

THE CHAIRMAN OF PERSONAL DATA PROTECTION

Warsaw, on 20

of August

2019

DECISION

ZSPU.440.486.2019

Based on Article. 104 § 1 of the Act of June 14, 1960 Code of Administrative Procedure (Journal of Laws of 2017, item 1257, as amended), Art. 7 sec. 1 and art. 60 of the Act of May 10, 2018 on the Protection of Personal Data (Journal of Laws of 2018, item 1000, as amended) in connection with joke. 9 sec. 2 lit. d) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46 / EC (Journal UE L 119 of May 4, 2016, p. 1 and Journal of Laws UE L 127 of May 23, 2018, p. 2), after conducting administrative proceedings regarding the complaint of Mrs. DB, residing in ul. P, K., for the processing of her personal data by a religious association [...] based in [...] - President of the Office for Personal Data Protection
refuses to accept the request.

JUSTIFICATION

The Office for Personal Data Protection received a complaint from Ms D. B., residing in ul. P., K., hereinafter referred to as the Complainant, for the processing of her personal data by a religious association [...] based in [...] hereinafter referred to as the Religious Union. As the complainant pointed out, the quotation: "(...) pursuant to Art. 17 sec. 1 of the General Data Protection Regulation, on [...] April 2019, I personally submitted (...) a request to remove my personal data from [...] I have not attended meetings [...] for about 5 years, I do not want any personal data about me were stored there. "

In the course of the administrative proceedings, the President of the Personal Data Protection Office established the following facts:

The union is entered in the [...] section of the Register of churches and other religious associations under the position [...] kept by the Minister of the Interior and Administration, and in accordance with Art. 34 sec. 2 of the Act of May 17, 1989 on the guarantees of freedom of conscience and religion (Journal of Laws of 2017, item 1153, as amended) has legal personality.

On [...] April 2019, the complainant personally requested that her personal data be deleted from [...].

The Association continues to process the complainant's personal data in order to achieve its statutory goals. As indicated in the explanations quoted: "(...) The applicant's current status is" a member ". The procedure to withdraw from the Complainant's Union was neither initiated nor completed, due to the lack of grounds to take such action ”.

In response to the letter of [...] April 2019, the Association informed the Complainant that there was no basis for deletion of her personal data. Currently, they process the complainant's personal data in order to pursue legitimate religious purposes.

The Union did not publicly announce the complainant's personal data.

The association does not apply detailed rules for the protection of natural persons with regard to the processing of their data pursuant to art. 91 of the GDPR, nor does it have a separate supervisory authority, so the competent supervisory authority in this matter is the President of the Personal Data Protection Office.

After reviewing the entirety of the evidence collected in the case, the President of the Office for Personal Data Protection considered the following.

Regarding the legality of the processing of the complainant's personal data by the Association, it should be noted that the facts indicate that the processing of the complainant's data is necessary for the performance of the Association's statutory tasks. In addition, the Association protects the complainant's personal data by restricting access to such data only to authorized persons, in situations necessary to perform the legitimate purposes of the Association. The processing of the complainant's personal data by the Association as at the date of the decision is related to the Association's fulfillment of the right to process personal data about its members and former members, in accordance with the premise legalizing the processing of personal data regulated in art. 9 sec. 2 lit. d) Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46 / EC (Journal EU L 119 of May 4, 2016, p. 1 and EU Official Journal L 127 of May 23, 2018, p. 2), hereinafter referred to as the GDPR, according to which the processing is lawful as part of a legitimate activity carried out with appropriate safeguards. by a foundation, association or other non-profit entity with political, ideological, religious or trade union purposes, provided that the processing concerns only members or former members of that entity or persons with permanent contacts with it in relation to its purposes and that personal data is not disclosed outside this entity without the consent of the data subjects.

Pursuant to Art. 11 sec. 1 in conjunction with Art. 19 paragraph 2 points 1 and 4 of the Act of May 17, 1989 on the guarantees of freedom of conscience and religion (Journal of Laws of 2017, item 1153 as amended), religious associations are independent of the state when performing their religious functions, they can define the religious doctrine, dogmas and principles of faith and the liturgy, govern themselves by their own law in their affairs, exercise their clerical authority freely and manage their own affairs.

In the circumstances so established, it should be stated that the processing of the complainant's personal data as at the date of the decision is associated with the fulfillment by the Association of the obligation resulting from the above-mentioned legal provisions, i.e. in accordance with the premise legalizing the processing of personal data regulated in art. 9 sec. 2 lit. d) GDPR. In view of the above, there are no grounds for acceding to the complainant's request and issuing a decision ordering the removal of her personal data by the Religious Union.

In this factual and legal state, the President of the Personal Data Protection Office resolved as at the outset.

The decision is final. Based on Article 7 sec. 2 of the Act of May 10, 2018 on the Protection of Personal Data (Journal of Laws of 2018, item 1000, as amended) in connection with Art. 13 § 2, art. 53 § 1 and article 54 § 1 of the Act of August 30, 2002 - Law on proceedings before administrative courts (Journal of Laws of 2018, item 1302, as amended), from this decision, the party has the right to lodge a complaint against the decision with the Provincial Administrative Court in Warsaw, within 30 days from the date of its delivery to the party. The complaint is lodged through the President of the Personal Data Protection Office. The fee for the complaint is PLN 200. The party has the right to apply for the right to assistance, including exemption from court costs.

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