

The Personal Data Protection Authority met, at the invitation of its President, in a regular meeting at its headquarters on Tuesday 03.03.2020 at 09:00, postponed from 25.02.2020, in order to examine the case referred to in the history of the present. The President of the Authority, Konstantinos Menudakos and the regular members of the Authority Spyridon Vlachopoulos, Charalambos Anthopoulos, Konstantinos Lambrinoudakis and Eleni Martsoukou were present. At the meeting, by order of the President, Grigorios Tsolias, alternate member of the Authority, also attended, as rapporteur. Present without the right to vote were Chariklia Latsiu, legal auditor - lawyer, as assistant rapporteur and Irini Papageorgopoulou, employee of the administrative affairs department, as secretary. The Authority took into account the following: With the application dated 02.08.2019 (and with no. prot. APDPCH C/EIS/5322/02.08.2019) A, through the power of attorney of Angelikis Nestoridou, complains that the American College of Greece (hereinafter College) did not satisfy the rights of access and 2 erasure to personal data concerning him. In particular, he complains that with the out-of-court statement - application to the College from ... he requested a) to receive copies of all the documents included in the individual file kept by the College as an employer in the context of the employment relationship with the complainant, as ... from ... to and ... and b) for the College to delete the individual file that it keeps including its content, as the reason why the relevant data was collected and kept has now disappeared, because the professional collaboration with him has ended, while at the same time it revoked the above extrajudicial declaration – his request for his possible tacit consent for the retention and processing of his personal data by the College. With the aforementioned application to the Authority, A complains that the College did not take any action in response to the above extrajudicial statement - his application. The Authority, during the examination of the case, called with reference no. prot. C/EX/5322-1/10.09.2019 document the College as providing specific clarifications. In response to the Authority's above document, the College with reference no. first ... (APDPX C/EIS/6688/04.10.2019) document informed the Authority that a) received on ... (attaching the relevant performance report) the out-of-court statement - application of A, which due to the health condition of the employee who received it, in combination with the increased workload during the said time period due to the end of the College's administrative year, "(...) the relevant Extrajudicial Statement was filed, with the result that the College was the first to be informed about the access and deletion request Mr. A by means of the Authority's registered letter No. C/EX/5322-1/10-09-2019, which (...) we received on...", b) as soon as he received the Authority's document "(...) we hurried,

on the one hand, to investigate the reasons why we had not received knowledge of Mr. A's out-of-court order (we even immediately contacted the bailiff who handed us the out-of-court order from ... of Mr. A to obtain a copy of it and the relevant performance report), and, on the other hand (and in particular), to proceed with all the necessary actions to consider and respond as soon as possible to Mr. A's access and erasure request. Indeed, in this context and in response to Mr. A's out-of-court statement from ... courier (in the contact details that appear in the text of his complaint in question our letter from ... (...)) Through our above letter a) we satisfied Mr. A's right of access by informing him of the personal data held by the College under his status as a former employee of the College, and invited him to attend the offices of the Personnel Department of the College on business days and 3 hours in order to obtain copies of the relevant documents/information held by the College (with the exception of the details of the Student who expressed her concern for her personal safety as any granting of them to Mr. A, in view of her reservations/objections, would adversely affect the rights rights and freedoms within the meaning of article 15 par. 4 of the GDPR) and b) we informed him that the erasure request he submitted can only be partially satisfied as certain personal data concerning him (and we identified them) are still necessary in relation to the purposes for which they were processed and there are compelling and legitimate reasons for their retention by the College, while in particular with regard to the issue of complaints against him (which is also the "essence" of the relevant request of), the observance of the relevant material is necessary for the College's defense against any legal claims it may have against us (all the more so taking into account that already with the ... "Out-of-court Statement - Protest - Invitation" (...) he had "threatened" the College that it was going to appeal to the competent Judicial, Prosecutorial and other Authorities (...)). The College also notes that A "(...) under the guise of the new regulatory framework, exercises the right of access and erasure, but in a manner that is manifestly unfounded, repetitive and abusive, with the result that the College is entitled to refuse to continue in it according to the provisions of article 12 par. 5 sec. b' of the General Regulation of Personal Data (...). This especially since his belatedly submitted request - according to the above - essentially concerns the granting to Mr. A of a copy of the complaint (and the details) of the second Student, a request which he had also submitted in the letter from ... of (...), and on which the College has already responded to him with his letter dated (...)). Subsequently, A, in response to the letter from ... he received from the above College, informed the Authority with his application from does not satisfy his requests for access and deletion of his personal data held at the College, as well as that the College does not document the unfounded or excessive character, in accordance with the provision of article 12 par. 5 sec. b' of GDPR 2016/679, of the request he

