

Athens, 23-12-2019

No. Prot.: G/EX/9032/23-12-2019

GREEK EMPIRE

PRINCIPLE OF PROTECTION OF E OMEN

OF A PERSONAL CHARACTER

A P O F A S I NO. 45 / 2019

The Personal Data Protection Authority met at the headquarters

on 23-07-2019 at 10:00 a.m. following the invitation of its President, in continuation of

of the 15-05-2018 regular meeting, in order to consider the case that

referred to the purpose of the present. They were attended by Konstantinos Menudakos,

President of the Authority, its regular members Konstantinos Christodoulou, Antonos

Symvonis, Spyros Vlachopoulos, Constantinos Lampre noudakis, as preacher, Mrs.

Eleni Martsoukou, as well as the substitute member Grigors Tsolas, also as

as a professor, replacing the regular member Charalambos Anthopoulos, who

although he was legally summoned in writing, he did not attend due to obstruction. At the meeting

were also present, by order of the President, I. Lykotrafitis, qualified scientist -

information controller, as a teaching assistant, Ms. Irene Papageorgopoulou,

employee of the Department of Evidence Affairs of the Authority, as secretary.

The Authority took into account the following:

With

the under no. prot. GN/EIS/3261/08-11-2017

notification n

"INTERAMERICAN Hellenic Casualty Insurance Company S.A."

(henceforth

Interamerican) notified the Authority of a new passenger insurance program

of cars with the name "Smart Drive", with which the pricing of the provided

of coverages linked to the driving behavior of the insured through insurance

application installed on the mobile phone of the insured or his driver

of a vehicle relevant to the insurance program in question.

Interamerican and OSEVEN Single Member Private Company

(hereinafter OSEVEN), which provided the known application for the program in question

of insurance and undertakes the collection of data and their processing

in order to extract the behavioral guidelines of the application user,

were informally summoned to a hearing before the Authority Section at the meeting at

17/01/2018, in order to provide clarifications and express their views on

the case. Subsequently, they received a deadline for the submission of pleadings, which

filed on 31-01-2018 and which received no. prot. G/EIS/242/31-01-2018 Ms

C/EIS/241/31-01-2018, against OSEVEN and Interamerican.

Subsequently, following the clarifications they submitted through the relevant

reminders, a document was sent with which the Authority invited Interamerican to

prepare and submit an impact assessment study on its data protection

intended processing (data protection impact assessment – DPIA). Therefore,

with the under no. prot. C/EIS/2965/18-04-2018 Interamerican document submitted

to the Authority related impact assessment study.

Subsequently, Interamerican and OSEVEN were legally summoned again, with the following

no. first C/EX/1299/08-05-2018 Ms. C/EX/1300/08-05-2018 documents of the Authority,

instead, in a hearing before her at the meeting of 05-15-2018, to give

further clarify. After the meeting, Interamerican received a deadline c a

submission of a memorandum, which he submitted, within the set deadline, with no.

prot. G/EIS/4691/04-06-2018. With

the

said memorandum was submitted by Ms

timely impact assessment study.

On 13-11-2018, the Authority held a meeting on this matter and deemed it necessary to further clarifications are requested regarding the operation of the system, pending a decision.

For this reason, Interamerican and OSEVEN were summoned to a hearing before me of the Authority's Whole Member at the meeting on 20-11-2018 in order to give the necessary clarifications and received a deadline for the filing of pleadings, the which they submitted and received no. prot. C/EIS/9651/03-12-2018 Mrs. C/EIS/9772/04-12-2018, against OSeven and Interamerican.

The Authority, after examining all the contents of the file, after listening to them with lecturers and the assistant lecturer, who left after the discussion and before the meeting and the decision-making, and following the discussion,

THOUGHT ACCORDING TO THE LAW

Considering that:

a) the issue of the appropriate legal basis of the transactions involved processing in the present case included in part in the issue guidelines of the European Data Protection Board (hereinafter ESPD) for "Connected Vehicles" ("Connected Vehicles"),

b) the text of said guidelines at the time of the visit

It is initially in the form of a plan and is expected to be finalized at the beginning 2020 with their approval from the EDPS, Ms

c) the coherent application of the GDPR throughout the European Union is mandatory,

Consider it necessary to postpone the issuance of a decision until the above is approved guidelines from the EDPS, to be taken into account and evaluated upon issuing a decision by the Authority.

FOR THOSE REASONS

The Authority postponed issuing a decision on the case under consideration until the guidelines of the EPSD for "Connected Vehicles" are approved.

The president

The Secretary

Konstantinos Menudakos

Irini Papageorgopoulou