nuisances are related to the already dissolved joint venture bearing the name "... O.E", in which the complainant was a general partner, he sent another message to the complainant, on 22- 02-2021, with which she reinstated the request to stop the telephone harassment stressing that she is not responsible for

the debts in question either as a guarantor or as a former general partner, since with her subjection to the provisions of Law 3869/2010 both were diagnosed above properties. Following this, the complainant states that the company never responded to the above deletion request, while in May 2021 she received the complainant's letter of 14-01-2021, in which she was informed that the data of the Police Report listed in the above authorization Her identity did not coincide with the relevant ones kept in the complainant's file, and therefore in order to accept the authorization in question, it is necessary to go to a Eurobank branch to update her identification information, in order to resubmit the authorization form in which it is correct referred to in said letter. The complainant points out that with the said letter, the complained company refused to respond to her request, explaining the reason for the processing of her personal data, while also refusing to satisfy her 2 right to delete her data from its files. The Authority, in the context of examining the above complaint, with no. prot. C/EX/1995/02-09-2021 her document, requested from the company in question clarifications about the complainants, focusing in particular on whether there was a legal basis for the telephone harassment of the complainant, as well as whether they were carried out on her behalf her specific rights, as a data subject, if and what exactly they answered her about them, as well as the reasons for any delayed response, while requesting that the relevant request of the complainant and any response to it be attached. Following this, with the no. prot. C/EIS/5909/20-09-2021 her response document, the complainant, refers to the two disputed loan agreements that were concluded with the above already dissolved general partnership (presenting before the Authority the published in the Chamber of Commerce and Industry [area] X from 15-11-2010 relevant private termination agreement), confirming that he is aware of the two aforementioned decisions of the Magistrate's Court [region] X, which he presents to the Authority after the relevant application of the complainant to bring her under the provisions of n 3869/2010. It clarifies, however, that the dismissal of the complainant with no. ... the aforementioned Decision referred exclusively to its liability as a guarantor in the context of the above contracts, without taking into account the liability arising from its capacity as a general partner of the above company, invoking the provisions of articles 22 of the Commercial Law and 258 of Law 4072/2012. It also concludes that in view of the above there was a legal basis for making phone calls to the complainant, which took place following a dispatch to the last of the 18-

06-2019 letters, with which she was informed about the transfer of her personal data to the complainant (see attached documents in her response)1. In addition, it confirms the content of the above letter dated 14-01-2021 to the complainant, pointing out the inability to identify her, for the necessity of verification of which the relevant regulatory framework mentions,

due to the aforementioned discrepancy in the number of her Police Identity Card 1 At that time, the complainant carried the name "Eurobank FPS Anonymous Company for the Management of Claims from Loans and Credits" 3 and the consequent risk, according to her, of leaking her personal data. In fact, the complainant states that even on 22-02-2021, when the complainant again addressed this authorization to her, the request for her representation by a third party was not completed, as it was not possible to identify her, while she claims that the phone calls that took place after sending the above authorizations were aimed at informing her about the shortcomings of the latter as well as about the need to update her personal information. Regarding the non-satisfaction of the objection and erasure rights exercised by the complainant, it is stated that these could not be satisfied for the aforementioned reasons, also referring to relevant, according to her claims, telephone conversations with the complainant. The Authority called with no. Prot. C/EXE/432/15-02-2022 and C/EXE/429/15-02-

