

Athens, 09-10-2018

PRINCIPLE OF DATA PROTECTION
OF A PERSONAL CHARACTER

Prot. No.: G/EX/7980/09-10-2018

A P O F A S H A . 60/2018

The Personal Data Protection Authority met, after invitation of its President, to a regular meeting at its headquarters on 24-04-2018, following the meetings of 5-12-2017 and 27-02-2018, in order to examine the case referred to in the present history. They were represented by President of the Authority, Constantos Menoudakos and the regular members of the Authority Spyron Vlachopoulos, Constant Lambrinoudakis, as rapporteur, Charalambos Anthopoulos and Eleni Martsoukou, also as rapporteur. The regular ones member of the Authority Constantos Christodoulou and Antonios Symvonis and the substitutes for them Georgios Nouskalis and Panagiotis Rontogiannis, if any they were summoned only in writing, they did not attend due to obstruction. At session, without the right to vote, were also present, by order of the President, the Georgios Rousopoulos, expert scientist – auditor, as assistant rapporteur, and Irini Papageorgopoulou, employee of the administrative affairs department, as secretary.

The Authority took into account the following:

A number of complaints have been submitted to the Authority regarding undesirables telephone calls made with human intervention and purpose the promotion of products or services her

let's company WIND HELLAS

TELECOMMUNICATIONS SA (hereinafter referred to as Wind or our controller).

The Authority, in the past, examined corresponding complaints against the two responsible for processing and issued the no. 66/2016 Decision. With the

This decision the Authority, examining forty-six (46) related complaints about

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calls made during the period December 2011 – June

2016, found violations of Article 11 of Law 3471/2006 and Article 13

of Law 2472/1997 in thirty-seven (37) of these complaints and imposed

a fine of twenty eight thousand (28,000) Euros¹. Furthermore, by Decision n

Authority, after taking into account the difficulty of implementing the provision of Article 11 of Law

3471/2006, due to the non-existence of a consolidated register, addressed a recommendation to

Wind to appropriately adapt the procedures it follows with regard to it

making telephone calls for the purpose of promoting products and

services, recording essentially

total

of the conditions

legality of the said processing of personal data.

After issuing the above Decision, the Authority continued to accept

complaints regarding receiving phone calls to promote products or

of Wind services to telephone numbers of subscribers where they have

object, in general, through the register of article 11 of Law 3471/2006,

especially to our controller.

The Authority has read these latest complaints, as well as

complaints submitted shortly before the issuance of the no. 66/2016

of Decision and therefore were not examined with said Decision, to

Wind, in order for the company to carry out the required investigative actions

of complaints in order to deal with them and improve the procedures
her. Specifically, the Authority with no. prot. C/EX/6160/06-10-2016 document
notified Wind of thirteen (13) complaints, with the no. first
C/EX/7583/22-11-2016 document communicated to Wind another eight (8)
complaints and with the no. prot. C/EX/2858/05-04-2017 her document
notified Wind of another thirty-one (31) complaints.

Due to the large number of complaints against the person in charge
processing, which continued even after the last Authority's document to
this, the Authority carried out an on-site inspection at Wind regarding the issue
making phone calls for the purpose of promoting products
and services, according to article 19 par. h) of Law 2472/1997. The control
was carried out on the one hand at the facilities of the company "B.F.S. PROMOTION
FINANCIAL SERVICES - CALL CENTER SERVICES -

1 In said Decision, a complaint for sending unsolicited e-mail was also examined
message (SMS)

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ADVISORS

BUSINESS

-

INSURERS

ADVISORS

SOLE INDIVIDUAL LIMITED LIABILITY COMPANY" (hereinafter BFS),
partner of Wind for the aforementioned purpose, at the address Leoforos
Vouliagmenis 270A P.O. 17343 on 26-06-2017 and on the other hand at the premises
of Wind at 106 Athinon St., in Athens on 06-29-2017, by
employees of the Auditors Department of the Secretary of the Roussopoulos Authority

Georgios and Efrosyne Siougle (hereinafter "control group"), after the no. prot. C/EX/4849/23-06-2017 and C/EX/4851/23-06-2017 corresponding orders of President of the Authority.

