

Athens, 05-07-2018

Prot. No.: G/EX/3435/07-05-2018

GREEK EMPIRE

PRINCIPLE OF PROTECTION OF E OMEN

OF A PERSONAL CHARACTER

A P O F A S I NO. 40/2018

(Department)

The Personal Data Protection Authority met in composition

Department at its headquarters on Wednesday 14-02-2018 following the invitation of its President,

following the meeting from 06-12-2017, in order to examine the case that

refers to the history of the present. The Deputy President, George, was present

Bazalexis, obstructing the President of the Authority, Constantos Menoudakos, and the

alternate members Panagiotis Rontogiannis, as rapporteur, Charalambos Tsiliotis

and Grigorios Tsolias, in replacement of the regular members Anton ou Symvonis,

Spy donos Vlachopoulos and Charalambou Anthopoulos respectively, who, although

they were only summoned in writing, they did not attend due to obstruction. At the meeting

attended, by order of the President, George Roussopoulos and Leon das Roussos,

expert scientists - auditors as assistant rapporteur. He also attended, at his command

President, and Irini Papageorgopoulou, an employee of the Administrative Department of

Authority, as secretary.

No. was submitted to the Authority. prot. G/EIS/871/03-02-2017 complaint a

according to the COOK AND GRILL branch office

FOCUS SERVICES SOLE PERSON PRIVATE EQUITY COMPANY

with d.t. "Cook & Grill" (hereafter "processor"), within Camp F,

has installed a video surveillance system without meeting the legal requirements

operating conditions, through which workers are monitored

while the image is also transmitted to the stores of our processor in Gerakas

and Pallini.

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-1-

Following this complaint, the Authority carried out on 09-15-2017

on-site inspection at the premises of our processor, in accordance with the article

19 items h' of Law 2472/1997. The check was carried out at the central store

residence of the person in charge on the street ..., in Gerakas, by the employees of the Department

Auditors of the Authority's Secretary Georgios Roussopoulos and Leon da Rousso (hereinafter

"control group"), after the no. prot. C/EX/6639/15-09-2017 his order

President of the Authority.

Prior to carrying out this on-site inspection, the register was examined

of notifications kept by the Authority, where no notification was found for

data processing through a video surveillance system.

The control was sudden, without prior notification of the person in charge

let's edit. In order to conduct it, in addition to the on-site research, it was carried out

dialogic discussion with A, who, although initially absent, came to the site,

after being informed by the staff of the store, stating that yes o

administrator of I.K.E. and essentially the owner of the business.

After the completion of the on-site audit, the audit team submitted to

Start it with no. prot. C/EIS/6743/20-09-2017 conclusion of the audit (hereinafter "Conclusion").

As stated in the Finding and recorded in the findings:

- The video surveillance system is not limited to entry and exit areas or in the treasury o, but covers additional workplaces where they move almost exclusively employees.

- The video surveillance system includes cameras that monitor the premises

table seats.

- The video surveillance system also receives an image from the public street outside of the store's central entrance without being limited to space close to the door.

- Let the controller administrator have the ability to monitor of the images in real time, remotely, through his mobile phone telephone.

- Our editor has posted two boards for his information common at the shop entrances, but they do not contain the required items data, according to guide 1/2011.

-2-

- The controller has not submitted to the Authority a notification of art due to a video surveillance system.

- According to the statement of the manager of the company in the rest branches have cameras installed, but he doesn't have access either knows the elements in detail, as the systems are different for each shop. Regarding the employee's complaint, he stated that for a "problem" employee who is no longer employed at the branch inside Camp F.

The person responsible for processing, then, with no. prot. C/EX/8114/13-11-

2017 document of the Authority was only summoned to a hearing before the Authority at the session of 06-12-2017 to provide further clarifications and express his views on the

subject. Along with the summons, the above Opinion was served and requested as follows

ten days before the call, to submit a description of the user

of the video surveillance system at the branch office in Camp F, in order to

includes visual material from the system monitor, from where o

to obtain the range of each camera.

Attorney Eleftherios attended the meeting of 06-12-2017

Theodorellis, with AMDSA ..., who verbally presented the views of the person in charge.

Our processor then received a deadline and filed it on time

with no. prot. G/EIS/9078/15-12-2017 memo.

In this memo, the data controller briefly supports the following:

The company is no longer active. It started operating in December 2015

but due to financial difficulties it is no longer active, but unable to

dissolved or liquidated due to debts. Because of this situation and as well

they closed the restaurant and the branches, the person in charge took no action

compliance with the Authority's recommendations.

The video surveillance system was installed for the purpose of our protection

persons and goods and for the purpose of ensuring hygiene rules as well

delinquent behaviors of employees or customers were observed. The company ASU, h

as mentioned in the conclusion, he undertook the placement, placing two

signs, assuring the person in charge that this is sufficient for its proper operation

shop. The irregularities found during the inspection are the result of ignorance

of the person responsible for the institutional framework.

-3-

Finally, regarding the branch within the F camp he claims that

it is a matter of fact that there has never been a video surveillance system in it.

With the memorandum, other evidence is also provided to prove the difficulty

financial status of the representative of the person in charge.

By visiting the website <https://www.cookandgrill.gr/> after the deposit

of the memo of the person in charge of processing, it was established that the Geraka stores,

Pallinis and Amarous are still active with the same distinction but with other

a company ("COOK AND GRILL PIPERESIES ESTIASIS IKE" with registered office...).

After checking by G.E.M.H. with these elements, the company "C.G.C.

INDIVIDUAL FOCUS SERVICES

PRIVATE EQUITY

COMPANY" with date of incorporation on 09/04/2017.

