

No. Phone: 11.17.001.008.084 DECISION subject: Complaint from a breach of personal data to third parties My Office examined a complaint, dated 11.6.2020, which was submitted to us, by “M. Hallouma Construction Consultants Ltd” (hereinafter the Complainant), who, as Manager of the apartment building where she lives, informed the tenants/owners of the apartment building (as well as former tenants/owners who no longer live in the apartment building) , for her debts, by sending an open letter, violating her personal data. A. Background of the case: 2. In the complaint, dated 11.6.2020, the complainant stated that the letter of the Defendant to her, dated 4.6.2020, in which various events related to her debts to the Administrative Committee are mentioned (DE) and not only the amounts, was communicated to third parties, tenants/owners of the apartment building, as well as non-residents. In addition, she claimed that some facts were untrue and some amounts were incorrect as a result of this action, to violate her personal data, but also to form a bad impression about her from the other tenants. As pointed out by the complainant, the debt notification procedure was not followed the same for everyone, but only for her own debts, a letter was sent with notification to everyone, as a tactic of coercion/psychological blackmail. 3. In view of the above, an employee of my Office addressed in writing a letter dated 16.6.2020, to the lawyer of the Company and asked for her position on the allegations of the complainant. In the letter it was pointed out that, in order for the processing of personal data to be legal (in this case, the communication of the data relating to the complainant, by the Complainant), it should be governed by the Principles of Proportionality, Data Minimization and of Purpose. Therefore, it had to be examined whether the notification was justified or constituted excessive processing and what was the purpose for which all these elements, which of course were related to the complainant's debts, were communicated to the other tenants, even to former tenants, which was none of their business. (hereinafter i, with which he denounced the Company ?th Floor, 1082 NICOSIA / P.O. 23378, 1682 NICOSIA-CYPROS, Tel. +357 22818456, Fax +357 22304565 E-mail: soitiGi55iothG@oit3this; .9on.sg, Mbodiivb: H«r://vnynn\l/.03i3rGthlthsiiion.9on.sg 2. 4. Positions of the Professor in the complaint: A. In the answering letter dated 23.6.2020, the Professor supported the following: 4.1. It tries to be particularly careful about the subject of personal data and especially its Director, 9………^ has been informed and attended several trainings/seminars. 4.2. As a Management Company, which has several customers in various communal buildings, makes sure that no personal data is leaked to third parties. In support of this, a special reference was made in the first minutes of General Assemblies with the paragraph: Regarding the new regulations for the protection of personal data, the Management Company and Management Committee,

they assure the owners and tenants that it will not give various elements are transferred to third parties and all the actions that will be taken will be within the framework of the proper operation of the building" 4.3. He further claimed that he does not recklessly post user statuses publicly in the building, as he gives everyone exclusive access to the MHBIOK ® software. IHP5:/OTHERS/. GT1X01thT.00pi/ 4.4. Regarding the allegation made by the complainant, that the e-mail message was shared with a former tenant, she argued that this happened because, at that particular time, she had no instruction from the Owner to remove the name of the particular tenant from the lists of, due to financial differences. He felt that since tenants contribute to communal costs, they also have a right to know, so that there is transparency. 4.5. He also argued that the data recorded in the statements sent to the owners/occupants and containing information about the communal expenses are limited to the unit number, the name of the owner/occupant, the percentage of distribution on the jointly owned building, the monthly expenses, the remaining of the units and the fund of the building. 4.6. The content of the communicated letter, dated 4.6.2020, related to the debts of the specific unit. With the said letter, she requested the assistance of the complainant, as the former secretary of the Management Committee, to provide her with the necessary information/financial statements of the building/transactions that had taken place. The purpose of this action, according to the Director of Kat'i, was the proper management and operation of the building.

