

(Department) The Personal Data Protection Authority met in the composition of the Department at its headquarters on Wednesday 15.05.2019 upon the invitation of its President, in order to examine the case referred to in the history of the present. The Deputy President Georgios Batzalexis, obstructed by the President of the Authority Constantinos Menoudakos, and the alternate members of the Authority Panagiotis Rontogiannis, Grigorios Tsolias and Evangelos Papakonstantinou, as rapporteur, in place of the regular members Antonio Symvonis, Charalambos Anthopoulos and Konstantinos Lambrinoudakis respectively, were present, who, although they were legally summoned in writing, they did not attend due to disability. Present without the right to vote were Kalli Karveli, specialist scientist-lawyer, as assistant rapporteur, who left after the discussion of the case and before the conference and decision-making, 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/223/14-1-2019 his complaint to the Authority, A complains about D.E.H.A.E. for failure to satisfy the right of access to personal data that was taken into account for the formation of the decision of the 1 Board of Directors of the above-mentioned Company, requesting, at the same time, the granting of all the relevant documents in which the personal data is the subject and which the Board of Directors took into account for the termination of his employment contract. As, in particular, he mentions in his complaint to the Authority, the complainant, with the ... electronic letter, ... out-of-court protest and ... request to the Personal Data Protection Officer of PPC S.A., requested the granting of a) the records that observed during the meeting of the Board of Directors and b) copies of the documents concerning his case and which influenced the formation of the will of the Board of Directors. However, as stated in his complaint, PPC SA. did not grant his request for the above documents. In particular, he claims that he did not receive any response to the electronic letter from ..., while he considers the responses given to the out-of-court protest from ... (with the no. ... termination of the employment contract by PPC S.A.) as well as to the from ... electronic letter sent to the Personal Data Protection Officer of PPC S.A. Following this, the Authority sent, in the context of investigating the complaint, the no. prot. C/EX/223-1/25-1-2019 document to provide clarifications to PPC S.A., which in its response to the Authority from ... and with protocol number ... (Authority prot. no. C/EIS /1117/12-02-2019), stated that a) no document concerning the complainant was presented and consequently no such document was taken into account in the decision-making by the Board of Directors, b) in response to the out-of-court of the complainant's statement and of his relevant request to the Data Protection Officer (DPO) of PPC S.A., the complainant received the DPO of PPC S.A.'s response

from ..., according to which the minutes in question had not yet been validated and that it was expected that the relevant procedures would be completed in the immediate period, at which time they would be sent to him, c) in particular, as appears from the response received by the complainant in the electronic letter from ..., the granting of the records was during the specific period (Christmas ) extremely difficult, as prior validation was required (something equally difficult, since, in view of the festive period, most of the members of the Board of Directors had received their leaves) and d) finally on 23.01.2019 the complainant was granted 2 copies of the minutes that were kept (according to no. ... decision of the Board of Directors of PPC S.A.) as well as a copy of the accompanying document of the Personal Data Protection Officer of PPC S.A. (with number NO. /DATE: ...). In conclusion, in its response to the Authority dated 07.02.2019 and with protocol number G/EIS/1117/12- 02-2019, PPC S.A. maintains that the request referred to in C/EIS/223/14-1-2019 has already been satisfied. The Authority, after examining the elements of the file and after hearing the rapporteur and the assistant rapporteur, who withdrew after the discussion of the case and before the conference and decision-making, after a thorough discussion, OUGHT IN ACCORDANCE WITH THE LAW 1. The General Regulation (EU) 2016/679 (General Data Protection Regulation - hereinafter GDPR), which replaced Directive 95/56 EC, has been in force since May 25, 2018. In accordance with the provisions of article 15 par. 1 and 3 of the GDPR , the data subject has the right to receive from the controller a) confirmation as to whether the personal data concerning him is being processed as well as b) a copy of the personal data being processed and in particular to know the following information: the purposes of the processing, the categories of personal data, the possible recipients or categories of recipients, the period of their observance, the existence of rights of submitting a request to the data controller for correction or deletion of data, restriction of processing or the right to object to such processing, the right to lodge a complaint with a supervisory authority, the source of the data, and the existence of automated decision-making, including profiling. The controller is obliged to provide the data subject with the information without delay within one month of receiving the request. This deadline may be extended by a further two months if necessary, taking into account the complexity of the request and the number of requests. The controller informs the data subject of the extension in question within one month of receiving the request, as well as of the reasons for the delay (Article 12 para. 3 GDPR). If the 3 data controller does not act on the data subject's request, he shall inform the data subject within one month of receiving the request of the reasons why he did not act and of the possibility of submitting a complaint to a supervisory authority and bringing legal action (Article 12 par. 4 of the GDPR). Also, according to the provisions of article 58 par. 2 item b' of the GDPR, each supervisory authority has, among other

things, the authority to address reprimands to the controller, when processing operations have violated the provisions of the regulation. 2. From the information in the file, the following emerged: Complainant A, with the electronic letter from ..., ... extrajudicial protest and ... request for copies to the Personal Data Protection Officer of PPC S.A., requested from PPC that he be granted: a ) copies of the minutes kept under no. ... meeting of the Board of Directors of the above-mentioned Company as well as b) full copies of all documents concerning him and which were taken into account at the meeting in question. PPC, through the Personal Data Protection Officer, with its letter from ... replied to the complainant that it was not possible to grant the records, as their validation was unattainable in the specific period of time and that the relevant procedures were expected to be completed in the immediate next period of time, so they would be sent to him. Finally, as it appears from PPC's clarification document (no. ...) to the Authority, on 23.01.2019, copies of the minutes of the Board meeting were given to the complainant's attorney, who even signed the relevant receipt. 3. Because, in the case under consideration, according to the aforementioned, PPC S.A. satisfied the complainant's right of access to the data concerning him, granting him a complete copy of the records kept under no. ... meeting of the Board of Directors of the above-mentioned Limited Company. As regards the second request of the complainant for the granting of copies of all the documents that concern him and were taken into account at the said meeting of the Board of Directors of PPC S.A., this cannot legally be satisfied, since no document concerning the complainant was presented and consequently was not taken into account, as can be seen from the attached 4 minutes of the no. ... meeting of the Board of Directors of PPC S.A. in no. first... (Authority's first no. C/EIS/1117/12.02.2019) response of the Legal Services Department of PPC S.A. at the beginning. However, PPC SA, as the controller, did not respond to the complainant within one month of receiving the request and did not inform, as it should have, the complainant within one month of receiving the request, about the inability to immediately respond and satisfy the request of as well as for the reasons for the delay, requesting a further extension of the deadline, v violation of the provisions of article 12 par. 3 and 4 of the GDPR.

4. In view of the infringement found, i.e. the late one after the lapse of one month from the receipt of its response request PPC SA. as controller to the complainant regarding impossibility of immediate satisfaction of his request and considering that the controller ultimately

satisfied his right of access

complainant, the Authority unanimously considers that it must exercise the prescribed  
in article 58 par. 2 sec. II GDPR authority, as stated in its statute  
present, and which is deemed proportionate to the severity of the finding  
violation.

#### FOR THOSE REASONS

The Authority taking into account the above:

Addresses on the basis of article 58 par. 2 b' of Regulation (EU) 2016/679 a reprimand  
to PPC S.A. for the violation of the provisions of article 12 par. 3 and 4 thereof  
Regulation (EU) 2016/679.

The Deputy President

The Secretary

George Batzalexis

Irini Papageorgopoulou