The Authority, after examining all the elements of the file and referring to

of the session of 06-12-2017, after hearing the rapporteur and the

clarifications of the assistant rapporteurs, who then left before the

conference and decision-making, and after thorough discussion,

THOUGHT ACCORDING TO THE LAW

1. According to article 2 par. a' of Law 2472/1997 and recitals 14-17

in accordance with Directive 95/46/EC, audio and video data, if

refer to persons, constitute personal data.

2. The storage and reading of a facial image, which is collected by a system

video surveillance, which operated permanently, continuously or at regular intervals,

in a closed or open place of gathering or passage of persons, recommends

processing of personal data in whole or in part

automated within the meaning of articles 2 par. d' and 3 par. 1 Law 2472/1997.

3. Basic condition, according to article 4 par. 1 of Law 2472/1997, for the legality of

let us process personal data with the observance of proportionality, under

meaning that the collected data must be necessary and convenient for him

intended purpose, which should not have been achieved by milder

inside. Furthermore, the

data processing

-4-

image through system

video surveillance, for the purposes stated by the person in charge, can be relied upon only in the provision of no. 5 par. 2 e' of Law 2472/1997 "The processing is highly ngi for the notification of the legal interest pursued by the person in charge processed by the third party or third parties to whom the data is shared and under the condition that this clearly overrides their rights and interests of persons who carry the data and the fundamentals are not affected their liberties".

4. According to article 5 of no. 1/2011 The Authority's guide for use video surveillance systems for the protection of persons and goods, h legality of our processing is examined in the context of the purpose pursued by responsible for our processing and in accordance with the principle of proportionality, which a requires video surveillance systems to be convenient and necessary in relation with the intended purpose, which should not be achieved with milder means (articles 4 and 5 of Law 2472/1997). Affordability and necessity of video surveillance is assessed based on the risk that the person in charge of processing wants to deal with in relation to the intended purpose.

5. Furthermore, the installation points of the cameras and the way of receiving the data must be identified in such a way that the data collected does not more than is absolutely necessary to fulfill the purpose of our processing and that the fundamental rights of the persons who are located in the area that is being monitored and that this order is not violated could be seen as a "legitimate expectation of a certain degree of protection of privacy" in a specific area.

6. Also, according to article 7 of no. 1/2011 Guide, the system should not to be used for the surveillance of employees within the workplaces, except in special exceptional cases in which this is justified by the

nature and working conditions and is necessary for the protection of health and the safety of employees or the protection of additional workplaces (e.g. military factories, banks, high-risk facilities). For example, in a typical business office space, video surveillance should be limited in entry and exit areas, without monitoring specific rooms offices or corridors. Exceptions may be specific spaces, such as treasury or areas with safes, electromechanical equipment, etc., under the condition that the cameras focus on the property they are protecting and not on their premises

-5-

workers. Also, in special areas, such as areas with electromechanical ones facilities the shift manager or the safety manager may track in real time the operators of high machinery risk, in order to intervene immediately if an incident occurs sure let's

7. Also, in accordance with article 19 par. 2 of no. 1/2011 Let's guide, cameras are allowed to be placed at the entrance and exit points of the stores, at cash desks and money storage areas, in goods warehouses, while, according to article 19 par. 4 of our Guide, it is prohibited to operate of cameras in places of rest and recreation, in the testing rooms, in the toilets and in the areas where store employees work and is not accessible to public.

8. According to article 12 of no. 1/2011 Guide let, before a person enters the within the range of the video surveillance system, the processor must informs, in a visible and comprehensible way, that he is about to enter a space that videotaped. To this end, they must: a) be posted in a sufficient number and prominently

place clearly visible signs, where the person will be written on his behalf

where the video recording is made (responsible for editing), the purpose, as well as the person with whom the interested parties can contact to exercise them rights that Law 2472/1997 recognizes in the data subject.

9. As stated in article 10 of no. 1/2011 Let us guide, the person in charge processor is obliged to notify the Authority of the installation of the system video surveillance before the start of our processing, in accordance with article 6 of n. 2472/1997.

10. In the present case, taking into account the elements of the file, it appears

The following:

- The allegation in the memo of the person in charge of our processing for non-functioning a of cameras in the branch within the F camp is not documented with no way and it contradicts what is noted in the conclusion.
- The video surveillance system found to be operating on premises of the person in charge has not been notified to the Authority, and therefore there was a violation of Article 6 of Law 2472/1997.

-6-

- The video surveillance system in question does not meet the legal requirements which are set in articles 7, 8, 12 and 19 of no. 1/2011 Guide of the Authority, since there were cameras in the workplace, without being justified by nature and them working conditions Also cameras were taking pictures from the table seats restaurant, and no signs were posted to inform the public regarding the video surveillance system.
- Therefore, it is concluded that the fundamental requirements for the legality of any collection and processing of personal data, which the provisions of articles 4, 5 and 11 of Law 2472/1997 set.



- The processor operation seems to be now in standard

inactivity, although the two facilities appear to be used by three

a company with a similar distinctive title, which was established on 4-9-2017 and

before the on-site inspection was carried out on 15-9-2017.

- The data provided by our processor (individual invoice 2016, marital status data) are not sufficient for documentation financial difficulty of the company.

Taking into account the above findings, and in view of their gravity

violations found, the Authority unanimously considers that it should be imposed on

responsible for the processing provided for in article 21 par. 1 item b' of n.

2472/1997 sanction referred to in the operative part of the present and the suspended proportional to the number and gravity of the violations.

#### FOR THOSE REASONS

The Authority taking into account the above:

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

"COOK AND GRILL RESTAURANT SERVICES SINGLE PERSON

PRIVATE

CAPITAL COMPANY" fine of five thousand (5,000) euros for the above

described violations of Law 2472/1997.

-7-

The Secretary

Irini Papageorgopoulou

The Deputy President

George Batzalexis

-8-