

REPUBLIC OF CYPRUS Ε Π Ι Τ Ρ Ο Π Ο Σ Νο. Fac.: 11.17.001.007.260 OFFICE OF THE COMMISSIONER FOR PERSONAL DATA PROTECTION Pancyprian Insurance Ltd for personal data breach regarding the complaint of Mr. XXXXXX against the DECISION Claims of the parties Claims of the complainant I am referring to the complaint that has been submitted to my Office, on November 26, 2019, on behalf of Mr. XXXXXX (hereinafter the "complainant") against Pancyprian Insurance Ltd (hereinafter the "Claimant 1") and against XXXXXX (the overdue debt collection company) (hereinafter the "Claimant 2 "), as well as all correspondence related to the above matter, which is part of the case file, taking into account the provisions of the General Data Protection Regulation, (EU) 2016/679 (hereinafter the "Regulation"). A. 2.1. As stated in the complaint, on November 25, 2019, the complainant received a phone call from an employee of Defendant 2, from phone number XXXXXX, to settle his small balance to Defendant 1. After 15 minutes of completion of the call, as claimed by the complainant, he himself called the above-mentioned telephone number, asking to be informed who had supplied the 2nd with his contact details, as well as with the information that there was an outstanding debt. The complainant was informed by Ms. XXXXXX, an employee of Defendant 2, that the above data / information was given by Defendant 1. He claims that she never gave written or verbal 2.2. The complainant consented to Defendant 1 for disclosure to third parties and/or use by third parties of his contact details as well as information on the nature of his collaboration with Defendant 1, therefore he considers that there has been a violation of his personal data . 2.3. Complainant attached screenshot, incoming call from above phone number lasting one minute. 3. In a new letter from the complainant to my Office, dated December 6, 2019, the complainant stated that he received at his residential address, which he presents at Iasonos 1, 2nd floor, 1082 NICOSIA / PO Box 23378, 1682 NICOSIA. Tel: 22818456, Fax: 22304565 E-mail: commissioner@dataprotection.gov.cy, Website: <http://www.dataprotection.gov.cy> Allegations of Ms. 1 letter from Ms. 2, dated November 29, 2019 , for a reminder of the amount owed to Defendant 1, which he attached. Among other things, the letter includes the following excerpt: "We would like to inform you that following a contract between our company and PANCYPRIAKI INSURANCE LIMITED, XXXXX has been assigned the collection of overdue debts of PANCYPRIAKI INSURANCE LIMITED's customers." In this letter, the phone number XXXXXX is indicated for communication, i.e. the number from which the complainant received a phone call on November 25, 2019. On January 7, 2020, I sent a letter to Ms. 1, with which 4. I requested as, until January 28, 2020, clarify which personal data of the complainant was shared with the 2nd, what is the legal basis for the sharing of the complainant's data, if the complainant was informed about the sharing of the data, before it took place, and if so, by whether the complainant was informed of the right to