2022 calls both parties to a hearing, via teleconference, so that they can be heard at the meeting of the competent Department from 23-02-2022, giving a deadline for presenting any memoranda to further support their claims until 11-03-2022. At the above meeting, the complainant appeared through her lawyer, Vassiliou Avramidis (with AM ...), and the complainant through the lawyers Menelaos Karpathakis (with AM ...) and Vassiliou Saliaris (with AM ...), also attended by B, an employee of of the complained-about company and C, Data Protection Officer of the complained-about company, in the event that there was a need for further clarification. Subsequently, the complainant timely submitted the no. prot. C/EIS/3758/09-03-2022 memorandum after the relevant documents. With the above memorandum, the claims of the complained-about company are contradicted, while it is argued, among other things, that the latter, in violation of a res judicata arising from a court decision, invokes a non-existent debt as a legal basis for the collection and processing of data in the context of the execution of a contract, imputing, in fact, to the complainant status of non-cooperative borrower in updating identification details. In particular, the complainant denies that she was harassed by the complained-about company in her capacity as manager of a general partnership, as already on 06-02-2009 the private amendment agreement of 29-01-2009 had been published in the books of the Court of First Instance [region] X of the disputed general partnership 4 (while the above change is also mentioned in the 29-04-2011 published in Court of First Instance [region] X private dissolution agreement of the company dated 11-15-2010, see documents attached to the above-mentioned memorandum), by which another person was designated as its administrator and representative, and therefore concludes that the relevant argument of the complainant regarding telephone

harassment in her capacity as administrator is pretextually presented, namely the first during the hearing before of the beginning. It also points out that the termination of her capacity as administrator was already known to the complainant both from the evidentiary procedure before the court in view of her issuance with no. ... of the decision of the Magistrate's Court [region] X as well as from the publicly accessible books of the Court of First Instance [region] X, as well as from the communication that her attorney had with the complainant, and therefore he had no obligation to further update the complainant general partnership status. Finally, it refutes the claim of the complainant regarding maintaining the responsibility of the complainant as a regular partner as a legal basis for the telephone harassment in question, with direct reference, among others, to no. ... and ... irrevocable decisions of the Magistrate's Court [region] X (see the certificates submitted under no. prot. ... and ... respectively certificates of the Magistrate's Court [region] X regarding the non-exercise of appeals against the above decisions), resulting in the non-foundation of the legal basis of the execution of a contract for the processing in question, insofar as there was no debt from a loan contract. The complained company with no. prot. C/EIS/4124/11-03-2022 her memorandum briefly mentions, among other things, the following: first of all she mentions the letters from Eurobank dated 18-06-2019, with which the complainant was informed about the transfer of the disputed claims by the Bank and for the designation of the complainant herself as their manager in relation to the further processing of the relevant personal data. In fact, according to the allegations of the complained-about company, the information in question was addressed to the complainant both as manager and legal representative of the first-filing general partnership and as a guarantor, while it also included the need to update the identification and contact information kept. The letter from Eurobank dated 31-08-2012 to the aforementioned general company regarding the need to update the details of its representatives is also provided. 5 Next, and given that the complainant did not update her information, the complainant admits that the telephone harassment in question took place from August 2019 to February 2021, as far as, even after the systems were updated them for the on the basis of with no. ... decision of the Magistrate's Court [region] X exonerating the complainant, she was still involved in her capacity as a general partner, even more so since she was still registered in the company's systems both as a general partner and as a manager and legal representative of the above general partnership. In addition, the complained company describes the history of its conversations with the complainant and her attorney stating, among other things, that the power of attorney to the latter could not be accepted solely and solely due to a difference in the number of the complainant's identity card mentioned in it in relation to the corresponding one kept in the records of the complainant. It further recalls its letter dated 14-01-2021 to the