submitted with his out-of-court declaration - application to the College, "(...) and in fact, a right, which has never been satisfied, as indeed in my letter from ... I had requested again access to my personal folder. With his letter from ..., however, at that time the College had reserved itself as to the satisfaction of my request and had resorted to a question of legality before your Authority, without, however, ever coming back, as it was probably considered by the College, of minor importance the satisfaction of my legally reserved rights (...)" . Furthermore, A notes, with his aforementioned application to the Authority, that the College has the legal obligation, based on article 55 of Law 4624/2019, to inform him, as the subject of the data, of all available information regarding the origin of the data it holds and processes, and that the College should have granted him the required access to its entire file it holds, before granting the second request to delete any of it. Following this, he asks the Authority to oblige the College to satisfy his requests and impose sanctions on him regarding the deletion of his personal data, without having previously satisfied his request for access to them. From the data in the case file, it appears that A was employed by virtue of a fixed-term contract at the College as ... On ... and ... the College Administration received, via e-mail, messages/complaints from two female students of the College, according to which A had posted on ... and on ... on his personal account on social media (facebook) publications with homophobic and racist content, on the occasion of the passing of the law on the legal recognition of gender, which (publications) came to contrary to, among other things, the Policies and Rules of Conduct governing the College. Following this, the College, citing the purpose of serving its orderly operation, due to the fact that A's behavior was in complete conflict with the principles of the College and the pedagogical role he was supposed to serve, informed him with the ... his letter about his decision to move him to another position for the remaining duration of his contract, as a less severe measure of contract termination. A, in response to the above letter, with the extrajudicial statement from ... protest-invitation, stated that he had been defamed by the College and called on it, on the one hand, to restore his name to the entire teaching and of the College's student body by issuing and publicizing a relevant announcement and, on the other hand, to restore his employment status by virtue of the aforementioned fixed-term employment contract. The College, by the ... out-of-court response – protest – invitation, inter alia, invited A again to appear immediately in Appendix F and offer his services as Despite the fact that A did not offer his services in the new duties assigned to him, 5 the College continued to pay him the agreed remuneration until the expiry of the aforementioned employment contract, i.e. until Subsequently, A with his application from ... called on the College to grant copies of the documents from his personal-service file, and in particular of the complaints in general against him and the relevant posting on Facebook. The College informed the students

about the aforementioned request of A, one of whom agreed to the disclosure of the formal complaint, while the second expressed reservations, concluding: "(...) as such, I admit I am a little skeptical about releasing this information to him. It could very well be a threat to my personal safety. I have never been in a similar situation and I am not entirely sure what the best course of action is. If you or Human Resources have any advice I would greatly appreciate your input". Following this, the College with the under no. in his application, he submitted a relevant question to the Authority (no. APDPX C/EIS/368/16.01.2018), which concluded: "(...) whether or not in this case the College is obliged to forward the text to the complainant of the complaint of the second of the complainants and her name and b) in case of an affirmative answer, any conditions under which the above transmission must be made to the complainant (...)". This question, as it appears from the Authority's records, was not answered. At the same time, the College, in its letter from ..., responding to A's request from ..., sent a copy of the first student's complaint and informed him that, after the reservations/objections expressed by the second student, it submitted the aforementioned question to the Authority and is awaiting her response on whether or not the second student's complaint will be disclosed. Finally, in response to A's out-of-court application statement from ..., the American College of Greece states in its document from ... that a) due to the state of health of the recipient of the out-of-court statement - application in combination with his increased workload during the said period of time, it occurred and received the first notice with reference no. first ... document from the Authority and b) his request is made in a manner that is manifestly unfounded, repeated and abusive, with the result that the College is entitled to refuse to proceed, pursuant to article 12 par.5 sec. b' of GDPR 2016/679. It is further stated that the College, acting in good faith and as a non-debtor, on the aforementioned application provided A with the information to which he had requested access and informed him that he could obtain relevant copies from the offices of the College's Personnel Department on a specified date , after prior consultation, with the exception of the identification data of the second complainant who raised 6 objections/reservations pursuant to article 15 par. 4 of GDPR 2016/679. In relation to the erasure request, the College responded that it cannot be satisfied in relation to identification information, employment contracts, employment/termination notice forms submitted to the relevant authorities, payroll slips, job descriptions and the employer's certificates, by virtue of article 17 par.3 sec. e' of the GDPR, due to the fact that they are necessary for the support/defense of the College against any legal claims, taking into account in particular the five-year limitation period for wage claims according to articles 250-253 of the Civil Code and the twenty-year limitation period for claims under article 95 of the Civil Code .4387/2106. In addition to the legal retention periods of these data, their deletion would be