During and after the on-site checks they were collected from the control group a series of digital and printed persuasives. Also, the team audit drew up the minutes of the two audits in which the responses/clarifications of the audited, as well as her on-site observations control group. Draft minutes were sent to the two companies e-mail messages (07-07-2017 for BFS, 28/07/2017 for Wind) while the companies sent their comments, by e-mail, to 17/7/2017 and 31/8/2017 respectively. The minutes were then finalized (No. prot C/EX/5517/20-07-2017 document of the Authority for BFS and under no. prot C/EX/7378/16-10-2017 document of the Authority for Wind).

Subsequently, the audit team requested from Wind with no. first C/EX/6377/04-09-2017 document of the Authority specific data for all calls made on its behalf for the purpose of promotion products and services, for each of its external partners to this purpose. Wind provided an item with the above no. prot. C/EIS/7005/29-09-2017 her document. In this document it is stated that the above-mentioned purpose of Authority only applies to calls that have arisen from its partners to whom they provide a specific start/beginning within a specific context energy. On the other hand, this does not include the presentation of subpoenas which have been carried out by its partners who act as independents businesses, calling prospective subscribers that Wind has not accepted.

In addition, the audit team requested on 17/10/2017, by email by mail, the complete record of Wind subscribers who have consented

in receiving advertising phone calls. Wind provided these data

with the no. prot. C/EIS/7732/27-10-2017 her document.

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At the same time, the Authority requested in writing from the service providers telephone communication let them grant her copies of the register data of article 11 of Law 3471/2006 that they observe for their subscribers (hereinafter opt-out registries). With these documents, he pointed out that it is necessary information on the date of registration in the register, at least for a few days after 10-31-2016 and that in case the information of date of registration for earlier registrations (not as regards declarations of subscribers during the first years of operation of the registry) the providers can mark it with an indicative date of their choice. Ask also, to in case subscribers have been deleted from the register, to grant them record with their deletion dates. Providers provided this information, in writing and in electronic form.

Following these, the audit team studied the minutes in conjunction with them persuasive evidence and the relevant documents, drew up and submitted to the Authority the no. prot. C/EIS/8041/09-11-2017 audit finding, in which the key findings of the audit team regarding the subject of the audit as defined in section III of the entry and such emerged after the analysis of the evidence. The analysis methodology of arguments as well as the results of the analysis are presented in detail in annexes A, B and C of the portal. Also, they are quoted in the conclusion in detail the audit methodology (section II), the evidence of the audit, the fifty-two (52) complaints forwarded to Wind prior to their conduct of on-site inspections, twenty-eight (28) related complaints notified to

Wind mass with the conclusion of the audit as well as the documents he sent and received by the Authority from the providers for obtaining copies of its data of the register of article 11 of Law 3471/2006 that they maintain for their subscribers.

The methodology with which they were examined is also described in detail telephone calls made for promotional purposes for

Wind account, within the first half of 2017. Specifically, for each

A call from those granted by Wind was examined if

was made to the phone number that was registered to

register of the article 11 of the subscriber's provider without being qualified

consent to receive promotional telephone calls from Wind and, to

affirmative case, it was checked how much time has passed since the

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date of registration

of the number in the register until date a

making the call.

In the conclusion, special mention is also made of the complaints under item d.11

to d.31 and e.1 to e.28 (based on the numbering of the door). The complaints

these relate to calls such as – based on the allegations of the complainants –

were carried out within the first half of 2017. In this way

it became possible to search and compare with the above-mentioned elements a

calls that have arisen from and made by partners

on behalf of Wind for the purpose of promoting products and services

of Wind.