object under Article 21 of the Regulation. Also, I raised the question of whether there is a processing delegation contract with Defendant 2 for the notification and/or collection of overdue debts in accordance with Article 28 of the Regulation, and if so, to send this contract, as well as to send the File of Activities in accordance with article 30 of the Regulation in electronic format. 5. which, among other things, stated the following: 5.1. Defendant 1 entered into a service agreement with Defendant 2 on September 11, 2019, for the collection of overdue debts. Based on the agreement, Party 1 is the data controller and Party 2 is the processor. Defendant 1 contacts the customers/debtors to collect the unpaid insurance premiums and in the event that there is no result, the customer data is sent to Defendant 2, for processing related to the collection of overdue debts. Pursuant to the agreement, Defendant 2 initially contacts the debtor to determine his willingness to pay the debt and to arrange the payments. Subsequently, an initial letter is sent to the debtor by the 2nd Party, and finally, after 60 days have passed since the first letter, a second letter is sent to the debtor by the 2nd Party for immediate payment of the amount within 15 days, from date the second letter was sent. As part of the above process, the 2nd Defendant contacted the complainant and then sent the initial letter. 5.2. Defendant 1 communicated to Defendant 2 the following personal data of the complainant: name and surname, identity number, address, telephone numbers, amount due, effective date of the policy, customer number and policy number. On January 28, 2020, Ms. 1 delivered a letter to my Office, to 2 with the date of collection assignment - Data subjects are notified of said processing through 5.3 The legal basis for the communication of the personal data of the complainant, as stated by Defendant 1, it is her legitimate interests, since the purpose is the collection of unpaid insurance premiums/overdue debts ("purpose test"). By outsourcing this processing to a third party specialized in this type of service, Defendant 1 aims to collect unpaid insurance premiums in a more efficient manner, saving its own resources/reducing collection costs and the staff that needs to be employed by the same. At the same time, as he mentioned, the interests of the data subjects are also ensured, since if they pay the amount due, Defendant 1 is not going to take legal action against them, which would lead to further costs and inconvenience. 5.4. The rights and freedoms of the data subjects have not been affected, are not harmed to any impermissible degree, nor do they prevail over its legal interest ("balancing test"). 5.5. Regarding unpaid insurance premiums/overdue debts to a third party, Defendant 1 has taken into account the following factors and safeguards: Defendant 1's Personal Data Statement. - Defendant 1 contacts customers/debtors to collect unpaid insurance premiums, and in the event that there is no result, the data of these individuals is sent to the third party for processing related to the collection of overdue debts. - The third person/company, to whom the aforementioned activity was assigned by the 1st Defendant, has the

experience, specialized knowledge, systems and security measures to assist in the collection of overdue debts. character by virtue of article 5 of the Regulation. - In the context of this processing, no processing of special categories of personal data and/or personal data related to criminal convictions and offenses is carried out. - It is common insurance practice/practice in the insurance industry to use third party specialized companies for the collection of overdue debts. The 1st Defendant considers that there are no special circumstances on the basis of which the customers/debtors would not expect said processing which aims to pay the due insurance premiums from the customers/debtors of the 1st Person in accordance with article 28 of the Regulation. 5.6. The complainant's insurance policy with Ms. 1 was renewed for the period 29 December 2016 to 28 December 2017. Subsequently, on the instructions of the complainant, it was terminated on 20 April 2017, while at the time of termination, an amount remained outstanding/due . 5.7 Due to the fact that the contract expired in 2017 and there were no other contracts in force, Defendant 1 stated that the complainant was informed through Defendant 1's Privacy Statement, which is posted on Hellenic's website Bank. This Statement includes a reference to sharing personal data with partners and service providers and - The principles governing the processing of personal data are applied - There is a data processing agreement between Ms. 1 and the third 3 processors to whom Ms. 1 transfers personal data for the execution of its business relationship with its customers. The 'collection of unpaid insurance premiums' is also listed among the aforementioned partners and service providers and processors, while, furthermore, the above Statement informs the subjects of their rights, including the right to object. 6. On July 16, 2020, I wrote to Count 1 for clarification on issues presented in the letter dated January 28, 2020. In particular and among other things, Defendant 1 was asked whether: - The complainant had been informed in advance about the disclosure of his data, so that he was granted the right to object based on article 21 of the Regulation. - The complainant was informed personally and as provided for in article 13 of the Regulation, and if so in what way and when, about the Personal Data Protection Statement of Ms. 1 and in particular about the sharing of personal data for the execution of a business relationship, and more specifically about the collection of unpaid insurance premiums. If not, whether the fact that the above Statement is posted on the Hellenic Bank website constitutes a legitimate and transparent act of informing the complainant. - Ms. 1 in her letter to my Office, dated August 17 Ms. 1 contacted the complainant before sharing his data, within the framework of the principle of accountability and regarding the procedure mentioned by Ms. 1 in the letter dated January 28, 2020, and if the complainant was informed in the context of transparent and legitimate information pursuant to article 13 of the Regulation on the disclosure of his data. 7. 2020, informed that: 7.1. The complainant was not previously informed of the