detrimental to the legal interests of the data subject, in the sense that the College would not be able to grant certificates of previous service, etc. Moreover, regarding the complaints against him, the College, taking into account A's intention in the out-of-court statement - protest - invitation to appeal before the competent authorities, replied that the deletion request cannot be satisfied pursuant to article 17 par. 3 sec. e' of GDPR 2016/679. Finally, the College informed A that it deleted the rest of the information included in his personal file (correspondence on work matters and reimbursement of expenses, curriculum vitae, recruitment request), thus satisfying his request. Subsequently, the Authority with sub. No. prot. C/EX/5322-3/21.11.2019 and C/EX/5322- 2/21.11.2019 documents invited the American College of Greece and A, respectively, to be presented at the meeting of the Authority's Plenary on Tuesday 03.12.2019 in order to discuss the aforementioned complaint of A. Spyridon Gikas (...), as attorney of the American College of Greece and Angeliki Nestoridou (...), as attorney of A, attended the meeting of the Authority on 03.12.2019. During this meeting was submitted by the American College of Greece, a request to postpone the discussion of A's complaint and the Authority, accepting the request, set a new date for the discussion of the aforementioned complaint on 17.12.2019 informing the American College of Greece and A, through their legal representatives during the meeting she. At the meeting of the Authority on 17.12.2019, on behalf of the American College of Greece, Grigorios Lazarakos (...), as attorney, Iliana Lazana, Vice President of Administration and Human Resources, and B, Office Manager ... and A and Angeliki Nestoridou 7 (...), as his attorney-at-law. C, the College's Data Protection Officer, also attended the meeting. During the meeting, those present requested and received a deadline for the submission of memorandum documents until 13.01.2020, which they submitted on time, with those from 10.01.2020 (and with prot. no. APDPX C/EIS/155/10.01.2020), regarding the College and from 13.01.2020 (and with prot. no. APDPH C/EIS/231/13.01.2020), regarding A, their applications. The Authority, after examining the elements of the file, after hearing the rapporteur and the clarifications from the assistant rapporteur, who was present without the right to vote and left after the discussion of the case and before the conference and decision-making, following a thorough discussion, CONSIDERED IN ACCORDANCE WITH THE LAW 1. Because, from the provisions of articles 51 and 55 of the General Data Protection Regulation and article 9 of law 4624/2019 (Government Gazette A' 137) it follows that the Authority has the authority to supervise the implementation of the provisions of the GDPR, this law and other regulations concerning the protection of the individual from the processing of personal data. Subsequently, from the provisions of articles 57 par.1 item. f of the GDPR and 13 par. 1 item g' of Law 4624/2019, it follows that the Authority has the authority to deal with A's complaint against the American College of Greece for the non-satisfaction

of the rights of access and erasure to personal data concerning him and to exercise, respectively, the powers that are awarded by the provisions of articles 58 of the GDPR and 15 of law 4624/2019. On the contrary, the question of the (unilateral) change of the fixed-term employment contract from ..., on which the dispute between the American College of Greece and A seems to be based, escapes the authority's competences.

