1/14

Litigation Chamber

Decision on the merits 29/2020 of 8 June 2020

File number: DOS-2019-03885

Subject: Complaint by Mr. X against Mrs. Y – use of a professional e-mail address

for claiming maintenance costs in the context of a family dispute

The Litigation Chamber of the Data Protection Authority, made up of Mr Hielke

Hijmans, chairman, and Messrs. Dirk Van Der Kelen and Christophe Boeraeve, members, resumes

the case in its present composition;

Having regard to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the

protection of natural persons with regard to the processing of personal data and the

free movement of such data, and repealing Directive 95/46/EC (General Regulation on the

Data Protection), hereinafter GDPR;

Having regard to the Law of 3 December 2017 establishing the Data Protection Authority, hereinafter

"ACL";

Having regard to the Law of 30 July 2018 relating to the protection of natural persons with regard to the processing

personal data, hereinafter the "Data Protection Law";

Having regard to the internal rules of the Data Protection Authority as approved by the

Chamber of Representatives on December 20, 2018 and published in the Belgian Official Gazette on January 15, 2019;

Seen the documents in the file

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Made the following decision regarding:

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the plaintiff and defendant on counterclaim: Mr. X,;

the defendant and plaintiff on counterclaim: Mrs. Y.

I.

History of the procedure

Having regard to the complaint filed on July 15, 2019 by Mr. X with the Data Protection Authority;

Having regard to the decision of August 6, 2019 of the Frontline Service of the Data Protection Authority

declaring the complaint admissible and forwarding it to the Litigation Chamber at the same

date;

Given the decision taken by the Litigation Chamber on August 26, 2019 to consider that the file was

ready for substantive processing under Articles 95 § 1, 1° and 98 LCA;

Having regard to the registered letter of August 26, 2019 by which the Litigation Division firstly transmitted

the complaint and the documents to the defendant and also invited the parties to present their arguments

according to an established schedule;

Considering the e-mail of September 12, 2019 by which the complainant requests a copy of the file and asks

to receive any communication electronically. Considering the copy of the file which was transmitted to him

by e-mail of September 12, 2019 by the Litigation Chamber;

Having regard to the email of September 16, 2019 in which the defendant asks to communicate its conclusions

electronically and the response by e-mail from the Litigation Chamber of September 17, 2019

reiterating the procedure to be followed for this purpose;

Having regard to the first conclusions of the defendant, received on September 24, 2019;

Having regard to the complainant's conclusions, received on October 14, 2019;

Having regard to the defendant's reply, received on November 6, 2019.

II.

The facts and the subject of the complaint

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at

of

his

4 p.m.,

2019

address

to use

abstain

The plaintiff, Mr. X, ex-spouse of the defendant, Mrs. Y, was awarded primary custody of

their daughter Z following a family court judgment and arranging the distribution of costs

education1. The complaint relates to the defendant's use of the professional e-mail address

of the complainant to communicate the quarterly statement of expenses concerning their child, within the framework

of the execution of the judgment reached2.

In his complaint, Mr. X explains that he asked by e-mail addressed to Mrs. Y, very precisely, on 30

June

E-mail

"X@V.com" in copy of communications related to expenses (in particular medical) and grievances relating

in the care of their child. On this occasion, Mr. X explained to the defendant that this e-mail is

consulted by third parties, so that the complainant's transmission of her correspondence via this e-

mail constitutes from his point of view a major breach of the GDPR: “Please do not use the address

email V since I have not worked in this company for years and therefore your correspondence

are read by the system administrators (professional email address owned by V), which

constitutes a major infringement from the point of view of the GDPR regulation on your part”. Four hours

later, however, the defendant uses the e-mail address of the company V in cc of its answer in

which it includes new grievances relating to the execution of the judgment.

By return e-mail, on June 30, 2019 at 8:17 p.m., the complainant recalled that he had expressly requested

that his former employer is not made aware of these exchanges. He emphasizes that it is his

notice of disclosure to third parties of confidential data relating to a minor child,

and announces that he will file a complaint with the Data Protection Authority.

III.

The defendant's submissions

In its conclusions of September 24, 2019, in response to the complaint, the defendant sets out the

status as follows:

1 The Litigation Division takes note of the existence of this judgment to which the parties refer without, however,

produce as part. The Litigation Division therefore relies on the description given by the parties with regard to

the content of this judgement, and assumes that the mode of transmission of the quarterly statements of expenditure was not pr

2 Since the text of the judgment was not submitted as an exhibit, the Litigation Chamber relies on the description – no

contested - what the parties do with it and understands, given the nature of the complaint and the ensuing debates, that the term

communication between the parties have not been settled in this judgment nor any other document relating to the procedure

of divorce between the parties.

