

DECISION Subject: Disclosure of personal data No. Fac.: 11.17.001.010.199 XXXXXXXX I am referring to the complaint submitted to my Office regarding the above matter and following the correspondence between us which ends with our email dated 2/1/2023, I inform you that we have examined the complaint where I bring the following into consideration: 1.1. On 9/10/2022 we received a complaint against you from XXXXXX regarding "complainant's public online disclosure. 1.2. The complainant stated that he maintains a Facebook account with the nickname XXXXXXXX (not his first name), however his friends know that this account belongs to him. He added that you posted that he was having a health problem and that your mutual friends contacted him about it and that at the request of your mutual friend, you deleted the post. Also, the complainant has shared videos with us as well as the posts below. a) Screenshot of your post with the content "Topic has expired. I will respect the health problem of the same that I was informed about. To me, human life is of inestimable value." Screenshot of your post with the content "Let sin be a lesson to you b) says a saying XXXHHHH my... Yesterday you went to the police and expressed fear for your life, while a few hours before you wished for the death of other people.. what irony huh XXXHHHH my? You know, it is very easy to open our mouth and say things, but very difficult to open our soul and apologize with all the consequences of our actions... Instead of apologizing, you had the audacity to go to the police, but even there you didn't have the guts to tell them the whole truth... but the facts changed when the police learned the truth from me. Things that are sensitive personal data" 1. Facts / Positions of Parties that you fear do not wish on others my XXXXXXXX. PS Anyway, yesterday you weren't there to say what you feel... shame. I liked that you also changed the picture on your profile, be kind .. that's why the little fish in the sea were smiling today!" c) Video where you are mentioned with the following content "Firi firi to pas. My friend XXXHHHH, XXXHHHH whatever you want your name doesn't matter anymore because you are still a fake little person. I just saw your comment, as I said, the continuation depends on you. I see you keep it up. I just want to tell you that today and tomorrow I won't be able to play with you. Okay; But I promise you that on Sunday I will play with you. Also let me tell you that with your comment I discovered that we the thkio still have a difference. You're talking hypothetically, I'm not talking hypothetically. I won't play with you on Sunday. Kisses." 1.3. Then, on 10/27/2022, we were notified of your post, which you apparently posted publicly on 10/26/2022 at 2:43 PM, and in which you included a screenshot of the complainant's profile. 1.4. The complainant added that you wrote that he made a complaint against you and that he gave you personal information. He added that the information he gave was your name and phone number to the Police Station when he went to report the threat he received from you and to my Office in his complaint application. Our complainant attached a Screenshot of your post

with the content "Well, as I said my kindness and respect for my fellow man has its limits. I would like to ask my online friends this time not to tell me to respect XXXXXX or XXXXXX. Those of you who want can freely delete me, tell me your opinion, but now the whole matter took another dimension, since he himself decided to take the whole matter one step further. His case has now been taken over by the police and let the justice decide. I would also like to take this opportunity to address the vegans of Cyprus, your dietary choice is completely respected. But learn to respect everyone's dietary choices as well. There is a fight based on the philosophy of veganism and I really congratulate you, but this does not give you any right to degrade people or curse them or wish them death or cancer... Thank you all and good luck! PS my XXXXXX go make another data breach complaint but this time go with XXXXXX not your real name but be careful because it already backfired on you after you went and breached my personal data yourself without the my approval. Regarding your post yesterday with alleged dog farms in Nicosia with fake photos from China, and your attempt to play with the research and pain of thousands of dog lovers I have this to say to you.... you need immediate psychiatric care since apparently your dogs have become an obsession over the last few months.... On the other hand, you also act as an animal lover (allegedly you love all animals).... You're a vegan, not an animal lover!" 1.5. With our e-mail to you on 3/11/2022 we informed you about the receipt of the complaint. We have asked for your views on the posting of the complainant's personal data and the posting regarding the complainant's health problem. We have also asked that you inform us of the legal basis on which you proceeded with the postings in question, without the consent of the complainant, and that you provide us with more information regarding your report that the matter has been reported and is now being handled by the police (as regards and personal data issues or just other issues). v. 1.6. In your reply dated 11/11/2022 you stated that: i. You will not bother to answer our questions since you have never mentioned the name of the complainant other than the name XXXXXX at random. ii. Your posts were always in accordance with the regulations of the Facebook electronic platform, a non-existent person XXXXXXXX. iii. You wondered how such a serious agency of the Republic of Cyprus has bothered to investigate a complaint of a non-existent person, unless of course XXXXXX has presented himself to us in person and with his Cypriot identity and the complainant maintains two identities with the same person but different names, then serious criminal offenses and possibly criminal actions arise. iv. If the non-existent person XXXXXXXX is managed by the complainant as he claims, then it should be investigated whether criminal offenses arise against him since through the virtual account he maintains, he curses, degrades and wishes for the death of small children and adult people with various characteristics since they don't go along with his own beliefs regarding veganism and not eating meat. On