The findings of the audit, as described in detail in the finding

thereof, are summarized as follows:

1) It was found that numerous calls were made to telephone numbers

numbers registered in the "opt-out" registers for which there was no special consent (finding no. 1). The purpose of the calls was to promote Wind products and services. Wind has a process to receive them on some "opt-out" registers only from the "big" providers, to consolidate and send them to its partners. The procedure is admissible of improvement as it was found that the register was not received from the Omninet company and that the obligation to have taken into account all of them is not always satisfied declarations of inclusion in the register that have been submitted during the previous 30 days from making a call.

Despite the relatively correct procedure, in its interval

1st

semester of 2017

were carried out (proven and based on the data provided by the company submitted to the Authority and collected during the audit) 140,395 legal calls (out of a total of 33,781,973 calls).

Also, it is clear that the companies cooperating with Wind have make other calls to advertise Wind services while the records of the calls in question have not been submitted to the Authority. This this is proven by the assignment of making calls by the cooperating companies companies (first level) to other cooperating companies (second level), as well as from the fact that while in many of the cases of complaints on that the call records reported by the complainants are complete, the calls are missing from call logs. Id as in the case

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of BFS, the names of seven active employees are mentioned in the complaint and indeed for calls that have been carried out with concealment according to them

complainants, while in eight other cases of calls they are reported by reporting call numbers that are proven to belong to its partners Wind.

2) It was established that the correct procedure was not followed for the satisfaction of the special feedback from invited subscribers (finding no. 2). Specifically, if and Wind maintained a special objection authority, it does not have a procedure to receives from its partners the specific feedback requests addressed to them but concern calls made on behalf of Wind.

Furthermore, special objections are sent individually and not every month, simultaneously with the consolidated list of numbers to be deleted.

3) It was found that the invited subscribers were not properly updated (finding under no. 3), as in the scenarios regarding its content let's not communicate information on the identity of the company's representative is included account from which the call is made nor an update about the feature exercising the right of access. In addition, in case the called if you are a subscriber of another provider, beyond the right of objection that is registered, the subscriber is informed that he has the obligation to address to his provider for his entry in the Article 11 Register and not that he just has the option to address the provider as well..

4) It was established that there is no proper procedure for observing consents (finding no. 4), because the observed data only concern subscribers of Wind, but mainly because there is no procedure for sending the register of consents to the cooperating companies, with the result that yes it is doubtful whether the register is used to draw up the list of dialing numbers.

5) Deficiencies in technical and organizational measures for its security were found

let's edit. In particular, it was found that the documents are not properly followed

recording of calls made on behalf of Wind by

partner company BFS (finding no. 5) and that there are insufficient

control measures of cooperating companies (finding no. 6).

6) It was established during the audit that the creation of the lists of those to be called

of subscribers is based on data from old subscribers and old lists,

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the observations are observed by the cooperating company BFS, without having been checked

from Wind (finding no. 7).

7) It was found that several calls, while being answered by the called party, were not

are routed to an operator (finding #8).

Then, WIND HELLAS TELECOMMUNICATIONS SA was called

but, with the no. prot. C/EX/8300/17-11-2017 document of the Authority, in

hearing before it at the session of 5-12-2017, as our data controller,

to give further clarifications and express her views on them

findings of the mouth. With the above summons document, the Authority complied

to the person in charge of processing the above-mentioned audit finding as well as

those mentioned in the finding under item e1 to e28 complaints that are not hers

were sent before the audit was carried out. Further, with the above document

of the call the Authority read to Wind and the records of its results

control over the lists of calls made

(like these

described in Appendix A.3 of the Handbook).