2. Because Article 5 of the GDPR defines the processing principles that govern the processing of personal data. Specifically, it is defined in paragraph 1 that personal data, among others: "a) are processed lawfully and legitimately in a transparent manner in relation to the subject of the data ("legality, objectivity, transparency"), b) are collected for specified, explicit and legitimate purposes and are not further processed in a manner incompatible with these purposes (...), c) are appropriate, relevant and limited to what is necessary for the 8 purposes for which they are processed ("data minimization") (...)".

3. Because, according to the provisions of article 5 paragraph 2 of the GDPR, the controller bears the responsibility and must be able to prove his compliance with the principles of processing established in paragraph 1 of article 5. As the Authority¹ has judged, with the GDPR a new model of compliance was adopted, the central dimension of which is the principle of accountability in the context of which the data controller is obliged to plan, implement and generally take the necessary measures and policies, in order for the processing of data to be in accordance with the relevant legislative provisions. In addition, the person in charge processing is burdened with the further duty of proving itself and per at all times its compliance with the principles of article 5 par. 1 GDPR.

4. Because, according to article 8 paragraph 1 of the Charter of Fundamental Rights of the European Union, article 9A of the Constitution and recital 4 of the GDPR, the right to the protection of personal data is not absolute, but must be assessed in relation to his function in society and to be weighed against other fundamental rights, according to the principle of proportionality. The GDPR respects all fundamental rights and observes the freedoms and principles recognized in the Charter, as enshrined in the Treaties, in particular respect for private and family life, residence and communications, protection of personal data, freedom of thought, conscience and religion, freedom of expression and information, freedom of enterprise, the right to an effective remedy and an impartial tribunal, and cultural, religious and linguistic diversity.

5. Because, regarding the right of access, article 12 of the GDPR provides: "3. The controller shall provide the data subject with information on the action taken upon request pursuant to articles 15 to 22 without delay and in any case within one month of receipt of the request. This deadline may be extended by a further two months if necessary, taking into account the complexity of the request and the number of requests. The data controller shall inform the data subject of said extension within one month of receipt of the request, as well as of the reasons

for the delay. (...)" 4. If 1 See Authority decision 26/2019, paragraph 8, available on its website. 9 the controller does not act on the data subject's request, the controller informs the data subject, without delay and at the latest within one month of receiving the request, of the reasons for not acting and of the possibility of filing a complaint to a supervisory authority and to exercise legal recourse. 5. The information provided in accordance with Articles 13 and 14 and any communication as well as all actions taken in accordance with Articles 15 to 22 and Article 34 shall be provided free of charge. If the data subject's requests are manifestly unfounded or excessive, in particular due to their repeated nature, the controller may either: a) impose the payment of a reasonable fee, taking into account the administrative costs of providing the information or communication or execution of the requested action, or b) refuse to act on the request". Subsequently, article 15 of the GDPR, defines with regard to the subject's right of access: "1. The data subject has the right to receive from the controller confirmation as to whether or not the personal data concerning him is being processed and, if this is the case, the right to access the personal data and the following information: (...) g) when the personal data is not collected from the data subject, any available information about its origin, (...). 3. The controller provides a copy of the personal data being processed. (...). 4. The right to receive a copy referred to in paragraph 3 does not adversely affect the rights and freedoms of others." Finally, Article 33 of Law 4624/2019 introduces, pursuant to Article 23 of the GDPR, restrictions on the right of access as follows: "1. Apart from the exceptions provided for in paragraph 2 of article 29 and paragraph 2 of article 30, the right of access of the data subject, in accordance with article 15 of the GDPR, does not apply when: a) the data subject is not informed in accordance with item bb' of cases a' and b' of paragraph 1 of the previous article; or b) the data, aa) were recorded only because they cannot be deleted due to legal or regulatory provisions of the obligation to preserve them, or bb) serve exclusively protection or control purposes of the data, and the provision of information would require a disproportionate effort and the necessary technical and organizational measures make processing for other purposes impossible. 2. The reasons for refusing to provide information to the data subject must be documented. Refusal to provide information 10 must be justified to the data subject, unless the disclosure of the factual and legal reasons on which the refusal is based would jeopardize the purpose pursued by the refusal to provide the information. (...). 4. The right to information of the subject of personal data in accordance with Article 15 of the GDPR does not apply, to the extent that information would be disclosed through the information, which according to a provision of law or due to its nature, in particular due to the superior legal interests of a third party, must to remain confidential (...)" Furthermore, the Authority has judged with decision 73/20102 that: "(...) the information about who is directed against the

