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provision of Art. 30, para. 1 of the Regulations for the activities of the Commission for the Protection of Personal Data and its Administration (PDKZLDNA), namely: there are data on the applicant, the nature of the request, date and signature, in view of which it is regular. According to Art. 38, para. 1 of the Personal Data Protection Act (PDPA), in the event of a violation of their rights under Regulation 2016/679 and the PDPA, each data subject has the right to refer the Personal Data Protection Commission within 6 months of becoming aware of the violation, but no later than later than two years from its execution. In Art. 27, para. 2 of the APC, the legislator binds the assessment of the admissibility of the request to the presence of the requirements specified in the text. Item 6 of the said provision refers to procedural prerequisites specified in other legal acts. According to Art. 57, par. 1, 6. "f" of Regulation 2016/679 in relation to the clarification made in recital 122 to the Regulation, when referring and, the Commission examines complaints submitted by data subjects against a controller or processor of personal data, a public body or a private structure , acting in the public interest. At a meeting of the Commission, held on 14.07.2021, the complaint was declared procedurally admissible, and the following were constituted as parties to the proceedings: complainant J.M. and defendant Sofia Municipality, indicated as a passively legitimized party by the applicant. The parties are directed to allocate the burden of proof. They were notified of the examination of the complaint on its merits. The Commission for the Protection of Personal Data is an independent state body that protects individuals in the processing of their personal data and access to such data, as well as monitoring compliance with Regulation 2016/679 and the Personal Data Protection Act. The subject of the complaint is the unlawful provision of personal data in the amount of three names, telephone number, email address and address of the complainant by the Municipality of Sofia to a third party. According to the administrative file, it is not disputed that Mrs. Y.M. filed a report for poor quality repairs on "Shumako" street, residential area Simeonovo to Sofia Municipality through a contact center registered with reg. No. COA21-KLQ01-10146/24.02.2021. It is not disputed that Sofia Municipality sent the signal to the DZZD with letter ex. No. COA21-TD26-3004 on 11.03.2021. Considered in substance, the complaint is well-founded. The concept of "personal data" that appears in these regulations includes, according to the definition in Article 4, § 1 of Regulation (EU) 679/2016 "any information related to an identified or identifiable person". An identifiable person is considered "a person who can be identified, directly or indirectly, in particular by means of an identifier, an identification number ... or by one or more specific characteristics relating to his physical, physiological ... .identity'. According to the administrative file, it is not disputed that the complainant's personal data, in the amount of: three names, an email address, a telephone number and a permanent address, were sent by letter from the Metropolitan

Municipality to the DZZD, without the necessary deletion of the complainant's data. It is not disputed that the municipality concluded contract No. COPД55-709 dated 05.11.2014, with the subject "Implementation of investor control over the implementation of the SMP site for drainage of the roadway along Shumako Street from St. "Maria Magdalena" next to the "Drita" secondary school, "Simeonovo" quarter. It is not disputed that the Metropolitan Municipality has prepared "Instructions for the employees of the Metropolitan Municipality when processing documents received through the Contact Center". The Municipality of Sofia does not deny the technical error made, given the workload of the municipality's employees. Despite the contract concluded between the municipality and the DZZD, there is no basis for providing the complainant's data to the latter. It is indisputable that upon establishing the violation, the Metropolitan Municipality alerted the DZZD, as a result of which there was a declaration for the destruction of the applicant's data, which also contained a statement that the data were not provided to third parties. In order to distribute the burden of proof in the trial and the evidence collected in the file, the conclusion is forced that the personal data of Mrs. J.M. are processed in violation of the principle of reducing data to a minimum, listed in the provision of art. 5, §1, b. "c" of Regulation (EU) 2016/679. Given the nature and type of the violation, the fact that the Sofia Municipality has taken follow-up actions and the fact that there are rules for processing personal data when submitted electronically, the Commission considers it appropriate to send an official warning to the administrator in the sense of Art. 58 §2, b. "b" of the Regulation. The Commission acts in the conditions of operational autonomy by assessing which of its powers to implement. The assessment is based on considerations of purposefulness, expediency and effectiveness of the decision, and an act should be enacted that protects the public interest to the fullest extent. The authority regarding the application of an appropriate corrective measure in relation to the administrator of personal data concerns situations in which the administrator has not fulfilled his obligation, which omission can be remedied by performing the omitted actions within the given time and objectifying the behavior required by law. The application of the appropriate corrective measure under Article 58(2) of the Regulation should take into account the nature, gravity and consequences of the infringement, assessing all the facts of the case. The assessment of what measures are effective, proportionate and dissuasive in each case will need to reflect the objective pursued by the corrective measure chosen, i.e. restoring compliance or sanctioning misconduct (or both). In the specific case, the corrective measures under letters "a" - "h" and letter "j" of Art. 58, paragraph 2 of the Regulation are applicable given the fact that it concerns a lack of "reduction of data to a minimum", which is a violation of this Regulation (letter of Article 5, §1, letter "c"). The Commission takes into account the fact that the Sofia Municipality took all the necessary

actions to remedy the violation at the moment it was detected, including taking follow-up actions, providing rules for processing personal data when submitted electronically. In view of the above and on the basis of Art. 57, § 1, b. "f" of the Regulation, respectively Art. 10, para. 1, in connection with Art. 38, para. 3 of the Personal Data Protection Act, the Commission DECIDES: 1. Announces a complaint with reg. No. PPN-01-342/20.04.2021 filed by Y.M. against the Municipality of Sofia for a violation of Art. 5 §1, b. "c" of Regulation (EU) 2016/679. 2. In connection with item 1 and on the basis of art. 58 §2, b. "b" of the Regulation, CPLD issues an official warning to the Municipality of Sofia for compliance of data processing operations with the provisions of the Regulation. The decision is subject to appeal within 14 days of its delivery, through the Commission for the Protection of Personal Data before the Administrative Court - Sofia-city. CHAIRMAN: MEMBERS: Ventsislav Karadjov /m/ Tsanko Tsolov /m/ Maria Mateva /m/ Veselin Tselkov /m/ Files for download Decision on appeal with reg. No.

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