They attended the Authority's meeting on 5-12-2017 as its representatives

Wind oi Mar na Stavropoulou, lawyer and director of the regulatory department

and Stefan a Plota, lawyer. During the meeting the representatives of Wind

they supported the adjournment of the debate which they had also submitted in writing (with prot. no. G/EIS/8469/24-11-2017). The project was rejected by the Authority and after the representatives of the company presented their views orally, they received deadline and filed it with no. prot. C/EIS/528/22-01-2018 memo to which are briefly mentioned by the following:

With respect to finding 1, Wind argues that the calls made per month with the corresponding fees each month and that it would not be possible to carry out this control in such a short time interval. He points out that only 0.4% of the calls were "in violation". Also, considered that as the collaborating companies define the rules and the process calls, these are responsible for our processing until the moment register the subscriber's details in its system. It also supports this no contradicts the Authority's decision 66/2016. Also, Wind confirms that the calls given to the Authority concern – as confirmed by its partners – the total number of calls made to advertise services. THE

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company points out the difficulty of knowing which providers keep a register and states that she has updated her list to now include her Omninet, as well as its process. At the same time, it was routed faster procedure for receiving opt-out registers from other providers.

Regarding finding 2, Wind considered that the individual shipment of the items of objections is better, but it is proposed to integrate the special documents of objections to the consolidated list that it sends to the cooperating companies company Regarding the lack of a procedure for receiving special requests response, states that it is the responsibility of its partners and is covered conventionally.

As for finding 3, he states that he has described them in detail information that each partner must provide in their document "Rules for the Operation of Call Centers" which is proven to be sent to these companies and that he also carried out a random check. For hidden calls, claims that it has expressly prohibited this in the written instructions and that it has not falls under the assumption of such action on the part of its partner.

As to finding 4, he states that he has never obtained consent from non its subscriber and will create such an authority if necessary, while the arche o is used when it is intended to make calls to its subscribers for specific actions.

As to findings 5 and 6, Wind contends that it has no liability for its partners, as they act as processors. It mentions that "he is not responsible for the (non) granting of certain calls made by its partners, as they act as processors" but that they do not can know the total number of calls made by the partner carried out as an independent business. Regardless, however, Wind is investigating complaints and complaints by searching each call from partners separately.

For the rest, he considered the random check to be sufficient.

As to finding 7, Wind states that the selection of to call of numbers is the responsibility of the respective cooperating company, the opposite independently as a data controller.

Regarding finding 8, Wind states that it has asked its partner to implement a better solution.

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After the filing of the above memorandum, WIND HELLAS TELECOMMUNICATIONS S.A. was called only, with the no. first

C/EX/1441/20-02-2018 document of the Authority, in re-hearing before the Authority

at the meeting of 02-27-2018, as our data controller, to give

further clarifications and to present her views in detail. At the meeting

of the Authority on 02-27-2018 were attended by Theodosios Tombras, legal advisor

her partner, Mar na Stavropoulou, lawyer and regulatory director

department and Stefan a Plota, lawyer. During the hearing, the above

representatives presented their views orally. After the hearing, Mr

processing manager should timely file the no. prot. C/EIS/2074/14-

03-2018 reminder. In this memo, the controller shall state

in summary the following:

Wind should be considered a data controller only from the moment

which receives the details of a subscriber from its partners, as the

it does not affect the selection and the way of dialing the numbers to whom

calls are made.

Finally, he claims that the result of the 140,395 calls that

they refer to the conclusion that it is not accurate and that it should be qualitative and not

quantitative processing and counting of calls. To this end he cites as

for example the partner company ICAP, which can invite subscribers

and for purposes other than promoting Wind products and services.

The Authority, after examining all the elements of the file and the opinions,

which Wind developed in the meetings from 5-12-2017 and 27-02-2018, after

heard the rapporteurs and the clarifications of the assistant rapporteurs, namely

withdrew after discussion and before conference and decision-making,

and after thorough discussion,

THOUGHT ACCORDING TO THE LAW

1. The person responsible for processing shall be designated by law (Article 2 letter g of Law

2472/1997) who "...determines the purpose and method of processing, such as natural or legal person, public authority or agency or anyone else organization...". Accordingly, the processor is assigned to the following

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follow his

of the article as "anyone who processes data

of a personal nature on behalf of a data controller, such as...".