complainant is information that refers to the latter and is included in the right of access (...). Specifically, the right to know the origin of the data means that the data controller must notify the data subject of the origin, i.e. the "source" of his data (see for example Decisions 4/2005 and 39/2005 of the Authority, by which fines were imposed on controllers for failing to satisfy the right of access, as they failed to respond satisfactorily – among others – as to the source of the data). The Authority has even judged that the concept of "origin" may also include third-party natural persons who provided the relevant information (see, for example, Decisions 4/2003 and 43/2003 of the Authority, where it is pointed out that the complainant is entitled to have access to the text of the complaint and to know – if the complaint is by name – the name of the person who complains, without considering whether the complainant is a third party or not). In addition, knowledge of the origin of the data is necessary for the data subject to be able to exercise his further rights (in any case, the complainant, whether he is a natural person or a legal entity, as a rule has an overriding legal interest in receiving the full text to the detriment of the complainant, in particular so that he can better defend himself and exercise his rights). For example, only through the disclosure of the source, the subject is often now able to refute allegations, which may have been made from specific motives or which only from the point of view of the allegor (complainant) can be understood (...)" (sec. 2 of decision 73/2010). As a result of the above, the name of the complaining student who was included in the filing system and was the generative cause for the investigation, on behalf of the College, of the reported acts falls under the concept of personal data 2 Available on the website of the Authority. 11 of the aforementioned provision of article 15 par. 1 item g' of the GDPR, to which the complainant has in principle the right of access.

6. Because, from the data in the file, it appears that, in the case under consideration, the College, as the controller, in accordance with the provisions of article 4 para. 7 of the GDPR, with his document from ... satisfied in principle A's right of access, in response to his out-of-court declaration - request from ..., granting him copies of the personal data from the official - individual file that he keeps. However, regarding the non-granting to A of the second complaint submitted by another student of the College and the name of the complainant, the Authority considers, by majority, that the non-satisfaction of the right of access in this part violates the aforementioned provisions of the GDPR and of Law 4624/2019, since the College depends on the satisfaction of the above-mentioned right of access of A in the second complaint to the provision of the consent of the complaining specific student, in violation of article 15 of the GDPR, and does not consider the assistance of the conditions for the application of the restrictions which are introduced to the right of access by the provision of article 33 of law 2462/2019.

Besides, from the evidence in the case file it does not appear that there was a risk for the specific complainant - a student of

the College of the individual legal goods of her life and integrity, nor is such a risk invoked by the College, which did not initiate disciplinary proceedings against her of A's employee, furthermore, it continued to pay him the agreed salary, despite the complainant's refusal to provide work after his transfer to another position, or the complainant, who merely expressed reservations and asked for the College's opinion. However, according to the opinion of the member of the Authority Charalambos Anthopoulos, in accordance with the aforementioned provisions of articles 15 GDPR and 33 of the law 4624/2019, as well as the provision of article 25 par. 1 last paragraph of the Constitution, and given that the specific complainant - a student of the College expressed her reservations regarding the individual legal goods of her life and integrity, the fair balancing of right to the protection of personal data against the legitimate interests of the already complainant, which consists, in particular, in the recognition, exercise or defense of his rights before the competent Authorities and Courts, imposes, in this case, the granting to him of the body of the complaint with elimination of relevant identifiers that could lead to the identification of the data subject (complainant - 12 student). Furthermore, the College's obligation to respond to the complainant's access request is not affected by his claim that he received the out-of-court statement from ... A's first application with no. prot. C/EX/5322- 1/10.09.2019 document of the Authority, because it "failed" due to the health condition of the responsible employee and the increased workload, due to the end of the College's administrative year, since the activity of an educational institution, according to the common knowledge of the diligent citizen, is not exhausted by the service status and availability of an employee, and according to the GDPR the obligations are not limited to periods of increased workload of the data controller. Besides, in relation to the fulfillment of the above obligations of the College, the fact that the Authority did not respond to the above-mentioned under no. his request (received no. prot. C/EIS/368/16.01.2018), given that, in accordance with the provision of article 5 of Law 2472/19973 and the Opinions of 4/2009, 6/2013 and the decision of 8/20194, the Authority did not have the authority to compel the data controller to grant the requested information to a third party, nor, in this case, had an appeal been submitted to the Authority by the data subject, pursuant to article 13 par. 2 of the law 2472/1997, so that the latter has the authority to take charge. Furthermore, the claim of the appellant A, presented in his application to the Authority from ... (and with prot. no. C/EIS/7567/05.11.2019), that the College does not prove the manifestly unfounded or excessive nature of his his request, in accordance with the provision of article 12 par. 5 sec. 2 of the GDPR, given that the College with its letter from ... to him, although it invokes the manifestly unfounded, in fact responds, albeit belatedly - according to the immediately extrapolated - to his request from ... extrajudicial statement. Finally, the claim of A

