

Athens, 29-07-2021 Prot. No.: 1805 Decision of the President of the Authority no. 4/2021 (pursuant to article 15 par. 8 of Law 4624/19 in conjunction with article 58 par. 2 GDPR) 1. Because with the no. prot. C/EIS/4381/02.07.21, as supplemented with the no. prot. C/EIS/4382/02.07.21 and C/EIS/4474/07.07.21 documents, his complaint to the Authority against the Private Capital Company with the name "A" and against the limited liability company with the name "B" , with which a request for a temporary injunction is also submitted, the complainant, C, former administrator and current partner of the above-mentioned IKE, alleges that the right to access the email account with the address ... as well as the corporate server of the company has been violated said company. In particular, according to the complainant, from 12.04.2021 he lost the ability to access his above account while there was no response from the second processing company mentioned above to restore said access. From the data in the file of the case under consideration, it appears that with his out-of-court statement from 14.05.2021 against, among other things, both already complained about companies, the complainant also claimed the restoration of the right to access his personal email and the company's server And also information about who and at what times 1 Kifisias Ave. 1-3, 11523 Athens T: 210 6475 600 E: [contact@dpa.gr](mailto:contact@dpa.gr) [www.dpa.gr](http://www.dpa.gr) gained access to his mail and other personal data. He repeated the above requests in the context of his out-of-court statement from 07.06.2021 also against both complained-about companies, additionally requesting a complete copy of his personal data as well as non-deletion of them from the company's mail and server until the relevant request is satisfied . In response to the above out-of-court actions, the administrator of company A, in his letter dated 10.06.2021 to the complainant, invited the latter to jointly set a meeting within one week from the above date, so that, in the presence of a representative of the processing company, he could gain access in his email and collect any personal data by deleting the rest of its content. Finally, the email of company A to the complainant dated 02.07.2021 has also been submitted, by virtue of which, due to the latter's non-appearance at the company to gain access to his company email, the complainant is again given a deadline of 03.08.2021 for him as above purpose, noting that, otherwise, on 04.08.2021 the company account in question will be abolished and permanently deleted. With the request for a temporary injunction under consideration, the complainant is requested to order the immediate restoration of access to his company email, to be informed of all his personal data stored in his email and on the company's server or any other physical and immaterial file thereof, the prohibition of access to his mail and his other personal data by the data controller, the processor as well as by any partner as well as the prohibition to delete his personal data until the complete file with this data is received .

The Authority following the no. prot. C/EXE/1651/08.07.2021 of its document, in which it requested from the above two

complained-about companies 2 clarifications on the complaint and the request for a temporary injunction, received in response the no. prot. C/EIS/4567/09.07.2021 and C/EIS/4598/12.07.2021 documents of the complainants, both already notified to the complainant with no. Prot. C/EXE/1688/13.07.2021 document of the Authority following the relevant request No. G/EIS/4618/13.07.2021. In the first of the above documents, the administrator of company A, after largely restating the allegations of his above letter of 10.06.2021, states that the removal of the corporate e-mail ... by the complainant was deemed imperative for the protection of corporate interests, while points out that the complainant's right of access was not violated since he was summoned by the company to attend to receive the requested records and never attended. The processor, the second complainant, after clarifying her contractual obligations to the data controller - company A (also presenting the relevant contract between them), states that she executed the data controller's order to change the access code to the complainant's company email and change the telephone number to which a message is sent for the recovery of the account emphasizing that company A is the beneficiary of the licenses to use the electronic addresses. He points out, moreover, that he is deprived of the possibility of satisfying the disputed right of access and prohibition of deletion of his mail and rejects the contested complaint in its entirety as well as the request for a temporary injunction. 2. Because both the complainant through his attorney, Vassiliki Vlastou (AM ...) and the companies complained against, the administrator of the data controller through his attorney, Irini Koronaiu - Rousaki (AM ...), and the legal representative of acting after his lawyer, Eugenias Zacharopoulos (AM ...), were heard before the Authority in the hearing from 15.07.2021 via teleconference and submitted 3 Memoranda in due time in continuation of the last one. In particular, with no. prot. C/EIS/4854/21.07.2021 document the complainant, after emphasizing the illegal nature of the interruption of access to his company email, largely reinstates all of his above-mentioned allegations in support of the request for a temporary injunction pointing out, among other things, that the lack of access to his company email carries the risk of not being able to present evidence before the competent courts, where the discussion of his disputes with the aforementioned controller - company is pending. With no. prot. C/EIS/4853/21.07.2021 in her document the data controller, after pointing out on the one hand that she does not have a server, on the other hand that she never breached the personal data of the complainant, as well as that there was never an attempt to access his company email, emphasizes that she was never refused to the complainant the access to the email in question, as he invited the latter to come to the company to satisfy his relative right. In fact, with the above document submitted to the Authority, they repeat the invitation to satisfy the right of access, clarifying again that the deletion of the account will take place after the information that constitutes

the complainant's personal data has been transferred from the email in question, as well as that the proposed presence technical assistance during the complainant's access to his company mail has the meaning of technical assistance for the safe achievement of said access. The complainant requests the rejection of the request for the issuance of a temporary injunction claiming that, in view of the above, there is no immediate danger for the complainant. Finally, the processor, the second company complained against, with no. prot. C/EIS/4857/21.07.2021 her document, after pointing out that she never undertook server technical support at the company, she also reinstates her already presented allegations and requests 4 rejection of the request for a temporary injunction. 3. Because a necessary condition for the issuance of a temporary order is the strong possibility that the intended processing or the refusal to satisfy the subject's right will cause a significant risk to his personal data, to prevent which it is necessary for the Authority to order the prohibition or the restriction of the processing or the satisfaction of the right, respectively. 4. In this case, from the above it is established that since the data controller on the one hand gives access to the complainant's corporate email, in order to receive his personal data from him, and in fact with her relevant document from 02.07.2021, which followed the from 10.06.2021 of the first document to satisfy the right of access, set for this purpose a reasonable deadline until 03.08.2021, and on the other hand he assures with his memos to the Authority that his corporate account will be abolished and deleted after receiving from the of his personal data, there is no risk of loss of said personal data so that there is a need to issue a temporary injunction to prevent this risk. And yes, in the above company document from 10.06.2021 it is stated that when the complainant accesses his company email, a technician of the above processing, and already complained about, company will also be present, but it does not appear from this document that the a technician of this company will indicate which data the complainant will have access to, as was clarified during the hearing and referred to in the memorandum of the complained data controller dated 20.07.2021, the above presence has the meaning of facilitating access from a technical point of view. In view of this, the presence of the technician, which is permissible only in the above sense, it does not hinder his access

complainant in his company mail and does not create a risk for the

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his personal data.

5. Because the other allegations presented by the complainant, which

are based on his request to keep company mail, they do not establish

reason for granting a temporary injunction.

6. Because, in view of the above, there is no possible threat to the personal data of the complainant nor does it appear that there is another reason urgent and, therefore, there is no case of issuing a temporary one order. Therefore, the considered request must be rejected.

FOR THOSE REASONS

THE BEGINNING

Denies the request for a temporary injunction.

The president

Konstantinos Menudakos