disclosure of his data to Defendant 2. As of March 2020, Defendant 1 has, as he stated, revised its procedures in relation to the collection of overdue insurance premiums, and before the details of its customers are sent to Defendant 2, an information letter is sent by the same to the debtor, which informs him that his details will be shared with Defendant 2 and gives him the right to object within 15 days. 7.2. The complainant was not personally informed and did not receive the Pancyprian Insurance Personal Data Protection Statement, due to the fact that this Statement had been sent to those customers of Defendant 1 who had contracts in force at the time of the implementation of the Regulation, while the complainant's contract had been terminated in April 2017 on his instructions, and the rest has been pending since then. 7.3. On January 18, 2018, September 11, 2018, October 23, 2018, and December 12, 2018, it sent "reminder letters" to the complainant regarding the outstanding balance, and that on December 20, 2018, and April 5, 2019, its sales representatives contacted the complainant by email, without any response. 7.4. "The customer relationship is terminated if the Contracts are expired or canceled and have no open claims or unpaid premiums." 4 Allegations of the complainant The complainant in his letter to my Office dated 25 October 8. On 9 September 2020, I sent a letter to the complainant, in which I mentioned the main positions of Ms. 1, asking how he stood on them, and how he clarified whether or not the specific debt was an overdue debt. 9. 2020, stated that: 9.1. Ms. 1 contacted him by e-mail, but not by "reminder letters", unless sending a statement of account is understood as such a letter. His response to these electronic messages was direct to the Director of Ms. 1 in Larnaca and his assistant, while, on the day on which the phone call from Ms. 2 took place, i.e. November 25, 2019, he delivered the, according to the point of view of the 1st, amount due. 9.2. The difference in terms of the amount owed concerns when Defendant 1 was notified of the termination of the contract and therefore, when she canceled it, and not the complainant's refusal to pay the amount owed. 9.3. The disclosure of the debt to Defendant 2 was excessive and completely illegal, since he did not consent to any disclosure of his personal data to third parties. 9.4. Regarding the terms purpose test and balancing test, which Ms. 1 included in the letter dated January 28, 2020 to my Office: – "You must balance your interests against the individual's. - The communication of the data in Count 2 caused the complainant If they would not reasonably expect the processing, or if it would cause unjustified harm, their interests are likely to override your legitimate interests". - Defendant 1 did not carry out a correct balancing test, taking into account the amount of the amount owed (300 euros), the fact that she had "direct access" to the complainant and that the above amount was in dispute. "Unjustified Harm". - Accused 1 should have carried out the following: "Have clearly identified your purpose or purposes for processing. Have documented those purposes. Include details of your purposes in your

privacy information for individuals. Regularly review our processing and, where necessary, update our documentation and your privacy information for individuals. If they plan to use personal data for a new purpose other than a legal obligation or function set out in law, we check that this is compatible with our original purpose or we get specific consent for the new purpose". - The phrase "other than a legal obligation" cannot be justified, since any sanction can be imposed by the courts of the Republic, while 5 Claims of Defendant 1 Defendant 2 is not a legal representative of Defendant 1 , who would represent Defendant 1 in legal proceedings. 10. On March 26, 2021, a prima facie decision of the same date was delivered to the Data Protection Officer of Ms. 1, after I found that there is a prima facie violation of Articles 5(1)(a), 12(1), 13(1) and (2) and 21(4) of the Regulation. 10.1. Also, before taking a decision on the possible imposition of an administrative fine, the Accused 1 was invited to submit, within three weeks from the taking of the prima facie decision, the reasons and circumstances that should be taken into account in the context and for the purposes of imposing an administrative sanction pursuant to Article 58(2) of the Regulation. 11. Ms. 1 in her letter to my Office, dated April 14, 2021, referred to the specific incident as well as the service agreement concluded with Ms. 2, repeating the roles of Ms. 1 and Ms. 2 as derived from the specific agreement, that the legal basis for the processing in question is, after a relevant assessment, the legitimate interest and that the Declaration is posted on the website of the 1st Party and which includes a reference to sharing data of a personal nature to partners and service providers and processors, for which the 'collection of unpaid insurance premiums' is also mentioned. 11.1. In her letter, Defendant 1 stated that she does not consider that there has been a violation of legality, objectivity and transparency, since the Statement is posted on Defendant 1's website, and includes, in an explanatory, clear and comprehensible manner, a reference to the notification of the personal data to partners and service providers and processors, for which the 'collection of unpaid insurance premiums' is also mentioned. Also, that through the Declaration the data subjects are informed, among other things, about the way/means by which they can exercise the right to object in accordance with the Regulation. Bearing in mind that such information should be "readily accessible", Claimant 1 stated that, as of March 2020, she had revised her procedures in relation to the collection of overdue premiums, and further from the Statement which is posted, is sent by the same special information letter to the debtor, by which he is informed that his data will be transferred to the 2nd Party, and he is given the right to object within 15 days. 11.2. In addition to the above, in her letter, Ms. 1 mentioned the following relevant factors concerning the specific incident: a. nature, gravity and duration of the incident: Defendant 1 pointed out that she does not consider that there was a violation of the principle of legality, objectivity and transparency, since the disclosure to Defendant 2