October 1st, the complainant filed a complaint with the police against you and now with us without any results, where you wonder what his purpose is and if you should start fearing for your own physical integrity, since you personally now consider him mentally ill. vi. Do you want to formally file your own complaint with our service regarding the complainant since lately he has been spreading your personal data left and right, with the latest example being our own service giving us your personal data without your consent and that you await our response regarding your claim against the complainant. vii. In regards to our 2 questions, if there is a video provided to us by the complainant of the complainant, would you like it sent to you so you can see it with your own eyes because obviously the complainant is lying since no such video was ever made and that is what causes you even more disappointment with our service, because it is inconceivable to you to think that we as a service are also lying, perhaps because we have some personal interest or personal acquaintance with the complainant. viii. We are sorry regarding the matter of the police and various information that we asked you for, as you cannot answer us since it is your personal data. ix. As far as Article 4(1) of Regulation (EU) 2016/679 is concerned, no verification can be done unless the complainant walks through the doors of a hospital with his real name and face and wishes the patients "good luck because you eat meat" "x. As for the complainer, your response to him is this: as long as he goes out with a fake profile to wish people luck, he will find you in front of him. As long as he talks about hypocrisy, he will find you in front of him. As long as he's targeting dogs and cats he'll find you in front of him, meaning online since you haven't lost your mind yet to want to meet a non-existent person in person. If he comes out with his real name and face, then you won't be able to do anything because then we will be talking about a breach of personal data. where you violate personal data 2. Legal Basis 2.1. Based on Article 4(1) of Regulation (EU) 2016/679, "personal data": any information concerning an identified or identifiable natural person ("data subject"); the identifiable natural person person is one whose identity can be ascertained, directly or indirectly, in particular by reference to identifier, such as a name, an identity number, location data, an online identifier or one or more factors that characterize the physical, physiological, genetic, psychological, economic, cultural or social identity of that natural person,". 2.2. Additionally, paragraph 26 of Regulation (EU) 2016/679 states that "The principles of data protection should be applied to any information that concerns an identified or identifiable natural person. Pseudonymised personal data, which could be attributed to a natural person using supplementary information, should be considered information relating to an identifiable natural person..." 2.3. In Article 4(2) of Regulation (EU) 2016/679, processing is defined as "any act or series of acts carried out with or without the use of automated means, on personal data or sets of personal data, such as the collection, registration,

organization, structure, storage, adaptation or alteration, retrieval, retrieval of information, use, disclosure by transmission, dissemination or any other form of disposal, association or combination, limitation, erasure or destruction," 2.4. Based on Regulation (EU) 2016/679, the posting of personal data constitutes a form of personal data processing. Based on Article 6 of the Regulation, the processing of personal data requires an appropriate legal basis, such as the consent of the data subject.

2.5. Article 4(11) of Regulation (EU) 2016/679, provides that consent means "any indication of will, free, specific, explicit and fully informed, with which the data subject manifests that he agrees, by statement or by clear positive action, to be the subject of processing of the personal data concerning it. 2.6. Based on article 2 of Regulation (EU) 2016/679 and in particular paragraph 2(c) thereof, Substantial scope "This regulation does not apply to the processing of personal data by a natural person in the context of exclusively personal or domestic activity...". 2.7. Paragraph 18 of Regulation (EU) 2016/679 states that "This regulation does not apply to the processing of personal data by a natural person in the context of an exclusively personal or domestic activity and therefore without connection to any professional or commercial activity. Personal or household activities could include mailing and maintaining a record of addresses or social networking and online activity engaged in as part of such activities." 2.8. Furthermore, in Article 4(7) of Regulation (EU) 2016/679, the controller is defined as "the natural or legal person, public authority, agency or other body which, alone or jointly with others, determines the purposes and the way of processing personal data;....". 2.9. Also relevant to the use of social networking services is Opinion 5/2009 of the Article 29 Working Group where it is stated that the legislation does not impose the obligations of a data controller on a user who processes personal data in the context of personal or domestic use . Social media users are not data controllers when access to data e.g. profiles, messages, stories, they upload are limited to their contacts. However, if the user of a social networking service is acting on behalf of a company or organization, or is using that service primarily as a platform to pursue advertising, political or charitable goals, the exception does not apply. Also In some cases where users acquire a large number of contacts, the home use exception may not apply and therefore the user may be considered a controller. It also states that "When access to profile information extends beyond the contacts of the user's choice, for example, when a profile is provided to all users of the social networking service or when the data is crawlable by search engines, the access goes beyond the personal or domestic context. Correspondingly, if a user makes a conscious decision to extend access to their data beyond the 'friends' of their choice, data controller obligations come into play. Essentially, in this case they will the same legal status applies as when one uses other technological platforms to publish personal data on the Internet". 2.10. Relevant are the Decisions of the Court