complainant, while emphasizing that the complainant's information was never updated and the letter dated 15-11-2010 private dissolution agreement of the first-filing general partnership was sent by the complainant's lawyer for the first time in the context of his last electronic communication with the complainant, who was then the first to be informed that the said company was put into liquidation with a person other than the complainant appointed as liquidator and legal representative. In addition, the complainant states that the updating of the identification information is done in person and in principle requires a physical presence, while its remote conduct is subject to a strict regulatory framework. The complainant notes that after the initiation of the process of authorizing the complainant to her lawyer, the phone calls had as their sole purpose the need to update her information. of the personal data In addition, the complainant invokes the execution of the disputed loan agreements as a legal basis for the processing of the complainant, repeating that her judicial exemption does not occupy her status as a regular partner, while emphasizing that it was only in February 2021 that she was informed that the complainant is not now a legal representative of the first registered general partnership and in any case not in the appropriate way, so as to entail the change of its relevant data in its systems. It concludes in 6 that the complainant was registered as the main contact person on behalf of the first applicant general partnership, since she appeared to be registered as a legal representative of the latter, and therefore was legally harassed by telephone in order to inform about the overdue debts of the said company . Therefore, in view of its responsibility as a general partner of the first applicant company, there was no possibility, according to the complainant's claims, to satisfy the complainant's request to stop the harassment and delete her personal data, while the complainant company also refers to its obligation to maintains the complainant's personal data in its still existing capacity as a general partner of the first applicant company. Furthermore, regarding the issue of the complainant's authorization to a third party, and since the complainant justifies the existence of standardized templates of relevant authorizations for the sake of the seamless service of the large number of her customers and also for the sake of avoiding leaks of personal data, she points out that in this case the cause of her non-acceptance of the authorization in question was the above-mentioned discrepancy in the number of the complainant's Police Identity Card, aggravated by the latter's failure to update her data and the failure to send a copy of her new identity card. In addition, the complainant clarifies the procedure for identifying the complainant by its representatives in the cases of incoming and outgoing telephone calls, stating that the data used each time is the tax identification number for incoming calls and the patronymic and date of birth for outgoing calls (cf. art. 4 par. 4 of Law 3758/2009). Finally, the complainant alleges anti-transactional behavior by the complainant based on the

non-updating of the aforementioned information. The Authority, after examining the elements of the file, after hearing the rapporteur and the clarifications from the assistant rapporteur, and after a thorough discussion, DECIDED IN ACCORDANCE WITH THE LAW 1. With article 5 par. 1 of the General Regulation (EU) 2016/ 679 for the protection of natural persons against the processing of personal data 7 (hereinafter GDPR) sets out the principles that must govern a processing. In particular, paragraph 1 states that: "1. Personal data: a) are processed lawfully and legitimately in a transparent manner in relation to the data subject ("legality, objectivity and transparency"), b) are collected for specified, explicit and lawful purposes and are not further processed against in a manner incompatible with those purposes; further processing for archiving purposes in the public interest or for scientific or historical research or statistical purposes shall not be deemed incompatible with the original purposes pursuant to Article 89(1) ("purpose limitation"), c) are appropriate, relevant and limited to what is necessary for the purposes for which they are processed ("data minimization") ...'. In accordance with the principle of accountability introduced by the second paragraph of the aforementioned article, it is expressly defined that the data controller "bears the responsibility and is able to demonstrate compliance with paragraph 1 ("accountability")". This principle, which is a cornerstone of the GDPR, entails the obligation of the data controller to be able to demonstrate compliance. In addition, it enables the data controller to be able to control and legally document a processing carried out in accordance with the legal bases provided by the GDPR and national data protection law. 2. According to article 6 par. 1 sec. b) and f) of the GDPR "1. The processing is lawful only if and as long as at least one of the following conditions applies: …… b) the processing is necessary for the execution of a contract to which the data subject is a contracting party or to measures taken at the request of the subject of the data prior to the conclusion of a contract, ... f) the processing is necessary for the purposes of the legal interests pursued by the controller or a third party, unless these interests are overridden by the interest or the fundamental rights and freedoms of the data subject who impose the protection of personal data, in particular if the data subject is a child". Furthermore, Article 12 paragraph 2 of the GDPR provides that: "The data controller shall facilitate the exercise of the data subjects' rights provided for in Articles 15 to 22. In the cases provided for in Article 11 paragraph 2, the data controller shall not refuse to act at the request of the 8 data subject to exercise his rights under Articles 15 to 22, unless the controller demonstrates that he is unable to ascertain the identity of the data subject.' Paragraph 1 of Article 21 of the GDPR on the right to object provides that: "The data subject has the right to object, at any time and for reasons related to his particular situation, to the processing of personal data concerning him, which is based on Article 6(1)(e) or (f), including profiling under those provisions. The controller no longer