of the complainant's personal data was based on an appropriate legal basis. In addition, the complainant's rights and freedoms were not affected and no harm/damage was detected. He also stated that it is common insurance practice to use third party specialist companies to collect overdue debts and that Defendant 2 has the experience, expertise, knowledge, systems and safeguards to assist in the collection of overdue debts. In addition to the above, it stated that it has included in an explanatory, clear and comprehensible manner the processing in question in the Statement, which is available to the public, and which also includes the right to object "objection to the use of your personal data" and the way/means with which the said right can be exercised, b. fraud or negligence: Defendant 1 stated that she does not consider that the notification was based on fraud, negligence or on her speculative approaches, but that it was based on securing her legal interests, c. actions it took to mitigate the damage: Defendant 1 stated that "in the context of compliance with the Regulation as well as the subjects' easy access to the information required in accordance with article 13", as also stated in paragraph 11.1. of this, sends from March 2020, a special informative letter to the debtor, informing him that his data will be transferred to the 2nd Party, and he is given the right to object within 15 days. Also, that Defendant 2 deleted the personal data of the complainant, d. degree of responsibility of Defendant 1: Defendant 1 stated that she recognizes that the information provided to the subjects of the data, and for this reason revised the procedures in which it is proceeding, sending the special information letter mentioned above, e. related violations, f. degree of cooperation with my Office: Ms. 1 stated that she seeks to have excellent cooperation with me and the officers of my Office, that he takes seriously my guidance and recommendations, and that he responds as soon as possible to what is requested, as it was done, as he states, and for the specific incident, g. categories of personal data that affects the incident: Defendant 1 listed the charges in question, as referred to in paragraph 5.2. of the present, h. any other aggravating or mitigating factor resulting from the circumstances of the specific case, such as the financial benefits obtained or losses avoided, directly or indirectly, from the violation: Defendant 1 formulated the position that the collection of the overdue debts by Defendant 1 also ensured the interests of the complainant, since by paying the amount owed following the relevant communication, Defendant 1 would not take legal measures against him, a process which would lead to further costs and suffering. previous relevant violations: Defendant 1 stated that there were no 7 Legal Framework B. 12. According to article 4 of the Regulation, personal data is interpreted as "any information concerning an identified or identifiable natural person ("data subject"); an identifiable natural person is one whose identity can be ascertained, directly or indirectly, in particular by reference to an identifier such as a name, an identity number, location data, an online identifier or one or more factors that

