

Athens, 08-11-2021

Prot. No.: 2531

DECISION NO. 49/2021

(Department)

The Personal Data Protection Authority met as a Department

by teleconference on 02-04-2021 at the invitation of its President, in order to

examine the case referred to in the present history. The Georges appeared

Bazalexis, Deputy President, in opposition to the President of the Constantine Authority

Menoudakou, and regular members Konstantinos Lambrinoudakis, Spyridon Vlachopoulos

and Charalambos Anthopoulos, as rapporteur. They attended the meeting, by order of him

President, Aikaterini Hatzidiakou, expert scientist - auditor, as assistant

rapporteur and Irini Papageorgopoulou, employee of the administrative department

affairs of the Authority, as secretary.

The Authority took into account the following:

With no. prot. C/EIS/7305/23-10-2020 document A (hereinafter applicant) submitted

application for treatment against her with no. 30/2020 of the Authority's Decision, which was issued in

continuation of no. prot. C/EIS/1126/11-2-2019 of a complaint filed against

of B, C, D and E IKE.

With the above complaint, the complainants complained about the establishment and the

operation of two cameras on the applicant's property. Specifically, they argued that the

cameras are placed one on the gate and the other on the roof of his house

complainant (with the ability to rotate and focus), and receive an image from the

their property and the road to it.

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The Authority with decision 30/2020:

1. Ordered the applicant as within one (1) month:

- i.
 - ii.
 - iii.
 - iv.
- restore the correct application of the provisions of article 5 par. 1 sec.
- a' of the GDPR in accordance with the considerations contained herein,
- subsequently restore the correct application of the other provisions
- of article 5 par. 1 sec. b-f GDPR to the extent established
- breach affects compliance with GDPR provisions
- taking all necessary measures within the framework of the principle of accountability,
- make the processing operations that take place through it
- video surveillance system that maintains compliance with the provisions
- of GDPR and Directive 1/2011, in particular by adjusting the scope of reception and
- recording images in such a way as to achieve its protection
- property and the lives of the residents in said house without
- receives image from complainants property or others
- private or public places and using camera enabled
- rotation and focus only if it documents the filling of the
- conditions of article 6 par. 4 of Directive 1/2011,
- inform the Authority about the realization of the above
- actions

2. Impose on the applicant the effective, proportionate and dissuasive administrative

fine that is appropriate in the specific case, according to

special circumstances thereof, amounting to eight thousand (8,000.00) euros.

Against the above decision of the Authority, the applicant submitted the treatment application under consideration with which it requests its cancellation.

In particular, the applicant presented three reasons for annulment of decision 30/2020, which are listed, briefly, below:

A) The applicant argues that the Authority ruled on the issue of monitoring the passing by the characterization of the street, which is in front of it of his residence and in front of the neighboring property of the complainants as public relying on from 2/12/2019 and no. Prot. 610/2019 false certificate of police deputy director of A.T. X, F. In this statement it is stated that "(...) cameras which were placed on a neighboring plot of land allegedly owned by A, where

2
it was found that there were two cameras placed as follows, one at its entrance plot which was facing a public street and one on the roof of the house which was inside it for which it was not possible to ascertain where it was facing". According to the claims of the applicant and despite what the complainants, the above road is private. To this end, he also submits the no.

first En. Enter ... relevant document from the Technical Service Directorate (Service Construction), where it is confirmed that the road that passes through the plot with KAEK ... is private road (right-of-way) with a minimum width of 4 meters.

B) Regarding the question of the placement and recording time of the cameras, the applicant maintains that these are directed only to his own property and neither receive images from the defendants' plot.

C) Finally, from the already submitted photographs that have been taken by those in question cameras the applicant claims that any image that exists of the neighboring property is blurred because of the distance and direction they are facing and therefore are not it is possible to distinguish between persons or bodies and thus the individualization of their subjects

data and its infringement.

The Authority, after examining the elements of the file, after hearing the rapporteur and assistant rapporteur, who then left after a thorough discussion,

THOUGHT ACCORDING TO THE LAW

1. Regarding the first reason for cancellation, the Authority did not decide with a criterion the characterization of the road as private or public, a matter which was already known in Principle, but based on the fact that persons pass through this street and therefore it is possible to record and monitor them and their movements.

2. In the present application for treatment, the applicant essentially repeats the allegations presented during the examination of the complaint No. G/EIS/1126/11-02-2019

of, which have already been thoroughly discussed, examined and judged with no.

30/2020 Decision of the Authority. No news is actually shown or proven

essential incidents which could overturn what was accepted by no.

30/2020 Decision of the Authority, capable of justifying the revocation of the relevant one Decision.

3

FOR THOSE REASONS

The Authority rejects as unfounded the treatment request of applicant A against the Decision 30/2020 of the Authority.

The Deputy President

The Secretary

George Batzalexis

Irini Papageorgopoulou

4