regarding the application of article 55 par. 5 of Law 4624/2019, also presented in the ... application, is unfounded, since the provision of this article concerns the incorporation of articles 14-15 of Directive 2016/680 on the protection of natural persons against the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offenses or the execution of criminal sanctions and for the free circulation of such data and the repeal of the decision - framework 2008/977 /DEY of the Council, which in this case 3 With article 94 of GDPR 2016/679 Directive 95/46/EC was repealed from 25.5.2018, at which time it was placed, pursuant to the provision of article 99 par. 2, in application of GDPR 2016/679. 4 Available on the Authority's website. 13 does not apply. Pursuant to the above, firstly, the Authority judges, by majority, that the College, with its response from ... to A, satisfied the right of access, improperly, i.e. negligently, in that it did not grant the second complaint against him that was submitted by another student of the College, including her name, in violation of the provisions of articles 5 and 15 of the GDPR and 33 of law 4624/2019. Secondly, the Authority unanimously considers that the College, with its response from ... to A, satisfied the rest of the right of access late, in violation of the deadlines set by the above-mentioned provisions of articles 12 par. 3 and 4 of the GDPR. These two independent violations entail, in accordance with the provision of article 58 par. 2 item. i) the imposition of the administrative fines of article 83 par. 5 item. II of the GDPR. Furthermore, the Authority, when exercising its corrective authority, in such a way as to impose, if necessary, the effective, proportional and deterrent measure according to Article 83 of the GDPR, in accordance with the Guidelines "for the implementation and determination administrative fines for the purposes of regulation 2016/679" of the working group of article 295, in order to choose the appropriate corrective measure, takes into account, in particular, that the inappropriate - misdemeanor violation of the right of access was an isolated case (article 83 par. 2 item . a'), as well as that the delayed satisfaction of the right of access is due to the cited lack of human resources during the disputed time period (Article 83 par. 2 letter b') and considers that in the compared case, the imposition of the corrective authority of article 58 par. 2 item. c) of the GDPR and for the second violation the imposition of an administrative fine, according to article 83 par. 5 item. b' of the GDPR, in the amount of 1,000 euros. 7. Because, further, regarding the right to erasure, article 17 of the GDPR provides, among other things: "1. The data subject has the right to ask the controller to delete personal data concerning him without undue delay and the controller is obliged to delete personal data without undue delay if one of the following reasons applies: a) the data of a personal nature are no longer necessary in relation to the purposes for which they were collected or otherwise submitted to 5 WP 253 from 03.10.2017, available on the website <https://edpb.europa.eu> 14 processing, b) the subject of data

subject withdraws the consent on which the processing is based in accordance with Article 6(1)(a) or Article 9(2)(a) and there is no other legal basis for the processing (...)'.

Subsequently, the provision of paragraph 3 of the same article provides for derogations from the right to erasure, defining, among other things: " 3. Paragraphs 1 and 2 do not apply to the extent that the processing is necessary: (...) b) to comply with a legal obligation which requires the processing based on the law of the Union or the law of the Member State to which the controller is subject or for the fulfillment of a task performed in the public interest or in the exercise of a public authority delegated to the controller, (...) e) for the establishment, exercise or support of legal claims".