As stated in Opinion 1/2010 of the O.E. of article 29 (see p. 11) "H

status of the controller is primarily a consequence of

factual circumstance that an entity has chosen to process data

of a personal nature for its own goals". Also, in the opinion

(see p. 16) states "A pragmatic approach is required which will

places greater emphasis on the discretionary power of setting objectives and

in decision making. In these cases the question is why

where the processing takes place and what is the role of contingencies

of connected actors, such as outsourcing companies: would have

processed data by the company acting on the basis of outsourcing

if it had not been defeated by the controller, and under what conditions

conditions? The processor may further operate based on

general guidance, which is mainly provided on the objectives and not

particularly goes into detail as to manner'. In the opinion

the O.E. of article 29 (see p. 18) comes to the conclusion "The determination

of the "purpose" of the processing rests with the "controller".

Whoever takes this decision is, therefore, (de facto) responsible for it

processing. Determining the "how" of the processing may be delegated

to a third party by the data controller, in terms of technical or organizational aspects

tasks. Substantial matters which are important for its evaluation of the legality of the processing are under the responsibility of the person in charge processing".

Furthermore, regarding the definition of the person performing the processing a, h above opinion states (see pp. 30-31) "The most important element is the obligation for the processor to act "...on his own behalf controller". Action on behalf of another means the serving someone else's interests and remembers its legal meaning delegation of powers' and 'However, the delegation of powers may still imply some degree of discretion about it

better

way

service

of interests

of the person in charge

her

processor, allowing the processor to choose the most appropriate technical and organizational way".

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This Opinion also provides an example of an evaluation of his role controller and processor for centres call (see example no. 20, p. 34): "A person in charge of processing outsources some of its work to a centre calls and gives order the call center to appear using the identity of the data controller

when calling the data controller's customers. In
in this case, the expectations of the customers and the way in which the
controller is presented to them through the company
outsourcing lead to the conclusion that the outsourcing company
commission acts as a processor for its controller
processing (on his behalf)."

2.

The issue of phone calls, for direct marketing purposes
products or services and for both advertising purposes,
regulated in article 11 of Law 3471/2006, in which the relevant
unsolicited communications (see par. 1 and 2). It is noted that, with
provisions of article 16 par. 1 and 2 of Law 3917/2011, par.
1 and 2 of article 11 of law 3471/2006, so that with article 11 par. 1 of law
3471/2006 it is now defined that: "The use of automatic systems
calling, in particular using facsimile (fax) or electronic devices
post office, and in general the realization of unsolicited communications with
any means of electronic communication, without human intervention, for
purposes of direct commercial promotion of products or services and for each
advertising purposes, is allowed only if the subscriber consents
explicitly in advance", while paragraph 2 of the same article stipulates
that: "It is not allowed to carry out unintended communications with
human intervention (calls) for the above purposes, if o
subscriber has declared to the provider of the publicly available
service, that it generally does not wish to receive such calls. The carrier
is obliged to register these declarations free of charge in a special list
subscribers, which is available to anyone interested".

Consequently, after 01-09-2011, the date on which the effect of the amended provision, telephone calls with a human intervention, in view of the above purposes, are allowed, unless the called

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has declared that he does not want them ("opt-out" system). The opt-out system it has the consequence that natural or legal persons can address them their objections, regarding the processing of their data, especially directly to the controller

(ie to the advertiser)

exercising the right of objection regarding personal processing data based on article 13 of Law 2472/1997 and generally through of their registration in the special list of subscribers of the provider it provides for Article 11 par. 2 of Law 3471/2006. The law provides for the creation of registers ("opt-out") to each provider and the subscriber can declare free of charge, to his own electronic communications service provider, that he did not wish to receive telephone calls for direct marketing. Every provider bears, with the aforementioned provision, the obligation to comply with these statements, Public Registry that served a public purpose and in which is accessible to anyone who is interested in using it directly commercial promotion.