... /3 3. 4.7. Kat'i's categorically denied that her actions were aimed at coercion/psychological blackmail towards the complainant and claims that the notifications were made for reasons of transparency/information of all owners/tenants. 5. Action: Commissioner: 5.1. Subsequently, an employee of my Office addressed in writing a letter dated 3.8.2020 to the complainant, communicating the positions of the Defendant and asking for her position on them. 6. Objections: 6.1 With regard to the Defendant's positions, the complainant's lawyer, in her response letter, dated 5.8.2020, argued the following: 6.2 The violation in question was repeated by the Defendant, on 17.6.2020, with the , again, communication of an electronic message to third parties, which related to her person. 6.3. The Defendant had not only communicated statements of income and expenses to her co-owners, but correspondence (letters), to tenants and former tenants, containing arbitrary charges and the correspondence in question is covered by attorney confidentiality. 6.4, The complainant does not consider that the correspondence in question is part of the alleged transparency and that the persons to whom it has been sent have a legitimate interest in knowing. tenants and certainly ex-tenants, don't need to know. This notification is unnecessary and irrelevant information to them and was made without taking into account the rights of the data subject. The obligation to pay

the common users concerns the owners and consequently, they are the only ones entitled to know the income and expenditure situation in order to ascertain the financial situation of the jointly owned building. The complainant adds that if they have chosen by private agreement that their tenants pay their own obligation, it does not automatically mean that all their legal rights as co-owners are assigned. 6.5. Regarding the Defendant's comment about sharing a former tenant, the Defendant's response that she was not instructed to remove him from the list reinforces the position that the company is sharing co-owners' personal data with third parties without their consent and based only on the instructions of each specific owner. 6.6. The complainant reiterated the position that transparency and equality are not shown towards her, who was not informed about the financial disputes, as they were informed ..< 14 4. everyone else about her own disputes and never received statements and/or correspondence regarding its co-owners and/or tenants. Consequently, he considers that the communication he has complained about contains the element of a targeted personal attack. 6.7. He adds that he has already handed over the pile of documents showing all the information he has requested regarding her apartment, which, as he has admitted, he did not study. 6.8. The complainant states that she was in the position of Secretary only for the period July 2017 - June 2019 and all the information is held by the Administrative Committee and/or the former Presidents of the Committee. She was never in possession of any documents related to the financial management of the apartment building and O4BH0MMMI indicates that she was aware of this. 6.9. After the first complaint was made to my Office, which was communicated to Ms. Ms., Ms. Ms. did ooo to third parties (notifying people who were not on the list the first time), in letters sent later, leaving to understand to the complainant, that she communicated only to the people who looked like oo. 6.10. It is the claim of the complainant that the Defendant recently posted all the e-mail addresses of the owners and/or tenants and/or third parties on the elevator of the apartment building, which can be seen by everyone who enters the apartment building, including visitors. 6.11. To date and despite her repeated requests, through her lawyers, the Defendant has not sent her lawyers the minutes of the General Assembly of October 2019, in order to establish the legality of her appointment and the processing of personal data. 7. Subsequently, an Officer of my Office addressed, again, with a letter dated 25.8.2020, to the Defendant, informing her of the positions of the complainant and asking for her position on them. 8. Positions of the Defendant or the complaint: B. The Defendant was appointed, again, with the letter dated 18.9.2020, as follows: 8.1. He claimed to have sent dozens of emails to the building's owners and tenants, including the units' financial statements. He made ... /5 5. a great effort, in order to complete the finances of the building, that is, he spoke with each Owner separately, sent letters for most of the units, presenting that

evidence existed from both sides. In support of these, he mentioned that on 13/7/2020 a meeting was held at the offices of the Legal Adviser of the complainant, ^®·b in the presence of the Legal Adviser as well which ended in an impasse. 8.2. Kathy mentioned that she always writes in her letters, at the bottom, the notifications whether they are the 1st or the 5th. 8.3. He further claimed that every tenant is entitled to know about the works/finances of the building, the moment he contributes to the building fund, either directly to the account or through the landlord. He reiterated the position that, at the time the tenant received B-Pil3il, there were financial differences. 8.4. It is the Claimant's claim that from the moment a tenant contributes to the common fund, he is entitled to receive all the updates concerning the finances of the building. As soon as Kathy is informed, by a tenant, that she wants to be removed from the lists of people involved in the building, due to moving etc., she takes care of it immediately. He stated that the same tactic was followed with the defendant, where when Kathy took over management in October 2019, she asked to be removed from the list of those involved in the building and only her father remained. Therefore, and all the correspondence had been shared with In May 2020, the defendant changed her mind, written electronic messages were exchanged with her, who even handed over to her a folder with her own notes. In August 2020, in a text message, she asked her to be added to the list of involved again, she and her Legal Advisor, 9MMMMMMB 8.5. The Professor's Director reported that written updates were made for several units. The difference is that there was an agreement with all the other owners of the units, who always provided Kathi with clear proofs and data, regarding the finances of the building. 8.6. He also stated that everyone was informed about all issues, during the General Assemblies on 22/10/2019 and 31/7/2020. The decisions and updates of the General Assemblies are also recorded in the minutes. 8.7. Kat'is indicated that the defendant was formerly the Secretary of the Administrative Committee and, due to her position, was involved in the financial management of the building. 8.8. For this reason the Defendant, as her claim, had requested to receive a statement/list, with various costs that had been paid, according to „. /6 6. complaining, by herself, about expenses of the building. Received a file, with various receipts/invoices/notes of the complainant, which did not give a clear picture. According to the defendant, the request was to have clear financial statements, since she has no obligation to carry out accounting audits for a period when she did not have the financial management of the building. In addition to the above, the Defendant asked the complainant to be notified of the financial situation of her unit, where any payments would appear. The complainant, according to the Defendant, refused to provide said information. 8.9. Kat'is added that mail is sent electronically and when needed, is placed in mailboxes in specific units. With regard to the claim of the complainant that, Ms. recently posted, on the elevator of