of Justice of the European Communities (ECJ) cases Bodil Linqvist and Satakunnan Markkinapörssi and Satamedia, by virtue of which the exception of domestic use must be interpreted as referring exclusively to activities that are part of private or family life, which it does not apply to the processing of data which concerns their publication on the Internet/Facebook, with the consequence that access to the data is gained by an unspecified number of persons (public posting). Therefore sharing data with an unspecified number of people is not covered by the home use exception. 2.11. In addition, health data is included in the special categories of data / sensitive data where, based on Article 9 of Regulation (EU) 2016/679, they should receive higher protection. The disclosure of sensitive data involves higher risks for data subjects and its disclosure is likely to have a large impact on data subjects. 2.12. Article 31 of Regulation (EU) 2016/679 Cooperation with the supervisory authority states that "the data controller and the processor and, where applicable, their representatives shall cooperate, upon request, with the supervisory authority for the exercise of its duties .» . 2.13. Article 58 of Regulation (EU) 2016/679 Powers "2. Each control authority has all the following corrective powers: a) to issue warnings to the controller or processor that intended processing operations are likely to violate provisions of this Regulation, b) to reprimand the controller or processor when processing operations have violated provisions of this regulation, c) 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) instruct the controller processing or to 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 to notify the personal data breach to 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 the restriction of processing pursuant to articles 16, 17 and 18 and an order to notify such actions to recipients to whom the data of a personal nature disclosed under 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 a certification, if the certification requirements are not met or are no longer met, i) to impose an administrative fine under Article 83, in addition to or instead of the measures referred to in this paragraph, depending on the circumstances of each individual case, j) to order the suspension of data circulation to a recipient in a third country or an international organization.' 3. Rationale 3.1. The post which has been shared with us (screenshot) by the complainant (as above paragraph 1.2.a)) and related to sensitive health data, it has been observed that your "friends" had access to it. In addition, as the complainant's reference "at the request of your mutual friend you deleted it". The posting in question was made, as the complainant states,

without having given you such permission and without ever being informed by him about the health problem he is facing. 3.2. In addition, as regards your post with content that you mention in paragraph 1.2.b) above, it has been noticed that it was also addressed to your "friends" and had not been made public. 3.3. For the video shared with us by the complainant, in which you refer to "My friend XXXXXXXXXX, XXXXXXXXXX whatever you want if your name is...", we have no information about when it was posted and whether it was only accessible to your "friends" or if it was accessible by "public" post. 3.4. Regarding your post and the content of which you refer to in paragraph 1.4. above, and in particular the point "...I would like to ask my online friends this time that no one tells me to respect theXXXXX or otherwise XXXXX...", as can be seen from the screenshot that was shared with us, it was posted publicly and with access by all users of Your positions regarding the posting of his health problem The legal basis that you activated and proceeded with the said More information about your report that the issue has Facebook and not just from your friends and where you placed the complainant's profile. 3.5. With our email dated 3/11/2022, we requested as you provide us: a) complainant. b) posts of the complainant's personal data without his consent. c) reported and now handled by the police. 3.6 We received your reply on 11/11/2022, which you posted publicly and in which you again placed the complainant's profile in it, and addressed publicly with the content "My reply My XXXXXX To the Data Protection Commissioner... » 3.7. In the first paragraph of your reply in question, in which you state that you will not bother to answer our questions since you have never mentioned the name of the complainant "except incidentally the name XXXXXXXX", please note that: a) I understand that in more of your posts only mention the first name "XXXXXXX" without mentioning the complainant's last name and therefore the complainant is not directly identified by the general public but we note that the complainant's friends who know that he uses the Facebook nickname XXXXXXXX, could to identify which specific person your posts refer to. It is recalled that based on the definition in the Regulation, Personal Data is any information relating to a natural person whose identity can be ascertained, directly or indirectly. We also understand that in most of the posts under review, b) you do not expose the complainant's additional personal data beyond his use of the nickname in question, but refer to the topics he has posted on his profile. However, the post you referred to regarding the complainant's health is a disclosure of special categories / sensitive personal data that endangers the complainant and is likely to have a major impact on the complainant. c) Regardless of whether the post in question could only be seen by your friends, and you subsequently deleted the post in question, it is likely that it was already seen by several people who know the complainant, including your mutual friends who know the identity of the complainant. d) From your various posts and taking into account your involvement with the