“The facts presented by Mr. X are inaccurate and out of context.

(1) Mr. X does not provide any proof that he worked at company V and that this address gave him

belongs/belonged and in what role. Before the Family Court he never confirmed

having worked for this company, citing very low incomes in Belgium. Besides, there is

has no automatic response from the email address

X@V.com. Does it still exist, is it verified, if so by whom? It's amazing from a

company the size of V not to put an automatic answer for people who

send messages to this email address.

(2) Mr. X has consented to the use of this email. He never reacted, nor opposed, nor did

remarks for whole months when I used this email to communicate with

him. As you see in his proofs, he has not objected since March 2019.

June 2019, after receiving the judgment of the Family Court in a case concerning

our common child, that he shows his disagreement and threatens with legal proceedings.

(3) Mr. X uses my professional address Y@W.be (as you see in the documents

filed by Mr. X) without my agreement in relation to the file concerning my daughter. I do not

I never gave him my work email. By this, I would like to file a complaint, in

counterclaim, against Mr. X, to use since 2018 my professional email for

exchanges concerning my minor daughter Z."

The second argument below refers to an email exchange from April 2019, produced by the

defendant in his complaint (exhibit 1.2), and where requests for reimbursement of various treatments have

summer

and

"Y@W.be".

"X@V.com"

trades,

use

the address

E-mail

with

of

IV.

The complainant's conclusions

In his conclusions of October 14, 2019, in addition to his complaint, the complainant specifies that

the professional e-mail address in question assigned to it by company V as part of a

service contract concluded in the past, and that, according to him, the absence of response or failure report

following the defendant's e-mails, proves that the address is active and that the e-mails sent to it

addressed are consulted by company V with a view, he assumes, to extracting relevant information

for its business activities.

The complainant does not demonstrate that he would have complained about the use of this e-mail address before the 30

June 2019. The plaintiff also asserts that the defendant never communicated to him the slightest

ban on using the “W” email address. Ms. Y's professional email address would not be at her

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knowledge read only by Mrs Y on the grounds that this person is the sole manager of the company "W",

and therefore, no information would be passed by the complainant to third parties unless the

defendant does it itself.

The plaintiff therefore seeks to "order the defendant to pay the highest amount, in

relation to his duly and formally proven will to withdraw voluntarily and

deliberately to the provisions of the General Data Regulation with the proven aim of harming them”.

v.

The defendant's reply

By e-mail of November 6, 2019, the defendant formulates its last reply as follows:

“Mr. X still does not provide any proof of his work within company V. This

email address really exist? Was it attributed to him or to another person with the

same name ? We also know nothing about the use of this email by Mr. X. When

did he work and for how long for company V? In what role? Mr X hides

deliberately his work as a consultant for third-party companies before the Family Court.

Mr. X still does not explain why, for 4 months, he did not oppose my

few (3 in total) shipments to this email. He filed a complaint against me only after receiving

the judgment of the Family Court. We will have to wonder why he is depositing

complaint against me only during the summer.

Mr. X does not deny having used my professional email. He doesn't explain why he does it.

Mr. X does not present the damages he suffered because of my use of this email -

which we still do not know if it ever belonged to him - but he is asking for a fine. His

explanations rather show a personal frustration with the judgment of the Court of

Family and a hatred against me. I ask the Tribunal to consider this request which

is more a matter of personal hatred.”

VI.

On the reasons for the decision

On the context of the complaint and the advisability of dealing with it

The Litigation Chamber takes due note of the fact that the complaint is made within the framework of

execution of a judgment of the Family Court and concerns the channel of communication chosen by

the defendant to execute the judgment and send quarterly statements of expenses to the plaintiff, to

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know, in particular, the business address of the complainant3. The Litigation Chamber considers that the

plaintiff would have been well advised to ask the APD front-line service about it, and

could have requested mediation in order to clarify for each of the parties the channel of communication

suitable for executing the judgment entered.

The first-line service of the Data Protection Authority, if it had received a request

(request for information within the meaning of Article 22 § 2 LCA) and not a complaint, could have ordered the

parties to use their personal and non-professional email addresses in the future. In particular, the

Front line service could have informed the defendant of the need to choose the channel of

suitable (non-professional) communication with the other party to refrain from communicating at all

third parties who do not have to know the personal data concerned by the complaint, namely, the

data relating to the dispute with her ex-husband before the Family Court and the data of

the health of his daughter, which are also health data justifying protection

particular according to Article 9 of the GDPR.