processes the personal data, unless the controller demonstrates compelling and legitimate reasons for the processing which override the interests, rights and freedoms of the data subject or for the establishment, exercise or support of legal claims claims". According to article 17, paragraph 1, paragraphs c and d: "The data subject has the right to request from the data controller the deletion of personal data concerning him without undue delay, and the data controller is obliged to delete data of a personal nature without undue delay if one of the following reasons applies: … c) the data subject objects to the processing in accordance with Article 21(1) and there are no compelling and legitimate grounds for the processing or the data subject objects to the processing in accordance with with Article 21 paragraph 2, d) the personal data were processed illegally…". 3. In addition, according to article 4 par. 2 of the GDPR as processing means "any act or series of acts carried out with or without the use of automated means, on personal data or sets of personal data, such as the collection, registration, organization, structuring, storage, adaptation or alteration, retrieval, retrieval of information, use, disclosure by transmission, dissemination or any other form of disposal, association or combination, limitation, deletion or destruction', while in accordance with item 7 of the aforementioned article is defined as a data controller "the natural or legal person, public authority, agency or other entity that, alone or jointly with others, determines the purposes and manner of personal data processing; when the purposes and the way 9 of this processing is determined by the law of the Union or the law of a Member State, the controller or the specific criteria for his appointment may be provided for by the law of the Union or the the law of a member state"... 4. Furthermore, according to article 4 par. 4 of Law 3758/2009 on Debtor Information Companies "Before any information action, the creditor to the debtor must confirm the debts in every available way and the identification of the debtor, as well as informing him of the transmission of his data to the Company [EEO] in accordance with article 11 of Law 2472/1997, as it applies from time to time. ...". According to article 9 par. 6 of Law 3758/2009, as amended and in force "The provisions of articles 4, 5 and 8 shall also apply to lenders when they repeatedly inform debtors about their overdue debts". 5. It is also noted that a new compliance model was adopted with the GDPR, the central dimension of which is the above-mentioned principle of accountability, in the context of which the data controller is obliged to plan, implement and generally take the necessary measures and policies, in order for the processing of the data to be in accordance with the relevant legislative provisions. In addition, the controller is burdened with the further duty to prove by himself and at all times his compliance with the principles of article 5 par. 1 GDPR. It is no coincidence that the GDPR includes accountability (already mentioned above Article 5 para. 2 GDPR) in the regulation of the principles (Article 5 para. 1 GDPR) that govern the processing, giving it the function of a compliance mechanism ,

essentially reversing the "burden of proof" as to the legality of the processing (and in general the observance of the principles of article 5 par. 1 GDPR), shifting it to the data controller, so that it can be validly argued that he bears the burden the invocation and proof of the legality of the processing2. 6. In this case and in accordance with the above, the complained Loan and Credit Claims Management Company has the status of data controller, according to art. 4 par. 7 GDPR, as the latter admission results directly from the information form for the processing of personal data of the company complained about that it is independently responsible for data processing 2 See in this regard, Decisions of the Authority 26/2019, sc. 7 and 43/2019, s. 6. 10 (see also relevant information related to its general compliance with the obligations deriving from the current legal, regulatory and supervisory framework, including the relevant communication and information to natural persons for the management of existing debts its website, https://www.dovaluegreece.gr/enimerosi-gia-tin-epexergasia-prosopikon-dedomenon-apo-tin-dovalue-greece). This is also deduced from no. prot. C/EIS/5909/20-09-2021 its response to the Authority. The complainant, as a Loan and Credit Receivables Management Company, as appears from the above as well as from the facts of the case in question, having undertaken the management of Eurobank's claims against the complainant, determines, as an independent processor, the purposes and the manner in which its personal data is processed, and therefore becomes liable to first comply with the principles introduced by Article 5 GDPR as well as with its other consequential obligations in the context of the regulatory protection of personal data3. As the data controller, the complained company, according to its confession (see also p. 4 of the complainant's memorandum with no. prot. C/EIS/4124/11-03-2022) proceeded to harass the complainant by telephone, whereas from the above memorandum that he submitted after the hearing before the Authority, it appears that he bases the disputed processing on the legal basis of Article 6 para. 1 para. b of the GDPR and in particular on the execution of the loan agreements to which the above general partnership is a party part (see in particular p. 8 of the complainant's memorandum with no. prot. C/EIS/4124/11-03-2022), since, according to her claims, the complainant is still fully responsible for her debts of the above-mentioned and already dissolved general partnership in its capacity as a general partner, to the extent that the company with no. ... Decision of the Magistrate's Court [region] X occupies her exemption only in her capacity as guarantor in the disputed loan contracts. 7. However, in the context of examining the above claim, the evaluation of which is a necessary preliminary, in order for the Authority to decide on the existence of a legal 3 See in this regard also Decisions of the Authority 134/2017, sc. 3 as well as 87/2017, s. 2, where the powers of the receivables management companies are mentioned, which

