

(Department)

Athens, 21-03-2023

Prot. No.: 720

The Personal Data Protection Authority met in

composition of the Department via teleconference on 15-03-2023 at 10:30 a.m., after

at the invitation of its President, in order to examine the case which

refers to the history of the present. They were attended by George Batzalexis,

Deputy President, standing in the way of the President of the Constantine Authority

Menoudakou, and the alternate members Demosthenes Vougioukas, as rapporteur,

and Maria Psalla in replacement of the regular members Konstantinos

Lambrinoudakis and Grigorio Tsolias respectively, who did not attend due to

obstacle although they were legally summoned in writing. Present without the right to vote,

the auditor was Georgia Panagopoulou, specialist IT scientist, as

assistant rapporteur and Irini Papageorgopoulou, employee of the department

of administrative affairs, as secretary.

The Authority took into account the following:

It was submitted to the Authority under no. prot. C/EIS/7157/18-05-2022 of A (hereinafter

"complainant") against Cosmote (hereinafter "complainant") non-subscriber

Cosmote, to receive SMS messages with information about a subscriber

Cosmote.

Specifically, the complainant states that from ... of ... she started to

she receives sms on her mobile with the sender company OTE / Cosmote and

content related to a Temporary Code, without itself maintaining a contract

1

relationship with the company. At the same time, she also received a call on her cell phone from a technician

of OTE for damage to a fixed telephone connection. On ..., ... and ... received sms with sender 'OTE' and content 'Temporary landline e-account code'.

On ... as well as on ... submitted requests on the matter and also on ... made a telephone request to 13888.

The Authority sent the complainant with no. prot C/EXE/1285/26-05-2022 document with which he informed about the content of the submitted complaint and invited her to submit her views on it in writing complaint.

Then the complainant sent the no. original G/EIS/9274/01-08-2022 supplementary document in which he indicates that he continues to receive SMS to her mobile with the sender Cosmote and content related to Temporary Code.

The Authority sent the complainant with no. prot C/EXE/2150/31-08-2022 document with which he informed about the content of the supplement document and invited her again to submit in writing her views on the complaint.

The company responded with G/EIS/10962/12-10-2022, in which it stated that from the control carried out it emerged that upon its activation service for electronic receipt of a landline telephone bill (e-Bill) from a subscriber on ..., the latter stated as contact details mobile phone number and her email address complainant.

For the provision of the above service, the contact with was created in the systems the contact details of the complainant, who for this reason received the SMS with a temporary code. It is noted that the temporary code referred to her confirmation of submission of a request to change the contact email, submitted by

subscriber and was received by the complainant on her own connection, due to the fact that this was declared as a communication connection. In any case through him of a temporary password, his account is not accessed either

2

subscriber nor in the detailed status of outgoing calls. On ... COSMOTE deleted the complainant's contact information from its systems and SMS messages to the phone stopped connection of the complainant, because it was established that these had remained in functionality of the portal, regarding the services through MyCosmote. »

Then the Authority, in order to complete its examination case, call me with no. prot. C/EXE/2821/09-11-2022 the complainant company, at the meeting of the Department on 16-11-2022.

This meeting was attended on behalf of Cosmote by B, Deputy Director of Digital Experience Transformation, C Deputy Director of Customer Service Excellence, and Eleni Gerutsi, lawyer ... as well as D, responsible data protection of OTE Group.

After the meeting the complained company submitted the no. first C/EIS/12193/30-11-2022 memorandum, in which he summarized what he had already mentioned regarding the complaint and pointed out that since ... of ... it has been implemented security mechanism, according to which an OTP (one time password) when a mobile phone number is declared as a contact to landline, belonging to another subscriber, for the purpose of confirming said of choice by the user of the connection.

The Authority, after examining the elements of the file, after hearing him rapporteur and the clarifications from the assistant rapporteur, who attended without right to vote, after thorough discussion,

## THOUGHT ACCORDING TO THE LAW

1. According to article 5, paragraph 1 d' of the GDPR, for the processing to be legal personal data (simple and special categories), must be processed to be governed by the principle of accuracy of data, according to which data should be accurate and, where necessary, to be updated. All reasonable steps should be taken to immediately

3

deletion or correction of inaccurate personal data, in relation to the purposes of the processing ("accuracy"),

2. According to article 17 GDPR, sec. 1, d' the data subject has the right to request the deletion of personal data concerning him without undue delay and the controller is obliged to delete personal data if the personal data character were processed illegally.

3. According to article 12, paragraph 3 of the GDPR, the data controller provides to the data subject information about the action that carried out on request under Articles 15 to 22 without delay and in any case within one month of its receipt request.

4. In this particular case it appears that incorrect contact information were freely declared by a Cosmote login holder without being asked proof or identification that they belong to him. After exercising the rights of the complainant the details of the telephone connection and of complainant's emails were released from the subscriber contract. However, it was found that they remained functional in service Subscriber's MyCosmote. The correction of the contact details in

due service was later completed after the data was reviewed

submitted through the complaint.

5. The complainant mentioned in her memorandum that from ... of ... she has

security mechanism implemented, according to which it is sent

OTP (one time password) message when mobile number is declared

as a communication contact on a landline, belonging to another subscriber, with a purpose

the confirmation of said choice by the user of the connection.

Based on the above, the Authority unanimously considers that it should be imposed on

denounced company as controller or the one referred to in the ordinance

administrative sanction, which is considered proportional to the gravity of the violation.

4

FOR THOSE REASONS

The Authority addresses the complained company COSMOTE KINETES

TELECOMMUNICATIONS S.A. according to article 57 par. 2 b) GDPR reprimand for the established

violation of the principle of the accuracy of personal data (article 5 par. 1 d'

of the General Data Protection Regulation) as well as for the established violation of the deadline for the

satisfaction of the right to erasure (article 12 par. 3 of the GDPR).

The Deputy President

George Batzalexis

The Secretary

Irini Papageorgopoulou

5