In this case, the Litigation Division deemed it appropriate to hear the arguments of the parties,

insofar as the facts related in the complaint relate in particular to the health data of a

minor child and involve potential harm to the complainant's professional life. He imports

in particular to the Litigation Chamber to clarify the good practices to be implemented in

similar situations, involving the personal data of minors in the context of the execution of

family court judgments. However, the Litigation Chamber does not intend to encourage the

submission of complaints in this context and reserves the right, depending on the case, to classify such

complaints with a view to referring the parties to a mediation procedure with the Service de

First line.

It is certainly the responsibility of the Data Protection Authority to facilitate the exercise of complaints (art. 57.2 of the

GDPR), but not to encourage the hasty lodging of complaints without leaving room for mediation

and prior reflection, as in the present case where the complainant addressed his complaint to the DPA,

according to the documents provided, only a few hours after notifying the defendant of its intention

not to receive his daughter's expense reports via his professional email address "@V.com", and

even though it appears from the complainant's own documents that in April 2018, he addressed the

correspondence relating to his daughter's expense reports simultaneously to the "hotmail" address and to

the defendant's "@W.be" address (Exhibit 1.2 of the complaint) and while it also appeared in

course of proceedings that this "W" e-mail address is of a professional nature and corresponds to the

SPRL of which the defendant is the manager.

3 Since the text of the judgment was not submitted as an exhibit, the Litigation Chamber relies on the description given by

the parties and understands, given the nature of the dispute, that the terms of communication between the parties have not beer

in this judgment.

On the jurisdiction of the Litigation Chamber to take cognizance of the request

counterclaim introduced by the defendant by way of conclusion

The Litigation Chamber intends to specify the extent of its jurisdiction with regard to the request

of sanction formulated by the plaintiff against the complainant, as a “counterclaim” by

way of conclusion. The rules of procedure of the Litigation Chamber, as set out in the LCA

and the ROI do not provide for the ability to submit such requests. This is a mechanism described

and framed in the Judicial Code (articles 807 and following), which as such does not apply from

suppletive way to the Litigation Chamber whose procedure is specific, of an inquisitorial nature

more than adversarial, for the reasons set out in decision on the merits no. 17/2020 from April 28

2020.

The Litigation Chamber is an administrative body of the Data Protection Authority and in

as such, is not part of the courts and tribunals of the judiciary, as specified in article 4

§ 2 of the ACL. The Litigation Chamber is the "administrative litigation body" of the Authority of

Data Protection (art. 32 LCA). Its dispute resolution procedure is administrative and

non-jurisdictional4.

The decisions of the Litigation Chamber are subject to full jurisdiction appeal to a

Court of the judiciary, namely, the Court of Markets. This recourse mechanism guarantees the

respect for the rights of the defense in that it allows the Litigation Chamber to decide on points

civil law while being an administrative body, and therefore not subject to the Code

judicial5.

If it is not familiar with the counterclaim mechanism of the Judicial Code, the Chamber

litigation may, however, take into account facts or grievances subsequently developed by way of

conclusion by the parties insofar as these are facts or legal arguments related to the infringement

of which it has been seized by complaint, and in compliance with the rights of the defence. The

jurisdiction of the Litigation Chamber is in fact based on the factual elements presented to it

provided in the complaint, under article 92, 1° LCA.

The Litigation Chamber is nevertheless not competent to carry out a self-referral relatively

to facts or grievances that are unrelated to the facts and grievances related in the initial complaint. In

this measure, if the defendant considered it appropriate to introduce its own grievances against the

4 See opinion 61 267/AV of the Council of State of 15 June 2017 on the nature of the Litigation Chamber as a body

judicial or administrative. The ACL Bill has been amended to remove any uncertainty regarding

the administrative nature of this body, both in its composition and in its procedural dimension (DOC 54 2648, p. 8).

5 CA Brussels, 23 October 2019, 2019/AR/1234, p. 17, footnote 1.

complainant, it was his responsibility to lodge a new complaint with the Frontline Service of

the Data Protection Authority. In such a case, the Litigation Chamber can then

decide to treat such complaints as related when they are linked together by a relationship

so narrow that there is an interest in investigating them and settling them together, in order to avoid solutions

contradictory6.