3.

Article 10, paragraph 3 of Law 2472/1997 also states that "The responsible processor must take appropriate organizational and technical measures for the security of the data and its protection from accidental or unlawful destruction, accidental loss, alteration, prohibited dissemination or access and any other form of unfair processing. These measures must ensure

level of security commensurate with the risks involved in the processing and the nature of the data that is the subject of the processing....” while in par. 4 of the same article states that "If the processing is carried out for account of the person in charge by a person not dependent on him, or the relative assignment must be made in writing. The assignment obligatorily provides that the active, the processing is carried out only by order of the person in charge and that the other obligations of this article fall accordingly on him as well". With based on these provisions, the Authority issued a recommendation in Decision 66/2016 to Wind to appropriately adapt specific procedures that follow up on making phone calls for the purpose the promotion of products and services. In this Decision, as in considerations of Decisions 62-65/2016 and 67/2016 concerning the same issue, describes the way in which Wind, but also every person in charge editing, he must act when he makes phone calls for her

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advertising its products or services, so that the conditions of article 11 of Law 3471/2006 but also the general ones conditions of legality of the processing of personal data which are provided for in Law 2472/1997.

4.

In view of the above, the issue of its characterization is first raised Wind and the companies collaborating with it for the implementation of advertising phone calls. As can be seen from his data of the case file, Wind, through contracts, assigns to partners companies making advertising calls to promote their own products and services. With the contracts, Wind sets a series of

specifications, with which the scope of their activity is determined these companies. Therefore, Wind fully defines the purpose while determining and the means of processing. Wind said to some degree of discretion to the cooperating companies, allowing them to choose the most appropriate technical and organizational way for the selection of numbers, making calls and how to keep records registration, in any case, however, this possibility is provided for the serving its own interests. Further, when carrying out the calls, the called parties are informed that they are being made for Wind's account (without e.g. mentioning that they are made for account of the cooperating company, which will then forward them element in Wind) creating the belief in their subjects given that she is the one responsible for our processing. So, yeah clear that Wind was our data controller for the data under consideration activities. The collaborating companies have the role of executor processing to the extent that they do not decide to process data for their own purposes and not on behalf of the controller.

5. The following emerges from the other elements of the case file:

a) Wind, through its partners, performing the processing a, made 140,395 illegal calls for promotional purposes. The number of called subscribers have been added to the "opt-out" register of their provider for a period of time longer than thirty days, while the subscribers have not provided specific consent to the controller let's edit. From the submitted records it was accepted that

thousands of calls are made every day for promotional purposes.

Specifically, during the first half of 2017, they were carried out in total 33,781,973 calls and the percentage of proven illegitimate calls corresponding, approximately, to 0.44% of the total number of calls.

The making of these calls, as described in his opinion control, was not substantially challenged by our data controller. THE Wind argues that the Authority should contrast the calls that are carried out monthly with the corresponding amounts (registers of article 13 of providers) every month. This claim, by which one is invoked alternative way of control, which does not take time into account, when the subscribers asked to join the registry, it does not hurt the reliability of the Authority's control methodology. Besides, Wind eh heh at its disposal a sufficient period of time, beyond 2 months from notification of the result and beyond 4 months from their collection details of the calls, in order to check the person in charge let's process the results of the audit and highlight specific ones misdemeanors. Finally, the claim that the Authority had to carry out a qualitative and no quantitative processing and counting of calls is shown incompletely, without explaining the reasons for the difference in results of the control using the proposed method, which, indeed, does not specializes..