essentially take the place of the lender. See and in this regard also the one with no. 18/2019 Decision of the Authority. 11 of the basis for the disputed processing, in particular the following: With no. ... above-mentioned Decision of the Magistrate's Court [region] X, the complainant has already been relieved of the disputed debts, for which she was harassed by phone by the complainant. The issue of the complainant's liability as a general partner - and therefore as a merchant - was decided with the no. … Decision of the same above-mentioned Court (which is irrevocable, as can be seen from the submitted relevant certificate of the Magistrate's Court [region] X), which rejected, in fact, a relevant claim of the licensor bank regarding the commercial status of the complainant, as far as it preceded in time the cessation of the commercial activity of the complainant-debtor, and subsequently the latter stopped payments, which legitimized her to be subject to the provisions of law 3869/20104. Since the complainant-debtor ceased to maintain her commercial status, she continued her payments and then it terminated them, legally submitting the relevant application for its inclusion in the provisions of Law 3869/20105. Otherwise, if the debt retained its commercial status, the above application would be rejected. Debtors are released from their debts once and through a single procedure, i.e. either that of the Bankruptcy Code or, as in this case, of Law 3869/2010 and always in accordance with the legislative regime that was in force at the critical time of submitting the complainant's application . Therefore, the allegation of the complainant regarding the continuation of the complainant's guilt as a merchant - general partner, cannot succeed, as it would lead to the impasse of the latter not being able to join the provisions of Law 3869/2010, to which she was subject6 . 8. It follows from the above that there was no valid legal basis for the processing that consisted of the telephone harassment to the complainant, in view of the fact that the latter's release from the disputed debts for which she was harassed, occupies both her capacity as a guarantor as well as its status as a regular partner, according to the foregoing, any legal basis for said nuisances disappeared. Regarding the claim of the complained company, which 4 See in this regard I. Venieris – Th. Katsas, Application of Law 3869/2010 for over-indebted natural persons, Law Library, 2011, pp. 56 - 59. 5 See IrPatron 218/2020, IrAtal 183/2016, IrAth 142/2011 & 127/2011. 6 See in this regard, I. Venieris – Th. Katsas, ibid., p. 57. 12 is displayed first after the ones with no. prot. C/EIS/5909/20-09-2021 written clarifications of the complained-of legal basis for the telephone harassment, regarding the listing of the complainant in her systems as manager and legal representative of the above general partnership, is rejected, as the definition of another person in relation to the complainant as the liquidator and administrator of the disputed general partnership was known to the complained-about company, which already with the above-mentioned clarifications (prot. no. C/EIS/5909/20-09-2021) before the Authority , presented as relevant the contention

published in the Chamber of Commerce and Industry [region] X from 15-11-

2010 private dissolution agreement, where the appointment of a new administrator and representative of the above company is mentioned. Besides, it also appears presumptively that the appointment of another administrator was already known to the complained-about company, as from 15-