In this case, in response to the complaint, the defendant, brought to the attention of the Chamber

litigation a new fact, namely, the use by the plaintiff of his professional address to

Communicate about the enforcement of the family court judgment. The Litigation Chamber

cannot agree to treat this new fact as a counterclaim aimed at penalizing

the complainant. The Litigation Chamber is however competent to examine this new fact in relation

with the facts of the complaint, to determine whether or not there may be mitigating circumstances

or aggravating on the part of the defendant within the meaning of Article 83 of the GDPR, depending on whether or not it is

proved that the complainant would have adopted the same behavior towards him as that alleged in the

facts of the complaint, and insofar as the Litigation Division deems it appropriate to impose a

sanction.

On breaches of the GDPR

The use of an e-mail address for sending messages, in the case of data processing to

personal nature, must be done on the basis of an adequate legal basis among the possibilities offered

in Article 6 of the GDPR (for example, the fulfillment of a legal obligation, the legitimate interest, the

consent, etc).

In this case, according to the information sent to the Litigation Chamber, the judgment of the Tribunal

of the family ordered the sending of a quarterly statement of expenses to the plaintiff without specifying the method of

communication to adopt. By default, this should be sent to the complainant's postal address (given

personal in principle public) or to the e-mail address that he would have indicated for this purpose, normally

the private email address. In these circumstances, the Litigation Chamber considers that the only basis

Adequate legal basis for the processing of this professional e-mail address would be consent (Art.

6.1, a GDPR), and that the defendant cannot invoke a legitimate interest (art. 6.1, f GDPR) for

justify this data processing, as set out in more detail below.

6 The Litigation Division does not rule out that the legislator may one day consider it appropriate to clarify this point of procedure

royal decree specifying the LCA on this point. Such a provision was, for example, introduced in the Royal Decree of 26 January

laying down the procedure for settling disputes mentioned in article 4 of the law of 17 January 2003 concerning appeals and

processing of disputes on the occasion of the law of 17 January 2003 relating to the status of the regulator of the postal and

Belgian telecommunications (M.B. 8 February 2018).

 Absence of legal bases for the processing of the personal data concerned

The onus is on the defendant to demonstrate that she would have received consent to use the address

Complainant's professional e-mail "@V.com" for the transmission of his daughter's expense reports. The

defendant does not provide proof of such an agreement. On the basis of the factual elements which are

transmitted, the Litigation Division finds that the defendant used at least once the address

professional e-mail of the defendant without having the necessary consent for this purpose, namely,

by disregarding on June 30, 2019 the plaintiff's express request not to use this address.

Therefore, the defendant infringed Article 6.1, a of the GDPR.

In both cases, the parties do not provide proof of the existence of a dispute as to the

the use of their respective professional addresses (@V.com and @W.com) before the exchange

email of June 30, 2019 which gave rise to the complaint. The Chamber, however, takes note of the clarification

provided by each of the parties as to their wish that their business address no longer be

used in the future in connection with the execution of the judgment of the Family Court in question.

It is incumbent on the defendant to have an adequate legal basis to proceed with the sending by e-

email of his child's personal data, including health data. As it happens,

the data in question could be legitimately processed in the context of the execution of the judgment

between the parties insofar as it was a processing "necessary for compliance with a

legal obligation" to which the defendant, responsible for processing this data, is subject,

namely, to send the expense reports to the plaintiff (art. 6.1, c GDPR). It is also permitted to

process health data when the processing is “necessary” for the exercise or defense

a right to legal action (art. 9.1, f GDPR).

The same legal basis obligation concerns the sending by e-mail of personal data relating to a

family litigation with the opposing party. In this case, the data in question could

also be legitimately processed in the context of the execution of the judgment entered into between the

parties, also being processing "necessary for compliance with a legal obligation" to

to which the defendant is subject (art. 6.1, c of the GDPR). As stated in the complaint, indeed,

the defendant “must establish and send quarterly a statement of expenses concerning” the child

common to the parties.

However, this processing of personal data must be limited to the purpose pursued, namely

enforcement of a court decision (Art. 5.1 GDPR). These treatments must also be

carried out in compliance with the security (confidentiality) of this data (art. 32 GDPR). That implies

in particular not to communicate personal data, a fortiori health data,

in such a way that they risk being disclosed to third parties who do not need to know about them. Such a

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transmission of personal data to third parties would disregard the security and purpose of the processing,

as permitted by articles 6.1, a and c juncto 9.1, f of the GDPR, namely, the execution of the judgment.

