

Decision on appeal with registration № PPN-01-155 / 08.02.2019 DECISION» PPN-01-155 / 19 Sofia, 17.10.2019 Commission for Personal Data Protection (CPDP) composed of: Chairman: Ventsislav Karadzhov and members: Tsvetelin Sofroniev, Maria Mateva and Veselin Tselkov, at an open meeting held at October 2, 2019, on the grounds of Art. 10, para. 1 of the Personal Data Protection Act (PDPA) and Art. 57, § 1, b. "E" of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46 / EC General Regulation on Data Protection), considered a complaint with Reg.№ PPN-01-155 / 08.02.2019, filed by M.G. against P.S. EAD (PS). Mrs. MG informs that in the forum of the site "PS" her personal data were "exported" in connection with complaints filed with the ACCG and the SAC against the "competition for notaries". The printouts attached to the complaint show that the alleged personal data were not disseminated through a publication of the PS team. EAD, and in the forum of the site - from third parties who, expressing opinions, disseminate and relating to M.G. information, including copies of anonymized determinations of the ACCG and the SAC in conducted administrative cases. Given the printouts published in the forum on the site PS, Mrs. M.G. concludes that many persons she has never authorized had access to her personal data in connection with her complaints and cases at the ACCG, the SAC, and possibly the Ministry of Justice. With a letter reg. № PPN-01-155 # 2 / 11.03.2019, from P.S. a written opinion on the case was requested, together with the relevant evidence. In order to clarify the factual and legal situation related to the allegations made by Ms. MG, the CPDP requires the provision of information on the measures taken by "PS". EAD, as the administrator of the site PS, for the removal of the information, the dissemination of which the complainant considers to be illegal processing of her personal data. According to the notice for delivery with barcode № ****, letter reg. № PPN-01-155 # 2 / 11.03.2019 was received from P.S. on 13.03.2019, but despite the expiration of the given 7-day term for engaging an opinion, such an opinion has not been submitted to the CPDP, nor has the information required by the commission been provided. Given the above, to P.S. A second letter was sent under Reg. H PPN-01-155 # 4 / 10.04.2019, informing the company that as of 25 May 2018 Regulation (EU) 2016/679 of the European Parliament and of Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46 / EC (General Data Protection Regulation) and that the main powers of the supervisory authority body regulated in Art. 58, § 1 of the Regulation are: to order the controller and the processor to provide any information he requests for the performance of his

tasks, as well as to receive from them access to all personal data and to all information necessary for the performance of these tasks. It is stated that for non-compliance with the order of the supervisory body under Art. 58, § 1 of the General Regulation on Data Protection, Art. 83, § 6 of it provides for the imposition of an administrative penalty "fine" or "pecuniary sanction" of up to EUR 20,000,000. On P.S. It was reiterated that within 7 days of receiving the letter he should provide the CPDP with his written opinion on the complaint of Ms. MG, together with the relevant evidence, including information about the measures taken by the company - as an administrator of the website PS, for the removal of the information, the dissemination of which the complainant considers to be illegal processing of her personal data. Letter under Reg. As a result, another letter was sent to the administrator - the third letter reg. In Art. 28, para. 1 of the Rules of Procedure of the Commission for Personal Data Protection and its administration (PDKZLDNA) defines the details that must contain the complaint with which individuals refer to the Commission for violation of their rights under LPPD. The complaint filed by M.G. against P.S. meets the regulatory requirements, which is why it is regular. The complaint was filed by a natural person, in the presence of a legal interest and within the term under Art. 38, para. 1 of LPPD, which is why it is admissible. The complaint is directed against PS, who is a personal data administrator within the meaning of Art. 4, item 7 of the General Regulation on Data Protection. With a complaint reg. 10, para. 1, item 1 of LPPD, resp. Art. 57, § 1 of the Regulation, shall consider complaints against acts and actions of the personal data controllers, which violate the rights of individuals related to the processing of personal data, as there is no exception referred to in Art. 55, § 3 of the Regulation, given that the case does not concern processing activities carried out by the courts. At its regular meeting, held on September 11, 2019, the CPDP accepted the complaint reg. and P.S. - as a respondent in the proceedings and determines the appeal for consideration on the merits in an open hearing, scheduled for 02.10.2019. a written opinion was again requested, together with the relevant evidence, as filed with the CPDP under Reg. № PPN-01-155 # 12 / 24.09.2019. In its opinion the company states that It is clear that the complainant refers to the publication by unregistered users of the forum "Order № *** of 02.01.2019 of the Sofia Administrative Court" and "Order in the course of the case" - apparently an excerpt from the minutes of a court hearing of the SAC on 08.09.2004. The publications in the forum of P.S. were performed on 04.02 and 05.02 respectively. 2019. Attention is drawn to the fact that in pursuance of Art. 64 of the Judiciary Act, on the website of the Administrative Court - Sofia, as well as the SAC and all other courts in Bulgaria, the acts of the court are published immediately after their ruling and therefore their publication on the forum of legalworld.bg, on each most likely as a result of receiving them through the free websites of the courts in question. It is pointed out that the