the apartment building, all the e-mail addresses of the owners and/or tenants and/or third parties, which could be seen by all who entered the apartment building, including visitors, Ms. She claimed that she doesn't know who did it. In addition, Kathy undertook to look into it and apologized. He also clarified that the letter that was posted in the elevator, which was the invitation to the General Assembly of 7/31/2020, included the e-mail addresses of all tenants, except for the complainant (as she is not included in her lists at her own request). He also stated that the letter had already been removed from the elevator. 8.10. Finally, Kat's responded to the claim of the complainant, that until then and despite her repeated annoyances, through her lawyers, she had not sent her lawyers the minutes of the general assembly of the apartment building in October 2019, in order to establish the legality of her appointment and the processing of personal data that the minutes have been communicated to the complainant's father on 27/11/2019 and later to her Legal Advisors on 23/6/2020. 8.11. Kat's stated that during the meeting on 7/13/2020, she asked the complainant to provide her with the Title Deed of the unit but the complainant refused, as well as refusing to give her access to repair the cracks, where the rains. B. Rationale: 9. First of all, I would like to clarify that the issues that do not concern the competences of my Office were not examined. In particular, I did not examine the issues related to the existence or not of pending matters regarding the complainant's debts towards the Defendant. ... 17 7. 9.1. With regard to the issue of the notification of the complainant's debts to third parties, the need to inform the owners/tenants about the financial situation of the building must be weighed against the protection of the privacy and personal data of the owners/tenants. In other words, in accordance with the Principles of Proportionality, Data Minimization and Purpose, no more information should be shared with the other owners/tenants than is absolutely necessary to inform them, regarding the financial situation of the building. 9.2. In this case, it should be examined whether the data mentioned in the letter were absolutely necessary to fully inform the owners/tenants about the financial situation of the building. In other words, to what extent would it be more correct to use only the reference to the apartment number, without disclosing names, and to refer to the debts only numerically, without further description of actions/omissions of each owner/tenant. 9.3. According to the Defendant, written updates were made for several units and not only for the complainant's unit. The difference is that there was an agreement with all the other owners/occupants of the units, who provided clear evidence and evidence, for the completion of the building's finances, which was not the case with the complainant. I believe that, even if the claim in question is true, it is not justified to share information, more than absolutely necessary, to the other owners/tenants, because it gives the impression that it is being done vindictively/to exercise coercion towards the complainant. 9.4. With regard to the subject of posting, by

Kat's, in the elevator of the apartment building, all the e-mail addresses of the owners and/or tenants and/or third parties, which were able to be seen by all who enter the apartment building, including visitors, I believe that it was an isolated incident, which, as the Lady mentioned, she was not aware of and in any case, she apologized for it and removed it. 9.5. Finally, regarding the issue of notification to a third party, who was a former tenant, the Defendant gave the explanation that this happened because, at the time, she had no instructions from the owner to remove the name of the particular tenant from the her lists, due to financial disputes, he considered that he still had the right to know about the financial situation of the building, so that there would be transparency. I think that this could justify Kathy's individual action.