attribute to the physical, physiological, genetic, psychological, economic, cultural or social identity of the natural person in question". Also, a data controller is defined as "the natural or legal person, public authority, agency or other entity that, alone or jointly with others, determines the purposes and manner of processing personal data; when the purposes and manner of of this processing are determined by the law of the Union or the law of a Member State, the controller or the special criteria for his appointment may be provided by the law of the Union or the law of a Member State", while the processor is defined as "the natural or legal person, public authority, agency or other body that processes personal data on behalf of the controller". 13. Pursuant to Article 5(1)(a) of the Regulation, personal data "are subject to legal and legitimate processing in a transparent manner in relation to the data subject ("legality, objectivity and transparency)". Article 12(1) of the Regulation provides that the "controller 14. takes appropriate measures to provide the data subject with any information referred to in articles 13 and 14 and any communication in the context of articles 15 to 22 and article 34 about the processing in a concise, transparent, understandable and easily accessible form, using clear and simple wording'. 15. If the personal data is collected from the data subject, then article 13(1) of the Regulation provides that "the controller, when receiving the personal data, provides the data subject with all the following information: a) the identity and contact details of the controller and, where applicable, the representative of the controller, b) the contact details of the data protection officer, where applicable, c) the processing purposes for which the personal data are intended, as well as the legal basis for the processing, d) if the processing is based on Article 6 paragraph 1 letter f), the legitimate interests pursued by the controller or by a third party, e) the recipients or categories of recipients of the personal data, if any , f) as the case may be, the controller's intention to transfer personal data to a third party or international organization and the existence or absence of an adequacy decision of the Commission or, in the case of the transmissions referred to in Article 46 or 47 or in the second subparagraph of Article 49(1), a reference to appropriate or suitable guarantees and the means to obtain a copy them or where they were allocated". 8 16. In addition to the above information, pursuant to Article 13(2) of the Regulation "the controller, when receiving the personal data, provides the data subject with the following additional information that is necessary to ensure legitimate and transparent processing : a) the period for which the personal data will be stored or, when this is impossible, the criteria that determine that period, b) the existence of the right to submit a request to the data controller for access and correction or deletion of the personal data nature or limitation of the processing concerning the data subject or the right to object to the processing, as well as the right to data portability, c) when the processing is based on article 6 paragraph 1 letter a) or article 9 paragraph 2 letter a), the existence of

the right to withdraw his consent at any time, without prejudice to the legality of the processing which was based on consent before its revocation, d) the right to submit a complaint to a supervisory authority, e) whether the provision of personal data is a legal or contractual obligation or requirement for the conclusion of a contract, as well as whether the data subject is obliged to provide the personal data and what potential consequences would have if not providing such data, f) the existence of automated decision-making, including profiling, referred to in Article 22 paragraphs 1 and 4 and, at least in these cases, important information about the logic followed, as well as the significance and intended consequences of said processing for the data subject". 17. "1. 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 paragraph 1 letter e) or f), including profiling under the provisions in question. 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. 2. If personal data are processed for the purposes of direct marketing, the data subject has the right to object at any time to the processing of personal data concerning him for such marketing, including profiling, if related to it direct marketing. 3. Where data subjects object to processing for direct marketing purposes, personal data shall no longer be processed for these purposes. 4. At the latest during the first communication with the data subject, the right referred to in paragraphs 1 and 2 shall be expressly indicated to the data subject and described clearly and separately from any other information. 5. In the context of the use of information society services and without prejudice to Directive 2002/58/EC, the data subject may exercise his right to object by automated means that use technical specifications. Article 21 of the Regulation provides, among others, that: 9 6. When personal data are processed for the purposes of scientific or historical research or for statistical purposes in accordance with Article 89 paragraph 1, the data subject has the right to object, for reasons related to his particular situation, to the processing of personal data concerning it, unless the processing is necessary for the performance of a task carried out for reasons of public interest." 18. Pursuant to Article 58(2), the Personal Data Protection Commissioner has the following corrective powers: "a) to issue warnings to the controller or processor that intended processing operations are likely to violate the provisions of this regulation, b) to address reprimands to the controller or the processor when processing operations have violated provisions of this regulation, c) to instruct the controller or the processor to comply with the requests of the data subject for the exercise of his rights in accordance with this regulation, d) to instruct the controller or the processor to make the processing operations