11-2010 published in the Court of First Instance [region] X private dissolution agreement of the general partnership, which, as mentioned above, included the appointment of a liquidator and administrator of the latter, had become an element of the case file in view of its issuance with no. ... as above decision of the Magistrate's Court [region] X. Therefore, the complained company unlawfully processed the personal data of the complainant in violation of the principle of article 5 par. nuisances to the debtor, who had been discharged for her disputed debts by an irrevocable court decision already known to the complained company, which, in fact, occupied every capacity of the complainant (as a guarantor and as a general partner), and therefore in this particular case, by virtue of the above court decision, the legal basis for said nuisances disappeared. Furthermore, in addition to the above, it is emphasized that in order for personal data to be subject to legal processing, i.e. processing in accordance with the requirements of the GDPR, the conditions for applying and observing the principles of article 5 paragraph 1 of the GDPR must be cumulatively met, as follows from the recent Decision of the Court of Justice of the European Union (CJEU) of 16-01-2019 in the case C-496/2017 Deutsche Post AG v. Hauptzollamt Koln7. The existence of a legal foundation 7 "57. However, any processing of personal data must comply, on the one hand, with the principles to be observed in terms of data quality, which are set out in Article 6 of Directive 95/46 or Article 5 of Regulation 2016/679 and, on the other hand , to the basic principles of legal 13 (art. 6 GDPR) does not relieve the data controller from the obligation to observe the principles (art. 5 par. 1 GDPR) regarding the legitimate character, necessity and proportionality as well as the principle of minimization. In the event that any of the principles provided for in article 5 para. 1 of the GDPR are violated, as in this case, the processing in question appears to be illegal (subject to the provisions of the GDPR) and the examination of the conditions for applying the legal bases of the article is omitted 6 GDPR. Thus, the illegal processing of personal data in violation of the principles of Article 5 GDPR is not cured by the existence of a legitimate purpose and legal basis8, which, however, still does not exist in this case, as explained in detail9. The above is not negated by logical necessity from the complainant's claim that after sending the complainant's authorization, the telephone harassment finally stopped. 9. Furthermore, from the above facts, as they emerge from the data of the case file in question, the complainant, despite the exercise of the rights of opposition and erasure from

02-04-2021, as repeated on 02-22-2021 , did not in fact examine them (see the above-mentioned letter of 14-01-2021 from the complainant to the complainant and her response document to the Authority with reference no. C/EIS/5909/20-09-2021), since, as she claimed, a question of her identification arose due to the fact that on the body of the relevant power of attorney to her lawyer, a different police identification card number was written than the one registered in her files by the complainant. In view of the above, it is noted that the complained-about Loan and Credit Receivables Management Company had, as such, complete details of the files assigned to it for management, including those related to the disputed claims against the complainant, including, therefore, of all data of the latter, as they arose from the disputed loan agreements (in which the borrower/guarantor's tax identification number is also referred to), data processing listed in article 7 of this directive or article 6 of this regulation (cf. .judgments of 20 May 2003, Österreichischer Rundfunk and others, C-465/00, C-138/01 and C-139/01, EU:C:2003:294, paragraph 65, and of 13 May 2014, Google Spain and Google, C-131/12, EU:C:2014:317, paragraph 71)'. 8 See Decision of the Authority 26/2019, sc. 5, cf. Decision of the Authority 38/2004. 9 See, for example, Decision of the Authority 30/2021. 14 as well as all the documents in the case file in view of the complainant's inclusion in the provisions of Law 3869/2010. Therefore, he had a series of personal data of the complainant, not excluding the other details of her identity card except for the number 10, based on which he could easily and safely identify the latter by comparing them with what appears in the body of the authorization in question that is, even more so since there had been a lot of telephone communications with the complainant not only about the complainant's existing - according to the complainant's claims - debts, but also in order for the latter to express her will to be represented by a lawyer for the exercise of her rights, as the complainant herself admits (see pp. 2-3 of the above-mentioned reply document to the Authority). In this regard, the contradiction between the above claim regarding the doubt arising from the above authorization regarding the complainant's identification and the complainant's admission that data such as VAT number, patronymic and date of birth were sufficient for the complainant's identification in the context of the above of incoming and outgoing calls that took place (see page 13 of the complainant's memorandum with file no. of the data. 10. Therefore, in view of the above, the complainant did not prove as a Data Controller on the one hand that she complied with the provisions of the GDPR pursuant to Article 5 paragraph 2 thereof, on the other hand that she was not able to verify the identity of the complainant, especially in view of the fact that she admits the telephone communications that took place both on the initiative of the complainant herself and the complainant in the context of her complaints about the harassment and also an explicit statement of her representation by a lawyer (see in this