Accordingly, Article 34 of Law 4624/2019 introduces, pursuant to Article 23 of the GDPR, restrictions on the right to erasure and provides: "1. If deletion in case of non-automated processing due to the particular nature of storage is not possible or is possible only with a disproportionately large effort and the data subject's interest in the deletion is not considered important, the subject's right and the controller's obligation do not exist processing to delete the personal data in accordance with Article 17(1) of the GDPR, except for the exceptions mentioned in Article 17(3) of the GDPR. In this case, the erasure is replaced by the restriction of processing in accordance with Article 18 of the GDPR. The above subsections do not apply, if the personal data has been unlawfully processed. (...) 3. In addition to Article 17 paragraph 3 letter b) of the GDPR, paragraph 1 applies accordingly in the case of Article 17 paragraph 1 letter a) of GDPR, if deletion would conflict with statutory or contractual retention periods."

8. Because, in the case under consideration, from the data of the case file, it appears that the College, as the controller, in accordance with the provisions of article 4 par. 7 of the GDPR, with his document from ... satisfied in principle the right of deletion of A, in response to his out-of-court declaration - request from ..., in personal data that he holds. The Authority considers, in particular, that there is a legitimate case of exception to the right to erasure for the preservation of A's personal data related to his employment relationship (employment contracts, recruitment notice forms, payroll statements, etc.) and which the College must keep, as an employer, in advance in accordance with the provisions of article 17 15 par. 3 item. b' of the GDPR and secondarily for the possible exercise of legal claims, in accordance with the provisions of article 17 par. 3 item. e' of the GDPR. And yes, in this case, the College, as a controller, failed to establish the retention of the above-mentioned personal data of A in derogation of the right to erasure, on the above-mentioned previous legal basis, as due

in accordance with the principle of accountability introduced by article 5 par. 2 of the GDPR, the omission, but this in this case is cured due to parallel assistance and

invocation by the controller of the legal basis of article 17 par. 3

item e' of the GDPR. The Authority, further, considers that there is a legal case of conservation of the data of the two female students' complaints against A, in accordance with the provisions of articles 17 par. 3 item e' of the GDPR and 34 par. 1 of Law 4624/2019, in support of legal claims in particular due to the fact that these complaints were the generative cause for the (unilateral) change from ... employment contract. By sequence of the above and taking into account its aforementioned provisions of article 12 par. 3 and 4 of the GDPR, the Authority considers that the College with the response from ... of A fulfilled the right to erasure late, in violation of the deadlines set by the aforementioned provisions of the articles of the GDPR. THE this violation entails, in accordance with the provision of article 58 par. 2 item. I'll tell her imposition of the administrative fines of article 83 par. 5 item. II of the GDPR. The beginning, in the exercise of its corrective power, in such a way as to be imposed, if applicable case, the effective, proportional and deterrent measure according to Article 83 of the GDPR, in accordance with the Guidelines "for the implementation and determination administrative fines for the purposes of Regulation 2016/679" of the working group of article 296, in order to choose the appropriate corrective measure, takes into account, in particular, that the untimely breach of the right to erasure constituted an isolated one case (article 83 par. 2 letter a), as well as that it is due to the appellant lack of human resources during the disputed time period (article 83 par. 2 letter b) and considers that in the compared case, this enforcement is appropriate for the violation administrative fine, according to article 83 par. 5 of the GDPR, amounting to 1,000 euros.

6 WP 253 from 03.10.2017, available at <https://edpb.europa.eu>

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The Authority considers that

FOR THOSE REASONS

a) the College, as controller, fulfilled the right of access which exercised by A negligently in the part concerning the complaint submitted against him by a student of the College, in violation of the provisions of the articles 5 and 15 of the GDPR, and instructs the College, pursuant to article 58 par. 2 item. c of the GDPR, to grant A this complaint, including the name of this

b) the College, as controller, fulfilled the rest of the right access exercised by A, late, in violation of the provisions of of articles 12 par. 3 and 4 of the GDPR, and imposes, by virtue of article 83 par. 5 item. b of the GDPR, an administrative fine of 1,000 euros,

c) the College, as the controller, fulfilled the right late of deletion carried out by A, in violation of the provisions of articles 12 par. 3 and 4 of the GDPR and imposes, by virtue of article 83 par. 5 item. II of the GDPR administrative a fine of 1,000 euros.

The president

The Secretary

Konstantinos Menudakos

Irini Papageorgopoulou