party for animals, where we understand from internet publications that you have been a candidate for parliament, we consider that your activity on the Social Network goes beyond purely domestic and family purposes, as you state and criticize what you consider to be "ill-behaved" in relation to various issues, including the treatment of animals. e) Regarding your report that your posts were always in accordance with the regulations of the Facebook electronic platform, a non-existent fictitious includes higher for person XXXXXXXX, please note that the subject in question does not concern my Office. My Office does not review Facebook's operating rules. 3.8. In the second, third and fourth paragraphs of your reply you express your concern that such a serious agency of the Republic of Cyprus has bothered to investigate a complaint of a non-existent person unless the complainant maintains two identities where then criminal offenses arise. My Office's practice is as it investigates, the subject of every complaint. Health data are included in the special categories of data/sensitive data where they should receive higher protection and their disclosure involves higher risks for the data subjects with a possible high impact on them. If you believe that criminal offenses arise from the use of a pseudonym and/or from the actions of the complainant, then you can file a complaint with the Cyprus Police, as the Competent Authority for their examination. 3.9. In the seventh paragraph where you mention that you would like to formally submit your own complaint to our service regarding the complainant since he has been spreading your personal data lately, please note that based on the definition of the term "recipient" in Article 4 (9) of the Regulation "public authorities that may receive personal data in the context of a specific investigation in accordance with the law of the Union or a Member State are not considered as recipients" provided that the processing of such data by said public authorities is carried out in accordance with the applicable data protection rules depending on the purposes of the processing. Your contact details shared by the complainant with our Office and the Police (name and phone number) are relevant and necessary for the investigation of the complaint. In any case, if you have evidence that the complainant has shared your personal data with anyone else without a legal basis, you can file a complaint by filling in the form on the Office's website. 3.10. Regarding the eighth paragraph of your reply where you state that the police matter is something you cannot answer as it is your personal data, please note that taking your positions and answering questions we put to you are part of the complaint handling process and non-cooperation with the Supervisory Authority is a criminal offence. 3.11. Regarding the position expressed in the eighth paragraph that if there is a video you would like it sent to you so you can see it with your own eyes, because obviously the complainer is lying since no such video was ever made and this is what makes you even more disappointed with the service us, because it is inconceivable to you to think that as a service we are lying and we maybe

because we have some personal interest or personal acquaintance with the complainant, please note that: a) You could access the video after a request to inspect the administrative file, if requested in writing, informing us of the date and time you would like to come to our offices to inspect the administrative file. Also based on article 43(3) of the General Principles of the Administrative Law Law of 1999 (158(I)/1999) "The right to be heard is exercised either in person or through a lawyer of the choice of the interested party", therefore during the inspection of the administrative file you could appear either yourself or the lawyer who represents you. The reference to sensitive personal data of the complainant ie subject The removal/deletion of the post with content about his health The fact that the last name of the complainant was not disclosed, which makes The non-existence of previous violations by you. b) Secondly, my Office decides based on the data/elements it has before it with objectivity and transparency. The Independent Authorities do not express personal positions nor are they motivated by personal interests. 4. Conclusion 4.1. Based on the above, as well as the evidence we have before us, the following aggravating factors were taken into account during the examination of the complaint: a) health, b) The identification of the complainant through your public posts, c) The non-existence legal basis for these actions. At the same time, the following mitigating factors were also taken into account: a) complainant, b) more difficult to identify the complainant from the general public, c) 4.2. Having assessed the above factors that existed in relation to the incident and based on the powers granted to me by Article 58(2)(a) of Regulation (EU) 2016/679, I have decided to issue a warning to you as in the future refrain from any action, which is contrary to the provisions of Regulation (EU) 2016/679 as well as due diligence is shown regarding the information you upload and/or post on the Facebook platform and which constitute personal data of other people and especially regarding in special categories of data (health data). 4.3. In the event of a similar complaint being repeated, this case will be taken into account as an aggravating factor Irini Loizidou Nikolaidou Commissioner for Personal Data Protection