comply with the provisions of this regulation, if necessary, in a specific way and within a certain period, e) to instruct the controller processing to announce the breach of personal data on the data subject, f) to impose a temporary or definitive restriction, including the prohibition of processing, g) to order the correction or deletion of personal data or restriction of processing pursuant to articles 16, 17 and 18 and notification order of these actions to recipients to whom the personal data was disclosed pursuant to Article 17(2) and Article 19, h) to withdraw the certification or to order the certification body to withdraw a certificate issued in accordance with Articles 42 and 43 or to order the certification body not to issue certification if the certification requirements are not met or are no longer met, i) to impose an administrative fine pursuant to article 83, in addition to or instead of the measures referred to in this paragraph, depending on the circumstances of each individual case, i) to give an order to suspend data traffic to a recipient in a third country or an international organization.' 19. Pursuant to article 83(2) of the Regulation, "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 items a) to h) and article 58 paragraph 2 element 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, 10 c) any actions taken by the controller or the processor 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 or the processor, f) the degree of cooperation with the control authority for the remediation of the violation and the limitation of its possible adverse effects, g) the categories of personal data affected by the violation, h) the way in which the supervisory authority was informed of the violation, in particular if and to what extent the data controller or processor notified the violation, i) in the event that the measures referred to in Article 58 paragraph 2 were previously ordered to be taken against the controller involved or the processor in relation to the same object, the compliance with said measures, j) the observance of 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 losses avoided, directly or indirectly, from the violation." 20. Under Article 83(5), infringements of the provisions of Articles 5, 12, 13 and 21 attract "administrative fines of up to EUR 20 000 000

or, in the case of undertakings, up to 4 % of the total worldwide annual turnover of the previous financial year year, whichever is higher." C. 21. Despite the fact that, according to the complaint submitted to my Office, it is directed against Pancyprian Insurance Ltd and the company XXXXXX, based on the information presented before me, I consider that the complaint is directed solely against Pancyprian Insurance Ltd., since the processing operation that I am examining, namely the disclosure of the complainant's personal data, was carried out by it. 22. The disclosure of the complainant's personal data, with the aim of collecting the due insurance premiums, serves the original purpose of Defendant 1, since their repayment is part of the implementation and/or completion of the contractual relationship with the complainant. Therefore, the specific act of processing should not be understood as an act to achieve another purpose or as an act for further processing. 23. Taking into account the reasons why Defendant 1 communicated personal data of the complainant to Defendant 2, as stated in Defendant 1's letters to my Office, the legitimate interests she invokes are judged to be acceptable legal basis. Also, with the disclosure of personal data to Defendant 2, I consider that the complainant's rights and freedoms have not been affected. Commissioner's assessment (Recital) 11 24. As stated in the Guidelines on transparency under Regulation 2016/679, WP260 rev.01, of the Article 29 Working Party, predecessor of the European Data Protection Board, transparency is about building trust to the procedures affecting the citizen by giving him the possibility to understand and, if necessary, challenge these procedures, while also being an expression of the principle of legality regarding the processing of personal data, as provided for in art. 8 of the Charter of Fundamental Rights of the European Union. 25. Transparency is completely intertwined with legality and accountability, since by virtue of Article 5(1)(a) of the Regulation, personal data "are subject to lawful and legitimate processing in a transparent manner in relation to the data subject ("legality, objectivity and transparency")", and by virtue of article 5(2) of the Regulation "The controller bears the responsibility and is able to demonstrate compliance" with this principle ("accountability"). Therefore, the principle of accountability requires the existence of transparency in the processing operations of the controller, so that he is able to demonstrate the correct application and compliance with the Regulation. 26. According to recital 60 of the preamble of the Regulation "The principles of fair and transparent processing require that the data subject be informed of the existence of the processing operation and its purposes. The data controller should provide the data subject with any further information necessary to ensure fair and transparent processing, taking into account the specific circumstances and the context in which the personal data is processed." Clearly, communication to a recipient or recipients is an act of processing, and, therefore, the implementation of the above is required. 27. Despite the fact that the complainant's