... /8 8. C. Legislative background: 10. Articles 5 and 6 of Regulation (EU) 2016/679 (hereinafter "the Regulation"), impose on the data controller (in this case, the Customer) various obligations, so that the processing is in accordance with the provisions and Principles, as they are mentioned in the Regulation. 10.1. According to Article 5:

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"), d) are accurate and, where necessary, updated; all reasonable steps must be taken to promptly delete or correct personal data which is inaccurate, in relation to the purposes of the processing ("accuracy"), e) are kept in a form that allows the identification of the data subjects only for the period required for the purposes of the processing of the personal data. ..("restriction of the storage period"), f) are processed in a way that guarantees the appropriate security of personal data, including their protection against unauthorized or illegal processing and accidental loss, destruction or deterioration, by using appropriate technical or organizational measures ("integrity and confidentiality"). 2. The controller is responsible and able to demonstrate compliance with paragraph 1 ("accountability"), 10.2. According to Article 6:

1. The processing is lawful only if and as long as at least one of the following conditions applies: a) the data subject has consented to the processing of his personal data for one or more specific purposes, b) the processing is necessary for the performance of a contract to which the data subject is a contracting party or to take measures at the request of the data subject prior to the conclusion of a contract, .../9 9. c) the processing is necessary to comply with a legal obligation of the

controller, d) the processing is necessary to safeguard a vital interest of the data subject or another natural person, e) the processing is necessary for the fulfillment of a task performed in the public interest or in the exercise of public authority delegated to the data controller, f) the processing is necessary for the purposes of the legal interests pursued by the data controller or a third party, unless these interests are overridden by interest or fundamental rights and the freedoms of the data subject that require the protection of personal data, in particular if the data subject is a child. 10.3. Therefore, the processing of personal data must, in order to be legal, be governed by the Principles referred to in article 5.1 of the Regulation, such as the Principles of Transparency, Purpose Limitation, Data Minimization, Proportionality, Accuracy, as well as any of the conditions for legal processing, provided for in article 6 of the Regulation. 10.4. Based on Article 58 Paragraph 2(i) of the Regulation, the Commissioner has the power, among other things, "to impose an administrative fine under Article 83". 10.5. Based on article 32(1) of the Law that provides for the Protection of Natural Persons against the Processing of Personal Data and for the Free Circulation of such Data, Law 125(I)/2018, the Commissioner imposes an administrative fine, in compliance with the provisions of Article 83 of the Regulation. 10.6. Article 83 of the Regulation defines the general conditions for imposing administrative fines. According to Article 83 par. 2, 4 and 5:

2. Administrative fines, depending on the circumstances of each individual case, are imposed in addition to or instead of the measures referred to in Article 58 paragraph 2 points a) to h) and Article 58 paragraph 2 point j). When deciding on the imposition of an administrative fine, as well as on the amount of the administrative fine for each individual case, the following shall be duly taken into account: a) the nature, gravity and duration of the infringement, taking into account the nature, extent or purpose of the relevant processing, as well as the number of data subjects affected by the breach and the degree of damage they suffered, b) the fraud or negligence that caused the breach, c) any actions taken by the controller or the person performing the ... /10 10. processing to mitigate the damage suffered by the data subjects, d) the degree of responsibility of the controller or the processor, taking into account the technical and organizational measures they apply pursuant to articles 25 and 32, e) any relevant previous violations of the controller, f) the degree of cooperation with the control authority to remedy the violation and limit of its possible adverse effects, g) the categories of personal data affected by the breach, h) the way in which the supervisory authority was informed of the breach, in particular if and to what extent the data controller notified the breach, i) in the event that was previously ordered to take the measures referred to in Article 58(2) against the data controller involved in relation to the same subject matter, compliance with said measures, 0 Π Πράξη approved codes of conduct in