regard page 10 of with no. prot. C/EIS/ 4124/11-03-2022 of the complainant's memorandum, where the subject of the latter's conversations with the complainant is described). Consequently, and in view of all the above personal data of the complainant that the complainant already had, that the claim of alleged doubt as to the identity of the former as a subject10 Compare in this regard Decision of the Authority 140/2017, sc. 5. 15 data is displayed dummy. In this way, and essentially refusing to examine the above-mentioned rights of opposition and erasure, the complained-about company placed an unjustified obstacle in the exercise of them, in violation of the provision of paragraph 2 of article 12 of the GDPR11. In particular, the rights in question were never examined on the merits, as far as the alleged Data Controller invokes, and for the two times it appears that they were exercised by proxy before her, a question of the alleged impossibility of identifying the subject of the data. However, and given that, as explained above, it was easy to identify the complainant, the company being complained about could carry out a substantial examination and response to the rights of opposition and deletion that were exercised, without this meaning that it would not ensure, as it should, to update the identity card number in question based on the existing regulatory framework. Therefore, there is no question of a violation of the latter per se in essence examining the rights exercised by the complainant, even more so since her identification was possible by comparing a series of other data that they already had (such as the TIN)12, according to the above, as the requested update could take place independently of the examination of the above rights and in any case without being set as a condition thereof. And the obligation of the above substantive examination of the exercised rights of the complainant, is in no way negated by the possibility of their non-satisfaction due to non-compliance with the relevant conditions set by law in accordance with the provisions of articles 17 and 21 of the GDPR. 11. Because, in this case, and in accordance with the above, the complained company violated the provision of par. 2 of article 12 of the GDPR and did not consider in substance the rights of opposition and deletion exercised before it by the complainant through her attorney , while it proceeded with the controversial processing of the telephone calls in violation of the provisions of articles 5 par. 1 f. a', 5 par. 2 of the GDPR, as they are specified in detail in the aforementioned considerations and in any case without establishing any legal basis on which it relies the latter according to Article 6 of the GDPR. 11 Cf. Decision of the Authority 48/2021, sc. 7. 12 Compare in this regard Decision of the Authority 140/2017, sc. 5. 16 12. Because the violation of the basic principles for the processing in combination with the non-establishment of a legal basis for the latter, as detailed above, entail the imposition of the administrative sanctions of article 83 par. 5 item. a' of the GDPR, while the violation of the rights of the data subjects provided for in articles 12-22 of the GDPR, entails the imposition of the relevant sanctions according to article 83