contract was terminated on April 20, 2017, i.e. before the implementation of the Regulation, i.e. on May 25, 2018, his contractual relationship with the 1st still existed, since, as he states the 1st Defendant, outstanding balance of the complainant to her. On the other hand, there is the admission of Ms. 1, in her letter to my Office, dated August 17, 2020, that "The client relationship is terminated if the Contracts are expired or canceled and have no open claims or unpaid premiums". Also, of course, even if the above admission of Ms. 1 was absent, since she possessed the personal data of the complainant during and after the application of the Regulation, i.e. on May 25, 2018, and therefore the processing was already in progress, Article 1 should ensure that the processing complies with the transparency requirements of the Regulation. 28. In addition to the above, "if the personal data is allowed to be disclosed to another recipient", as stated in recital 61 of the preamble of the Regulation, "the data subject should be informed, when the personal data is disclosed for the first time to the recipient".

12 29. As also clarified in the document WP260 rev.01, according to the principle of legality, the controller must provide the most important information for the data subjects about the recipients. Therefore, the names of recipients must be provided, so that data subjects know exactly who owns their personal data, or the categories of recipients must be provided. In this case, the information should be as specific as possible and indicate the type of recipient, thus referring to its activities, industry, sector, sub-sector and location. 30. In particular and in relation to the above, it is the non-provision of information by Defendant 1 to the complainant, regarding "the recipients or the categories of recipients of the personal data, if any", pursuant to Article 13(1) (e) of the Regulation. This could be avoided if Defendant 1, when sending the reminder letters or e-mails, informed the complainant of her intention to disclose the complainant's personal data to Defendant 2, or to another recipient, to process these data for the same purpose for which they were collected. 31. Additionally, as explained in recital 62, the obligation to provide information need not be imposed "if the data subject already has the information, if the registration or disclosure of personal data is expressly provided for by law or if the provision information to the data subject proves impracticable or would require a disproportionate effort. The latter could be in particular, when the processing is for archiving purposes in the public interest, for scientific or historical research purposes or for statistical purposes. In this regard, the number of data subjects, the age of the data and any appropriate safeguards put in place should be taken into account." 32. In this case and as stated by Defendant 1 in the letter dated August 17, 2020, the complainant had not previously been informed of the disclosure of his personal data to Defendant 2. In addition, the disclosure of his data complainant to Defendant 2 was not required by law, since Defendant 1 claims that this processing was necessary for the purposes of her legal interests. In addition to the above, the

provision of information related to the processing was not impossible or required a disproportionate effort, since the 1st Defendant possessed the contact details of the complainant, who had in no way lost the status of her client. 33. In addition to the required information that the complainant had to receive, as it appears from the document WP260 rev.01, Ms. 1 could, for reasons of best practice, "also provide the data subject with the information from the application of balancing criterion, which is necessary to enable the use of Article 6 paragraph 1 letter f) as a lawful basis of processing before any collection of personal data of the data subject." 13 34. The controller's obligation for transparency is inextricably linked to the rights of data subjects, including the right to object, as provided for in article 21 of the Regulation. Full transparency on the part of the controller automatically means providing information to data subjects about their rights, the quality of information provided to data subjects about their rights and the facilitation of their exercise. 35. Taking into account that Ms. 1 did not send the Personal Data Protection Statement to the complainant, despite the fact that there was a contractual relationship between them, and taking into account, in particular, that this Statement was sent only to those of her clients who held contracts in force during the implementation of the Regulation, thus making a distinction between its customers, it follows that Defendant 1 did not take the appropriate measures to provide the data subject with all the information referred to in article 13, as she was obliged by virtue of article 12(1) of the Regulation. Furthermore, it is concluded that Defendant 1 did not provide the relevant information to the complainant, as specified in articles 13(1) and (2) of the Regulation. 36. Considering that the complainant did not personally receive Ms. 1's Personal Data Statement, and therefore was not informed about the possible disclosure of his data to recipients, he was therefore not informed of the subsequent right of objection that he had, even before the disclosure of his data to Defendant 2, neither during this notification, nor certainly during Defendant 2's communication with him on November 25, 2019, nor later. Also, he was not informed of this right when Ms. 1 sent him the reminder letters or e-mails. It appears, clearly, that article 21(4) of the Regulation was not applied, which provides that during the first communication with the data subject, this right to object is expressly indicated and described clearly and separately from any other information. In other words, he was never given the information about the right to object. 37. Regarding the fact that Defendant 1, in the letter dated April 14, 2021, stated that she does not consider that there has been a violation of legality, objectivity and transparency, since the notification has been based on an appropriate legal basis and due to the fact that the Declaration is posted on its website, and which includes in an explanatory, clear and comprehensible manner a reference to the sharing of personal data, stating also the reason for the collection of unpaid insurance premiums, I must point out that the existence of legality in the processing