It is up to each of the parties to ensure that the mode of communication used guarantees a

adequate level of security (confidentiality) for the data of the opposing party and the data of

the health of the child concerned, on the one hand, and on the other hand, that the data thus communicated are

compatible with and limited to the purpose pursued, namely the communication between parties of the statements

costs in execution of the judgment reached in the Family Court.

In her capacity as data controller of her minor daughter in the context of the dispute, the

defendant is bound by the principles of data protection and must be able

to demonstrate that these are respected (principle of responsibility – article 5.2. of the GDPR). She must

also implement all the necessary measures for this purpose (Article 24 of the GDPR),

in particular the appropriate organizational and security measures with regard to the processing

such data via e-mails, in particular to prevent them from being read by third parties who

don't have to know about it.

In this case, from the moment when on June 30, 2019, the complainant clearly indicates by e-mail to

the defendant that the personal data sent to the address @V.com are likely to be

read by third parties, it is up to the defendant, as a precaution, to refrain from sending the data

health of her daughter at this address, in addition to the obligation - discussed above - to respect the will of the

complainant regarding the use or not of this communication channel.

 Clarification on the legal basis "legitimate interest"

The Litigation Chamber wishes to specify that the defendant has, in its opinion, no legitimate interest

on the basis of article 6.1, f of the GDPR to send the personal data including health of his daughter

to the professional e-mail address of the complainant in order to possibly feed his dispute of the

amount of food data collected7.

Article 6.1, f of the GDPR, in fact, allows data processing when it is “necessary for the purposes

legitimate interests pursued by the controller or by a third party, unless

The interests or fundamental rights and freedoms of the data subject which require

protection of personal data, in particular when the data subject is a

7 The Litigation Division refers in this respect to the defendant's last reply and to the questions posed on the subject

of the complainant's professional occupations "Mr. X still does not provide any proof of his work within the

company V. Does this email address really exist? Was it attributed to him or another person with the same name?

We also do not know anything about the use of this email by Mr. X. When did he work and for how long for

company V? In what role? Mr. X deliberately conceals his work as a consultant for third-party companies from the

Family Court” (last response from the defendant, email of November 6, 2019).

child”. The case law of the Court of Justice of the European Union further requires that the

data controller wishing to invoke Article 6.1.f) of the GDPR8 meets “three conditions

cumulative for the processing of personal data to be lawful, namely,

first, the pursuit of a legitimate interest by the controller or by the third party(ies)

to whom the data is communicated, secondly, the necessity of the processing of the data to

personal character for the achievement of the legitimate interest pursued and, thirdly, the condition

that the fundamental rights and freedoms of the person concerned by data protection

do not prevail".9

However, in the present case, the defendant does not claim, and a fortiori does not demonstrate that it could

invoke such legitimate interest. The Litigation Chamber emphasizes that the defendant's interest in building

his defense in family court or on appeal could not justify the transmission to third parties

personal data of his daughter, a fortiori minor at the time of the facts. The Litigation Chamber

considers that the fundamental right of this child to the protection of his personal data - a fortiori

when it comes to health data - prevails over the possible interest of his mother in making the

complainant about the existence or not of independent activities within company V, provided

that such data processing is necessary for the implementation of a legitimate interest, which

is not demonstrated.

The same reasoning also applies to the transmission of data relating to the

dispute between the defendant and the plaintiff before the Family Court. To conclude to

absence of legitimate interest, the Litigation Chamber takes into account the plaintiff's freedom to

trade10 with company V as an independent collaborator and the potential damage caused

to his possible future professional relations with this company by the repeated transmission of

personal data relating to a family law dispute. Also on this point of discussion,

the Litigation Chamber considers that the complainant's fundamental right to the protection of his data

personal interests as well as his right to free enterprise prevail over the possible interest of the defendant

to react to the complainant about the existence or not of independent activities within the company

V, insofar as such data processing is necessary for the implementation of an interest

legitimate, which has not been demonstrated.

8 Formerly Article 7(f) of Directive 95/46, cited in the judgment of the Court, with regard to Directive 95/46/EC of

European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing

personal data and on the free movement of such data, OJ L 281 of 23/11/1995, p. 0031, replaced by the

GDPR.

9 CJEU, 4 May 2017, C-13/16, Rīgas, ECLI:EU:C:2017:336, para 28, ECLI:EU:C:2019:1064, and 11 December 2019, C-708/18

Asociația de Proprietari block M5A-ScaraA "M5A-ScaraA", para 40.

