PERSONAL DATA PROTECTION AUTHORITY Athens, 07-05-2019 Prot. No.: C/EX/4782/05-07-2019 DATE 22/2019 (Department) The Personal Data Protection Authority met, after an invitation by its President to a regular meeting in the composition of the Department at its headquarters on 04-03-2019 at 10:00, following the meeting from 04-18-2018, in order to examine the case referred to in the present history. G. Batzalexis, Deputy President, in the absence of the President of the Authority K. Menoudakos, and the alternate members Gr. Tsolias, as rapporteur, P. Rontogiannis and E. Papakonstantinou, in place of the regular members X. Anthopoulos, A. Symvonis and K. Lambrinoudakis respectively, who although legally summoned in writing did not attend due to disability. The meeting was also attended, by order of the President, without the right to vote, E. I. Tsakiridou, lawyer - expert scientist, as assistant rapporteur, who left after the discussion and before the conference and decision-making, and E. Papageorgopoulou, employee of the Department of Administrative Affairs, as secretary. The Authority took into account the following: With no. prot. C/EIS/4974/05-08-2016 his document A submitted a treatment request against her with no. 66/2013 of the Authority's Decision. Specifically, the Authority with the aforementioned decision examined the no. prot. C/EIS/7684/18-11-2011 appeal of A against Emporiki Bank, with which the appellant complained that B, Inspector of Emporiki Bank, in his said capacity, illegally sought, according to his claims , information unfavorable to him in the TEIRESIA database ("blacklist"). The Authority, with no. 66/2013 Decision, dismissed the above appeal against Emporiki Bank, after it considered the processing of the complainant's data legal, namely his control, as a bank employee, by Emporiki Bank, as well as the controlling Inspector's access to the due to the file of TEIRESIA, and the change of the original purpose of the processing (original purpose of said file of TEIRESIA) is legitimate. Specifically, according to the challenged Decision, the investigation of unfavorable data from the TEIRESIAS database following the finding of a violation of the rules of the credit procedure by a group of Inspectors assigned by the General Directorate of Internal Audit of the Bank, is lawful even though the original purpose of processing has changed. In particular, the initial purpose of the processing was to check the creditworthiness of the complainant, as a customer, a purpose consistent with the conditions set by the no. 24/2004 Decision of the Authority. Along the way, however, when it was found out afterwards that he was a bank employee, the purpose of the processing was changed (Article 4, paragraph 1, letter a, Law 2472/1997) in order to carry out a disciplinary audit. Thus, the Authority, taking into account Law 2472/1997 and Opinion 3/2013 of the Article 29 Working Group, examined the facts as they emerged from the investigation of the case (appeal, depositions, memoranda, supplementary evidence, etc.), and considered that the relationship of the initial purpose of processing the data in relation to the further processing carried out

for the sake of disciplinary control was not only relevant but also constituted the next logical step from the moment it was established that the complainant also had the status of a bank employee. Furthermore, in the above decision, the Authority considered that, as a bank employee, the complainant himself could not have a reasonable expectation of protecting his privacy in the event that he would act contrary to the professional rules defined in the Emporiki Bank Personnel Organization (SSE...) of his obligations, while with his non-contractual behavior he also accepted the risk of a negative effect on the findings from the further processing of the data (see detailed section 9 of the contested decision). Three years after the issuance of the above decision, the appellant submitted objections-complaints (remedial request) against No. 66/2013 of Decision (G/EIS/4974/05-08-2016), requesting its revocation, the review of the case from scratch and the imposition of the consequent maximum administrative sanctions on ALPHA BANK (universal successor of Emporiki Bank) and to B, former Inspector of Emporiki Bank (see also C/EIS/2929/17-04-2018 and C/EIS/1235/14-02-2019 supplementary documents). In particular, in the aforementioned request for treatment, the appellant invokes the following: A) That according to the Authority's Statute of Operation, he should have been summoned to a hearing before the Authority (at the Authority's 05-02-2013 meeting) and himself, as a complainant, and not only the complainants. B) that it is very clear from the actual statement of facts that the objective of the complainants was to target the complainant from the beginning and not to evaluate his creditworthiness. C) that the Authority erroneously accepted as a real fact the visit of a level of inspectors to the [area] Store X, as this never happened. D) that it was wrongly accepted that the finding that the complainant was a bank employee was made after the Inspector had access to the unfavorable data of TEIRESIA, as they do not mention the professional activity of the debtors. E) that he has not consented to the processing of personal data both in the Bank's records and in the interbank data file of financial behavior, as is evident from the mortgage loan agreement provided (no. ... /...). F) that the access codes are only given by TEIRESIAS at the relevant request of the credit institution and for a strictly limited number of its employees and therefore the Inspector, since he did not submit a request to TEIRESIAS for granting the data, was not an authorized operator for the use of the databases of which he finally achieved use through the password of Inspector G. G) that the purpose of processing TEIRESIA is to check the creditworthiness of customers and not to exercise disciplinary control over bank employees. H) that three members of the Authority took part in the meeting of the challenged Decision instead of at least four, based on article 6 par. 6 of the Regulation of the Authority's operation, and therefore the composition was not legal. The Authority, after considering all the above elements, after hearing the rapporteur and the assistant rapporteur, who left after the

debate and before the conference and decision-making, and after thorough discussion, DECIDED ACCORDING TO THE LAW 1. According to articles 20 par. 2 of the Constitution, 21 par. 2 of Law 2472/1997 and article 8 of the Authority's Operating Regulations, the right to a prior hearing concerns the controlled data controller (who may be subject to administrative sanctions) and not the individual subject of the data, and the applicant's views have been fully heard with his complaint itself and with the additional documents he has provided. After all, according to article 8 par. 1 of the Regulation of Operation of the Authority, it is at the discretion of the Authority to call the interested party to provide clarifications orally or in writing, if it deems it necessary. 2. Regarding the allegation of illegal composition of the Authority, the Authority issued the contested decision, in the composition of a Department, with two substitute members and the Deputy President present, therefore Article 5a of the Authority's Operating Regulations is observed (Government Gazette B´ 336/ 17-03-2000), as amended and in force, according to which "Decisions of the Department are taken by a majority of three of its members". 3. It is noted that the application for treatment was made after a long period of time (three years), which is not usual in similar cases, without even having made an application for annulment at the Supreme Court. Because in this case the issues, which are raised with the application for treatment, as set out above in the history of the present, have already been thoroughly discussed, examined and judged with the no. 66/2013 Decision of the Authority. Because the applicant repeats the arguments of his appeal and does not invoke or provide new material facts, which could overturn what was accepted by the court with no. 66/2013 Decision of the Authority, and the documents it provides and the facts arising from them have already been taken into account by the contested decision. Because the contested decision is legal and fully justified. Therefore, there is no reason to reconsider this case. FOR THESE REASONS, the Authority rejects A's treatment request against Decision 66/2013 of the Authority. The Deputy President The Secretary George Batzalexis Irini Papageorgopoulou