of personal data does not necessarily mean and automatically the implementation of all the obligations of the controller, as they arise from the Regulation. Also, the actions of the data controller regarding the transparency of the processing, such as in this case the posting of the Declaration on the website of Customer 1, does not necessarily mean that the data controller has taken all the required actions to ensure the transparency of processing and to comply with the obligation to inform data subjects. 37.1. In addition to the above, the fact that Defendant 1 revised the procedure she follows regarding the information of the data subjects, sending 14 Penalty measurement a special information letter to the debtors, which is done, as she stated "in the context of compliance with the Regulation as well as the easy access of the subjects to the information required in accordance with article 13", is a reinforcing element to prove the violation in which he committed. Also, the 1st Defendant did not, through the letter dated April 14, 2021, submit any new information to prove the legality, objectivity and transparency of the processing in question. 38. Considering the conclusion of my letter to Ms 1 dated 26 March 2021, in which I found a prima facie breach of Articles 5(1)(a), 12(1), 13(1) and (2), and 21(4) of the Regulation and given that no new evidence has been submitted before me by Defendant 1, regarding the complaint under investigation, I find a violation of articles 5(1)(a), 12(1), 13(1) and (2), and 21(4) of Regulation (EU) 2016/679. D. 39. Taking into account the provisions of article 31 of the Regulation, regarding the conditions for imposing administrative fines, when measuring the administrative fine I took into account the following mitigating (1-6) and aggravating (7-11) factors: (1)) the fact that there was a legal basis for the communication of the personal data of the complainant, that the processing act serves the original purpose of the Defendant 1, that the rights and freedoms of the complainant were not affected and that the violation affected only one subject of data, (2) the position of Defendant 1 that the disclosure of the personal data of the complainant was based on securing her legal interests and not fraudulently, negligently or for profit;

(3)

the revision of the procedures of Article 1, on the basis of which it is sent

from March 2020, a special information letter to debtors and the

the fact that Accused 2 deleted his personal data

complainant,

(4)

(5)

the cooperation that Ms. 1 had with my Office in its context

investigation of the complaint, since the 1st accused occurred within the time frames

which I put in the submission of the requested data,

(6)

According to its website,

(7)

legality, objectivity and transparency,

the fact that Defendant 1 does not consider that there was a violation of her principle

the fact that the 1st had posted the Personal Protection Statement

the absence of relevant previous violations of Count 1,

15

the fact that I was informed by the complainant about the notification of

the categories of personal data that Ms. 1 communicated

the fact that Ms. 1 discriminated between her clients, she did not send

the responsibility of Ms. 1 regarding the disclosure of his data

(8)

complainant, which was carried out by choice and, in any case, art

she knows

(9)

in Kat's 2,

(10)

given by Count 2, and not by Count 1,

(11)

i.e. the Statement to all its customers,

and exercising the remedial powers conferred on me by section 58(2)(b) thereof

Regulation, by virtue of which "Each control authority has all the following

corrective powers: b) to reprimand the controller or

processing when processing operations have violated its provisions

of this regulation"

I decided

at my discretion and subject to the above provisions,

(a)

disproportionate penalty,

(b)

12(1), 13(1) and (2), and 21(4) of Regulation (EU) 2016/679.

Irini Loizidou Nikolaidou

Commissioner of Protection

Personal Data

not to impose an administrative fine, judging it under the circumstances as

to reprimand Defendant 1 for the violation of Articles 5(1)(a),

Nicosia, 30 July 2021