publications in question were not made by PS, but are in the forum to the site, which is accessible to any person visiting the site, without the need for registration to make publications. The opinion states that the printouts of the publications in the forum attached to the complaint contain only the first name and surname of the complainant, which is not sufficient information to enable the person to be uniquely identified. According to the opinion, the publications of the site and the publications in the forum to the same, are intended only to provide information on hot topics, as is the case with competitions for the appointment of notaries, which cause a strong public response. Therefore, the activities related to the processing of personal data originating from documents that are public judicial acts should be considered as activities for the processing of personal data carried out "solely for the purposes of journalism" within the meaning of the LPPD. From P.S. point out that another important aspect of the assessment of the balance between freedom of expression and the right to information and the right to protection of personal data is the consideration of the circumstance is the consideration of whether the data subject is a person has an impact on society (Article 25h, paragraph 2, item 6 of the LPPD). According to the company, as evidenced by a reference in the public register of private bailiffs, the applicant was registered as performing these functions under № ***, with an area of SCC, ie a person performing public functions, therefore - according to the administrator, accept that she is also a public figure and therefore enjoys less protection of her privacy than ordinary citizens. At the hearing of the complaint reg. № PPN-01-203 / 25.02.2019 on the merits, at the open meeting of the CPDP, scheduled for 02.10.2019, appear lawyer GT, procedural representative of P.S. The evidence deposited in the administrative file related to the complaint reg. № PPN-01-155 / 08.02.2019 testify that data about Mrs. M.G. - in volume: name, surname and professional quality - private bailiff are available in the forum on the site PS, administered by PS These data, as well as information about her complaints to the ACCG and the SAC against a competition for notaries are posted in the forum of the site administered by the company by third parties, who disseminating their views and disseminate information related to it, including copies from anonymized determinations of the ACCG and the SAC in conducted administrative cases. According to Art. 64 of the Judiciary Act, the acts of all courts in the Republic of Bulgaria shall be published on the Internet immediately after their enactment and their receipt is possible through the freely accessible websites of the courts in question. In the present case, the publication of the applicant's data had not been carried out by P.S. Its data can be found in the forum to the site, which is accessible to any visitor who can make publications without the need for registration. The applicability of the General Data Protection Regulation is related to the protection of individuals the processing of their personal data by persons having the capacity of administrators of personal data

within the meaning of the legal definition of Art. 4, item 7 of the regulation. Complaint Reg. within the meaning of Art. 4, item 7 of the ORZD.

From the content of the complaint reg. № PPN-01-155 / 08.02.2019 a conclusion can be made for the processing of personal data in the hypothesis of Art. 2, § 2, b. "C", according to which the ORD does not apply to the processing of personal data by individuals in the course of purely personal or domestic activities.

According to recital 18 of the Regulation, personal activities within the household could include keeping correspondence and maintaining address books or participating in social networks and online activities undertaken in the context of these activities.

The Commission for Personal Data Protection, taking into account the facts and circumstances presented in the present administrative proceedings and on the grounds of Art. 38, para. 3 of the LPPD,

HAS DECIDED AS FOLLOWS:

Disregards, as unfounded, the complaint reg. № PPN-01-155 / 08.02.2019, filed by M.G. against P.S.

The decision to be communicated to the interested persons by the order of the APC.

This decision is subject to appeal, within 14 days of its service, through the Commission for Personal Data Protection before the Administrative Court Sofia - city.

THE CHAIRMAN:

MEMBERS:

Ventsislav Karadzhov

Tsvetelin Sofroniev / p /

Maria Mateva / p /

Veselin Tselkov / p /

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