par. 5 item. II of the GDPR. And according to the GDPR (Rep. Sk. 148) in order to strengthen the enforcement of the rules of this Regulation, sanctions, including administrative fines, should be imposed for every violation of this Regulation, in addition to or instead of the appropriate measures imposed by the supervisory authority in accordance with this Regulation. 13. Based on the above, the Authority considers that there is a case to exercise its corrective powers according to article 58 par. 2 of the GDPR in relation to the violations found. 14. The Authority further considers that the imposition of a corrective measure is not sufficient to restore compliance with the provisions of the GDPR that have been violated and that it should, based on the circumstances established, be imposed, pursuant to the provision of article 58 par. 2 pcs. i of the GDPR additional and effective, proportionate and dissuasive administrative fine according to article 83 of the GDPR both to restore compliance and to sanction illegal behavior13. 15. Furthermore, the Authority took into account the criteria for measuring the fine defined in article 83 par. 2 of the GDPR, paragraph 5 item. a' and b' of the same article that are applicable in this case and the Guidelines for the application and determination of administrative fines for the purposes of Regulation 2016/679 issued on 03-10-2017 by the Working Group of article 29 (WP 253), as well as the facts of the case under consideration and in particular: i. The fact that the alleged Loan and Credit Claims Management company violated the provisions of article 5 par. 1 sec. a' GDPR 13 See OE 29, Guidelines and the application and determination of administrative fines for the purposes of Regulation 2016/679 WP253, p. 6 17 principles of legality, objectivity and transparency, i.e. violated a fundamental principle of the GDPR for the protection of personal data. The fact that the observance of the principles provided by the provision of article 5 par. 1 sec. a) of the GDPR is of paramount importance, primarily, the principle of legality, so that if it is missing, the processing becomes illegal from the beginning, even if the other processing principles have been observed, and much more likely in this case that none of the provided for in Article 6 of the GDPR legal basis for the processing in question, as mentioned above. The fact that the complainant, proceeding with the disputed processing without a legal basis and refusing to consider the rights of the complainant as a subject of the data, putting, in fact, an unjustified obstacle to the exercise of these, in accordance with the detailed above, in violation of par. 2 of Article 12 of the GDPR, failed to prove that it complied with the principle of legal, objective and transparent processing, thus violating the principle of accountability. The fact that the disputed phone calls to the complainant were of a continuous nature carried out over a period of more than one month, although there was no legal basis, according to the foregoing. The fact that the above processing of personal data in violation of the GDPR in this case affected one (1) natural person as the subject of the personal data, whose exercised rights of opposition and deletion were not

examined on the merits. The fact that specific categories of the complainant's personal data were not affected by the violations established above. The absence of previous established violations of the complained-about company, as a relevant audit shows that no administrative sanction has been imposed on it by the Authority to date. The fact that from the elements brought to the attention of the Authority and on the basis of which it found the above violations of the GDPR, the person in charge ii. iii. iv. v. vi. vii. viii. 18 ix. x. xi. processing did not cause material damage to the complainant and it does not appear that she obtained any financial benefit from the violations established above. The fact that the complainant stopped the phone calls pending the complaint submitted to the Authority (see the complainant's testimony during the hearing). The fact that the violation of the provisions regarding the basic principles for the processing as well as the rights of the subjects is subject, in accordance with the provisions of article 83 par. 5 sec. a' and b' GDPR, in the highest prescribed category of the classification system of administrative fines. The fact that from the most recently available in GE.MH. data of the complained company shows that its turnover during the year (see https://www.businessregistry.gr/publicity/show/121602601000) 71,496,048 euros 2020 amounted to 16. Based on the above, the Authority decides unanimously that the complained company, as controller, should be imposed the administrative sanction referred to in the decree, which is judged to be proportional to the gravity of the violation. FOR THESE REASONS, the Authority imposes on the complained company with the name "doValue Greece Anonymous Company for the Management of Claims from Loans and Credits" as the controller, the effective, proportionate and dissuasive administrative monetary fine that is appropriate in this particular case, according to the special circumstances of this , in the amount of ten thousand (10,000) euros for the above established violation of the provision of article 12 par. 2 of the GDPR and in the amount of ten thousand (10,000) euros for the above established violations of articles 5 par. 1 para. a', 5 par. 2 and 6 of the GDPR, as they were specified above, in accordance with articles 58 par. 2 item. i' and 83 par. 5 item. a' and b' GDPR. 19 The Deputy President Georgios Batzalexis The Secretary Irini Papageorgopoulou20