

## PRINCIPLE OF DATA PROTECTION

### OF A PERSONAL CHARACTER

Athens, 06-28-2018

Prot. No.: G/EX/5799/28-06-2018

A P O F A S H 52/2018

The Personal Data Protection Authority met in composition

Plenary meeting at its store on 12-06-2018 following the invitation of its President,

in order to consider issues of applicable law arising after commencement

of the General Data Protection Regulation. K. were present.

Menoudakos, President, who also acted as rapporteur, K. Christodoulou, Ch.

Anthopoulos, A. Symvonis, K. Lambrinoudakis,

regular members, and Em.

Dimogerontakis, substitute member, replacing regular member E.

Martsoukou, who, although summoned only in writing, did not appear

obstruction. The regular member of the Authority Sp. Vlachopoulos, although he was only summoned

in writing, did not attend due to obstruction. I was present at the meeting, without a right

vote, was K. Karveli, expert scientist, as assistant rapporteur, who

withdrew after the discussion and before the conference and decision-making, and n

E. Papageorgopoulou, employee of the Department of Administrative Affairs, as

secretary.

The Authority considered the issue of the Authority's competence according to the General

Data Protection Regulation (hereinafter GDPR), to be received on

queries and requests of our processors, data subjects and/or

and others related to personal data processing issues.

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The Authority, after hearing the rapporteur and the assistant rapporteur, then left the discussion and before the conference and decision-making, and after thorough discussion,

## SEVENTH E ACCORDING TO THE LAW

1. According to recitals 122 and 132 of the GDPR:

"(122) Every supervisory authority should be competent, on the territory of the state member to which he is subordinate, to exercise the powers and perform the duties assigned to him are assigned in accordance with this regulation. This should cover n to n processed in the context of the activities of an establishment of the controller processor or processor in the territory of his own state member, the processing of personal data carried out by public authorities or private bodies acting in the public interest, the processing that affects data subjects on his or her territory processing carried out by a processor or processor not established in the Union, when it targets data subjects who reside on its territory. This should include coping of complaints submitted by the data subject, implementation research on the implementation of this regulation and its promotion raising public awareness of risks, rules, guarantees and rights related to the processing of personal data character".

"(132) The awareness raising activities by the supervisory authorities are as follows addressed to the public should include specific measures for them controllers and processors, including of very small, small and medium-sized enterprises, as well as natural persons i.e in the context of education".

According to article 55 par. 1 of the GDPR, each supervisory authority is competent to

perform the duties and exercise the powers assigned to it in accordance with

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regulation in the territory of its member state.

Article 57 paragraph 1 of the GDPR states the following: "Without prejudice to the other

duties set out in this regulation, any supervisory authority in the territory

of a) monitor and enforce the implementation of this regulation, b) promote

public awareness and understanding of risks, rules,

guarantees and rights related to processing a. ...c) advises,

according to the law of the member state, the national parliament, the government and

other bodies and organizations for legislative and administrative measures related to

the protection of the rights and freedoms of natural persons against it

processing, d) promote the awareness of those responsible for processing and

performing the processing in relation to its obligations hereunder

regulation, e) upon request, provides information to the data subjects

regarding the exercise of their rights under this regulation and,

possibly, cooperates for this purpose with the supervisory authorities in other states

members, f) handles complaints submitted by their subjects

of data or by an institution or organization or association in accordance with article 80...h) carried out

investigations related to the application of this regulation...i) provides advice

regarding the acts of processing of article 36 paragraph 2 (expansion

impact).....". In accordance with the provisions of article 58 of the GDPR, the supervisory

authority of each member state, among others, gives orders to our data controller or

to the processor to comply with the subject's requests

of the data for the exercise of his rights according to the regulation (par.

2 para. c'), gives an order to the person in charge of the processing or to the person performing the processing a to make our processing operations in accordance with the provisions of the regulation, if necessary, in a specific way and within a certain period (par. 2 para. d), provides advice to our controller in accordance with the procedure a prior consultation on the impact assessment (par. 3 para. a') and issued with on its own initiative or at the request of opinions to the national parliament, the government of the Member State or in accordance with the law of the Member State to others institutions and organizations, as well as to the public, for every issue related to it

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protection of personal data (par. 3 para. b), while according to par. 6 of the same article each member state can provide by law that the its supervisory authority has additional powers.

According to the above provisions, the Authority has an obligation a) to handle them complaints submitted by the data subject or by an entity or organization or association in accordance with article 80 of the GDPR, b) to provide, subsequently request, information only to the data subjects and only regarding the exercise of their rights, as they derive from the GDPR and c) to advise our data controller about our data processing operations; of article 36 paragraph 2 (impact assessment). At the same time, a duty is provided of the Authority to raise awareness of those responsible for our processing and performing the processing in relation to their obligations hereunder regulation, as well as the public with the most suitable ones in its opinion ways, such as updating through it educational days or lectures. website of the Authority or organization

In addition, Article 5 para. 2 of the GDPR establishes the principle of accountability of our controller, according to which our controller carries the responsibility for compliance with the regulation and the burden of summons and proof thereof legality of our processing. Consequently, yes, the competent person should also park to judge on a case-by-case basis the issues of personal data processing regarding the implementation of the regulation, in consultation with the Protection Officer Data, where it exists, as well as to answer their questions and requests of data subjects and methods for the aforementioned issues (such as satisfaction requests for providing information to third parties or for providing information about the application of the Regulation).

In accordance with the aforementioned, from the provisions of the GDPR and in particular from the its provisions on the duties and powers of the supervisory authorities, such as their powers are enumerated, it follows that the Authority has no obligation to responds to the questions and requests of our data controllers data subjects or methods, regarding personal processing issues

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of data that do not fall under the provisions of the GDPR its powers. The same applies to applications pending on 25.5.2018 and questions, given that under the previous legislative regime of the Guide 95/46 EC of the European Parliament and of the Council and the corresponding law. 2472/1997 (Government Gazette A' 50) on the one hand, the Authority has no obligation to undertake questions and requests of the data subjects and third parties h competence provided for in the provision of article 19 par. 1 point m of Law 2472/1997 to examine requests from our processors, with which control is requested and the questioning of the legality of our processing, is inconsistent with its principle

liability established with the GDPR, in accordance with the above.

## FOR THOSE REASONS

The Authority unanimously decides that

1. He is no longer obliged to answer their questions and requests

those in charge of our processing, the data subjects and others

with personal data processing issues that do not fall under

its competences provided for by the provisions of the GDPR. Relatively

Questions and requests that may be sent to the Authority should be sent to

start o.

2. Any pending applications will not be considered and will be placed on file.

The president

The Secretary

Constantinos Menoudakos

Irini Papageorgopoulou

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