

Athens, 08-03-2021

Prot. No.: 784

DECISION 6/2021

(Department)

The Personal Data Protection Authority met in composition

Department at its headquarters on 03.02.2021 upon invitation of its President,

in order to examine the case referred to in the present history.

They were attended by the Deputy President G. Batzalexis, who was obstructing the President

of the Authority K. Menoudakou, and the alternate members of the Authority E.

Papakonstantinou, as rapporteur, and G. Tsolias, in place of regulars

members K. Lambrinoudakis and X. Anthopoulos, respectively, who, although

were legally summoned in writing, did not attend due to disability. The regular member

of the Authority S. Vlachopoulos, although legally summoned in writing, did not attend due to

obstacle. K. Karveli, expert, was present without the right to vote

scientist-lawyer, as assistant rapporteur, who left after the debate

of the case and before the conference and decision-making and E.

Papageorgopoulou, employee of the Authority's administrative affairs department,

as secretary.

The Authority took into account the following:

A, through the attorney-at-law of X. Tseliou, filed suit no. first

C/EIS/3543/25.05.20 treatment request against the no. prot. C/EX/2476-

1/24.04.20 of the Authority's document.

With the no. prot. C/EIS/2476/06.04.20 her complaint to the Authority n

the applicant complained that the HYGEIA Private Hospital did not provide her with copies

of patient B's medical file despite her legitimate interest

to this end, and asked the Authority to take action in order to a)

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grant the said items and b) impose the appropriate sanctions on

HYGEIA clinic due to the failure to provide the relevant information.

The Authority, after examining the above complaint, issued the no. first

C/EX/2476-1/14.04.20 act of filing the complaint, on the grounds that

from the combination of the provisions of articles 57 of the GDPR and article 13 thereof

Law 4624/19, the Authority does not have the authority to deal with requests

of data subjects for provision of personal data

of third parties.

Against the above no. prot. C/EX/2476-1/14-.04.20 of filing act

of the Authority, A through the attorney-in-fact of X. Tseliou, filed suit no.

original C/EIS/3543/25.5.20 request for treatment, with which he requests the withdrawal of

of this document, the re-examination of the case, the finding of illegality

of the HYGEIA Hospital, as well as for the Authority to give the order to grant it

the HYGEIA Clinic all the requested information, for the following reasons:

1) The rejection of the complaint is unjustified.

2) Article 13 of Law 4624/19 does not provide for a category of position in the file

complaint for not falling within the scope of the legislation on

protection of personal data or the competence of the Authority

3) The rule of law on which the complaint is based is Article 9

par. 2 item of the GDPR, namely the legal interest of the applicant to receive

knowledge of the requested information for judicial use.

The Authority, after examining the elements of the file, after hearing him

rapporteur and the assistant rapporteur, who then left, and then

thorough discussion,

THOUGHT ACCORDING TO THE LAW

1. Article 24 par. 1 of Law 2690/1999 (KDDiad) states that "If from the relevant provisions do not provide for the possibility of exercising, according to the next article, of a special administrative or adversarial appeal, the interested party, for the restoration of material or moral damage to the legal interests of the

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caused by an individual administrative act may, for any reason, by application of, to request, either from the administrative authority which issued the deed, the its revocation or amendment (remedial request), either, by the authority which is headed by the one that issued the deed, its annulment (hierarchical recourse)". In the true sense of the provision, the application for a remedy is intended in the revocation or modification of the challenged individual administrative act for legal or factual defects thereof which go back to the regime under which was issued.

2. The issues raised with the treatment request, such as set forth above in the history of the present, have already been examined and judged by the beginning. In addition, the applicant does not invoke or provide new evidence from the assessment of which there could possibly be a different judgment.

3. Therefore, the Authority adheres to No. original G/E2476-1/24.04.20 deed filing of the complaint.

FOR THOSE REASONS

The beginning

It rejects A's treatment request.

The Deputy President The Secretary

George Batzalexis