b) Wind did not provide all of its records outgoing calls while it was admitted that there were calls which carried out for advertising purposes by processors a and were not included in the audit records. This results from tra a item a. Firstly, from the fact that those performing the processing commissioned it

making calls to cooperating - with them - companies and the authorities of these calls were not attended to the Authority. Second, especially for her case of the BFS processor, it turns out that the files recording are not reliable and there are calls that were made while are not included in them. And this as, as follows from finding, in complaints submitted to the Authority for illegal calls and indeed with concealment, seven names are mentioned by the complainants of active BFS employees. As it is yes impossible seven different

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complainants to know details of different BFS employees, it clearly appears that the full records were not provided, since at least those in question are absent from the evidence provided calls. On Tuesday, in eight other cases of complaints, they are reported by the complainants call number proven to belong to Wind partners, while these calls are not contained in the archives records submitted to the Authority. With these data, procedure for keeping records is faulty and therefore appropriate security measures were not implemented by Wind for her ensuring the legality of our processing. Not even if it was considered small percentage of "illegal" calls on the total number of calls were carried out, this element does not remove the violation which is determined by making illegal calls, since in fact, that a particularly weighty criterion for this violation was the absolute number of proven illegal calls.

c) From all the audit findings, as described in history of the present and are analyzed in the conclusion, the Authority considers that Wind

has not implemented the most appropriate procedures for the as possible preventing any possibility of technical or human error or even for him detection of any malfunctions, in violation of article 10 of the law 2472/1997. Specifically:

i) The objections of the invited subscribers are not properly satisfied, i.e. when these are addressed to those performing the processing according to making the calls.

ii) The right to information of the invited parties is not properly satisfied users or subscribers, as in its content do not communicate information on the identity of the company representative is included for whose account the call is made nor information about it possibility of exercising the right of access. Next, the invitees subscribers are not informed, as required by law, that they can object both specifically to the controller and generally through their provider's registry and not just through the last one.

iii) The control carried out by Wind, as the controller performing the processing is not sufficient, despite the present

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of its representatives at the facilities of the processors a. THE sampling proves in practice to be insufficient while, as already mentioned, it was found that the record for all processors. Such as has already been highlighted by Decision 66/2016 (see paragraph no. 5), the The controller must take measures to ensure that the procedures are observed both by its employees and by performing the processing, through periodic on-site checks. Despite

these, Wind as the processor has no experience, among other things, in more detailed control of all calls made to certain period of time and has not checked the legitimacy of their source to dial numbers.

iv) Several calls are answered by the called party but, due to technical or organizational failure, they are not routed to an operator, in violation of its obligation of the controller to ensure the conditions so that all calls are routed to an operator, such as to there is an operator available before the call was made because to a different one case it is not possible to satisfy any right of the called subscriber or user.

6. Taking into account the above violations and n as the great absolute number of violations (140,395 illegal calls) detected, the the fact that, as it was accepted, on behalf of our processor other calls with an advertising nature were also made, items a of those who did not present themselves to the Authority, the fact that the person in charge editing, although it has improved some procedures, it does not apply to implement appropriate technical and organizational measures while at his disposal sufficient period of time from the issuance and notification of the Decision 66/2016 until the date of the control in the records of the registered of calls (1/1/2017), and was therefore able to implement effective ones procedures for its compliance with the recommendations of the Authority which are formulated in this decision, and finally the fact that the person in charge processing was clearly intended with the above actions to obtain profit, the Authority considers that it should be imposed on the person in charge of our processing provided for in article 21 par. 1 item b' of Law 2472/1997 sanction which

is referred to in the operative part of the present, the section corresponding to it
gravity of the violations.

The beginning

FOR THOSE REASONS

1. Enforces, based on articles 19 par. 1 item f and 21 of Law 2472/1997

and 13 par. 1 and 4 of Law 3471/2006, to WIND HELLAS

TELECOMMUNICATIONS SA fined 150,000 Euros for the above

established violations of the provisions of Article 11 of Law 3471/2006

and Article 10 of Law 2472/1997.

The president

The Secretary

Konstantinos Menudakos

Irini Papageorgopoulou