accordance with Article 40 or approved certification mechanisms in accordance with article 42 and k) any other aggravating or mitigating factor resulting from the circumstances of the specific case, such as the financial benefits obtained or damages avoided, directly or indirectly, from the violation. [—] 4. Violations of the following provisions shall attract, in accordance with paragraph 2, administrative fines of up to 10 000 000 IDR or, in the case of enterprises, up to 2% of the total global annual turnover of the preceding financial year, whichever is higher: a) the obligations of the data controller and the processor in accordance with articles 8, 11, 25 to 39 and 42 and 43, [...] 5. Violations of the following provisions entail, in accordance with paragraph 2, administrative fines of up to EUR 20 000 000 or, in the case of enterprises, up to 4% of the total worldwide annual turnover of the preceding financial year, whichever is higher: a) the basic principles for processing, including the conditions applicable to approval, in accordance with articles 5, 6, 7 and 9, [...] 10.7. Additionally, in accordance with the provisions of the relevant legislation, the Real Estate (Possession, Registration and Valuation) Law, Chapter 224 and specifically, in 11. contained in the relevant Table of Standard Regulations for the Regulation and Management of Shared Buildings (PART VI ADMINISTRATIVE COMMITTEE - CAN. 46), it is provided that "every master may, in a reasonable time, inspect the income and expenditure statements and the relevant receipts and data." 10.8. From the reference of the aforementioned Law, it follows that the owners of the units/tenants have the right to be informed and access/inspect information concerning, among other things, the payment of the prescribed communal and other costs in the context of the management of the apartment complex in which they live. The sending of e-mails/letters containing information on shared expenses must be done for the purpose of complying with the fulfillment of their obligations, as well as informing the other tenants/owners, who are entitled to know what is happening in the area of the apartments that reside, in terms of financial matters. 10.9. Reference is also made to the relevant Announcement that I issued, dated 8.10.2019, which was forwarded to the Lady, for easy information, which, among other things, states: "... the owners have the right to be informed and access/inspect information which concern, among other things, the payment of the foreseen communal and other expenses in the context of the management of the apartment building. By extension, the Management Committee has the right and the obligation to inform accordingly the owners of the apartments who did not respond, for example, by posting on a signboard the information regarding their communal expenses, for the purposes of complying with the fulfillment of their obligations , as well as the other owners, who are entitled to know what is happening in the apartment building they live in regarding financial matters. Based on the above, the notification by the Management Committee to the owners of the apartments with the names

or number of the apartment, with the corresponding due amount of communal expenses per apartment is legal. Despite the legality of the processing, such a notification must respect the basic principles of the processing, in particular the principle of minimization and at the same time be effective". In my office with both parties I have come to the conclusion that the relevant processing through ... /12 12. the sending by the Client of the electronic messages/letters, containing information about the common costs, was done for the purposes of compliance of the owners/tenants, to the fulfillment of their obligations as well as informing them, regarding the financial matters of the jointly owned building, in compliance with the Regulations on Jointly Owned Buildings. 11.1. (a) I have also concluded that the above purpose could be achieved by notifying only the absolutely necessary personal data, i.e. the debts per apartment, without more details/references to acts/omissions or situations of each owner/tenant and, preferably and/or optionally without name reference, i.e. without direct identification of the tenants/owners. 11.1. (b) In the light of my above conclusion, I judge that the Defendant exceeded the Principle of Minimization and therefore it is established that there was a violation of the provisions of Article 5(1)(c) of the Regulation. 11.2. However, regardless of and despite the above and having taken into account that - (a) There was no precedent before my Office nor had measures been previously imposed against the Defendant in the exercise of my powers pursuant to Article 58(2) of the Regulation, (b) The Defendant never denied that she carried out the processing of the complainant's personal data in question, that is, the communication (oo) of the complainant's data to other recipients via e-mail, instead she had the belief, albeit wrongly, that the procedure this was imposed for reasons of transparent information to the owners/occupants of the Apartment Building, (c) The honest intention of the Defendant, as expressed repeatedly and specifically, in the telephone communication she had with an employee of my Office on December 16, 2020, to comply with the provisions of the Regulation and in particular, with the Data Minimization Principle when informing owners/tenants, regarding services provided financial management of the jointly owned building and the communication of only the absolutely necessary data and, (d) The cooperation with my Office throughout the investigation of the complaint, I decided not to exercise my corrective powers, which are provided in par. (2) of article 58 of the Regulation and not to impose, at this stage, any sanction ... /13 13. or measure against the Defendant and, to draw her attention as acting in accordance with my judgment, as the par. 11.1 (a) above. In conclusion, I am reminding the Defendant that this case can be taken into account, as a precedent, in case a new complaint is submitted against the Defendant to my Office.Eps do

Personal Data Protection Commissioner