10 Freedom to conduct a business is enshrined in Article 16 of the Charter of Fundamental Rights of the European Union, and is

rights and fundamental freedoms with which the interest of the data controller or the third party must be confronted in order to ac

a decision on whether or not there is a legitimate interest to process personal data in a particular circumstance

(See Group 29, Opinion 06/2014 of April 9, 2014 on the notion of legitimate interest pursued by the data controller

data within the meaning of article 7 of directive 95/46/EC, WP217, p. 38).

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Therefore, by sending by e-mail to the address "@V.com" health data of his daughter as well as

data relating to the dispute between the complainant and the complainant after having received information from the latter

clear that this address could be consulted by third parties, the defendant infringed the

articles 5.1, 6.1 (a) and (c), 9.1 (f), 24 and 32 of the GDPR.

VII.

On corrective measures and sanctions

Under the terms of Article 100 LCA, the Litigation Chamber has the power to:

1° dismiss the complaint without follow-up;

2° order the dismissal;

3° order a suspension of the pronouncement;

4° to propose a transaction;

5° issue warnings or reprimands;

6° order to comply with requests from the data subject to exercise these rights;

(7) order that the person concerned be informed of the security problem;

8° order the freezing, limitation or temporary or permanent prohibition of processing;

9° order the processing to be brought into conformity;

10° order the rectification, restriction or erasure of the data and the notification thereof

data recipients;

11° order the withdrawal of accreditation from certification bodies;

12° to issue periodic penalty payments;

13° to impose administrative fines;

14° order the suspension of cross-border data flows to another State or an organization

international;

15° forward the file to the public prosecutor's office in Brussels, who informs it of the follow-up

data on file;

16° decide on a case-by-case basis to publish its decisions on the website of the Authority for the protection of

data.

In this regard, when determining its penalty, the Litigation Division takes into account the fact that

the plaintiff also used the business address of the defendant11 to send him his

family court execution responses and grievances. The defendant may therefore have

understand the seriousness of the violation committed when she decided to deliberately ignore

the plaintiff's injunction to no longer use his professional address to transmit the statements of

expense of their daughter.

11 Complainant's email to Respondent dated April 18, Complainant's Exhibit 1.2.

As indicated above, the Litigation Chamber is however not competent to take

any decision or sanction against the plaintiff concerning the “counterclaim” part

of the plaintiff's grievances, namely, the complainant's use of the professional e-mail address

of the defendant. However, the Chamber considers without prejudice that the Complainant would be well

inspired to refrain from using the plaintiff's business address in the future. The fact that this

professional address corresponds to a company of which the defendant is the managing director

does not prevent the risk of this data being consulted by third parties (e.g. secretary, etc.).

The Litigation Chamber therefore intends to issue a warning against the defendant

for the future: any new use of this professional address within the framework of the execution

of this judgment (in particular for the sending of quarterly expense reports) will constitute an infringement of the

aforementioned articles of the GDPR.

If informed of new similar facts, the Litigation Chamber could order

prohibition of processing and impose a fine, since each of the parties is now

duly informed of the GDPR rules to be observed in the context of the execution of the decision of the

Family Court which concerns the sending of the statements of expenses of the child of the parties.

The Litigation Chamber, however, invites the plaintiff and the defendant to avoid any exacerbation

of this conflict of family origin and favor mediation with regard to the processing of data

relating to the execution of this judgment of the Family Court, in the obvious interest of all

parties to the case, and of their child, whose health data have been processed in ignorance

fundamental principles of the GDPR.

Furthermore, given the importance of transparency with regard to the process

decision-making and the decisions of the Litigation Chamber, this decision will be published on the website

of the Data Protection Authority by deleting the direct identification data

of the parties and persons cited, whether natural or legal.

FOR THESE REASONS,

The Litigation Chamber of the Data Protection Authority decides, after deliberation, to:

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Issue a warning against the defendant on the basis of Article 100 § 1,

5° LCA: any new use by the defendant of the professional address of the

plaintiff in the context of the execution of the judgment of the Family Court between

the parties (in particular for the sending of quarterly expense statements) will constitute an infringement

in Sections 5.1; 6.1, a and c, 9.1, f, 24 and 32 GDPR.

Under Article 108, § 1 LCA, this decision may be appealed to the Court of

markets within 30 days of its notification, with the Authority for the protection of

given as a defendant.

(seg.) Hielke Hijmans

President of the Litigation Chamber