

REPUBLIC OF CYPRUS No. Fac.: 11.17.001.009.072 OFFICE OF THE COMMISSIONER FOR PERSONAL DATA

PROTECTION DECISION Complaint for personal data breach at the Citizen Service Center in XXX Incident Based on the duties and powers granted to me by article 57(1)(f) of the Regulation (EU) 2016/679 on the protection of natural persons against the processing of personal data and on the free movement of such data (hereinafter the "Regulation"), I examined a complaint submitted to my Office on 20 April 2021 regarding the loss of a file which delivered by Mr. XXX (hereinafter the "complainant") to the Citizen Service Center in XXX (hereinafter the "CIT"). Based on the investigation, I found a violation of the Regulation by the Department of Public Administration and Personnel (hereinafter the "Department"), to which the Citizen Service Center in XXX falls, and therefore issue this Decision.

A. 2. In the context of the complaint submitted to my Office on April 20, 2021, as well as in electronic letters sent by the complainant on December 1 and December 22, 2021, the following are mentioned:

2.1. on April 5, 2021, the complainant visited the KEP, to submit an application for the granting of student sponsorship for his student daughter, XXX. The application included personal data of the complainant, XXX's wife, his student daughter, as well as XXX's daughter. In particular, the application included, among other things, bank account numbers, tax returns, certificates from the employer and higher education institutions. The application, together with the attached documents, was placed in a closed envelope of A4 size.

2.2. The KEP security guard, who was at the entrance, did not allow the complainant to enter the KEP and instructed him to leave the application envelope in a paper box ('cassia') located next to the door without, as Complainant's Positions Iasonos 1, 2nd floor, 1082 NICOSIA / PO Box 23378, 1682 NICOSIA. Tel: 22818456, Fax: 22304565 E-mail: commissioner@dataprotection.gov.cy, Website: <http://www.dataprotection.gov.cy> the complainant reports, absolutely no supervision and control. The complainant requested proof of receipt of the application, and was informed that a message would be sent to his mobile phone within 48 hours.

2.3. On April 13, 2021, the complainant sent an email to the KEP, at the email address XXX@papd.mof.gov.cy, with notification to the Student Welfare Service (hereinafter the "Service") of the Ministry of Education, Culture, Sports and Youth (MOEC), at grants@moec.gov.cy. The email was addressed to the Head of the KEP. In the e-mail, the complainant mentioned his visit to the KEP, and that since he did not receive any message on his mobile phone until the specific day, namely April 13, 2021, he contacted the KEP. A KEP officer informed him that he had searched everywhere and could not find his application, and advised the complainant to submit a new application. Also, in the e-mail the complainant asked the Head of the KEP that, if the latter had any doubt that he had submitted an application, to review the Closed Circuit Video Surveillance (CCV) of the KEP to ensure that he had submitted an

application. Also, the complainant requested that, if his application is not found, an official of the KEP be appointed to collect all the information and documents of various services, which he submitted with his application, and that this official go to the place of work or residence of the complainant for to complete a new application. It is noted that the said information was submitted by the complainant to my Office on December 1, 2021. 2.4. Since, until April 14, 2021, the complainant did not receive a relevant message on his mobile phone or any other notification, he contacted KEP by phone. The operator who answered his call, after looking for his application, informed him, according to the complainant, that it was most likely lost and, therefore, he should submit a new application. It is noted that this information was submitted to my Office with the original complaint on April 20, 2021. 2.5. The following day, on April 15, 2021, the complainant visited XXX Police Station to report the loss of the file. The Police, who registered the complaint, contacted the Head of the KEP by phone and they agreed with the complainant to wait until April 19, 2021, in case the file in question is found. 2.6. On April 19, 2021, the complainant telephoned the Head of the KEP, who informed the complainant that the application file has not been found and, as the complainant states, no one knows where it is. He advised him to submit a new application. In the complainant's comment as to why the legislation is not being implemented and a flawed procedure was adopted, the complainant received the reply that they are following the instructions given to them. 2.7. On the same day, the complainant visited the XXX Police Station, to inform about the telephone communication he had with the Head of the KEP. The complainant was informed that his complaint had been registered but as he had not yet suffered any damage / damage there was nothing they could do. 2.8. The Chief of the KEP admitted to the Police that from the examination of the KEP's KKBP there is a record of the presence of the complainant and the 2 delivery of the file to the guard, at the time reported by the complainant, i.e. April 5, 2021, and the Police recorded the conversation that he had with the Head of the KEP. After the above finding of the Head of the KEP, he accepted that a new application be submitted by the complainant without presenting the required documents, since they had been lost, while he offered to send an official to receive the complainant's application, so that he would not have to the complainant goes back to the KEP. It is noted that the time when the events referred to in this paragraph occurred has not been determined by the complainant. Positions of the Department of Public Administration and Personnel 3. The Department in its letters to my Office dated June 8, 2021 and January 11, 2022, in response to my Office's letters dated May 13 and December 23, 2021 respectively, as well as the Breach Incident Notification form which the Department submitted to my Office on July 2, 2021, as indicated by my electronic letter dated June 29, 2021, states the following: 3.1. On April 13, 2021, the complainant contacted KEP by phone and asked to be

informed of the status of the application for Student Care Allowance, which he submitted on April 5, 2021 for his daughter, XXX, because he had not received a message on his mobile phone to submit of the application. The KEP operator checked through the Service's computerized system, to which the KEP has access, and found that there was no registered application for the complainant's student daughter. The operator informed the complainant about this and told him that the Head of the KEP, who was absent on that particular day, would be informed and that the matter would be examined and informed about.

3.2. The Head of the KEP, as soon as he was informed, gave instructions to check every possible place where the application might be, and at the same time contacted an officer of the Service, which handles the applications, and informed her about the matter, asking her to check the applications sent by the KEP with the box dated May 12, 2021. In that box were sent the applications submitted during the week of April 5 to 9, 2021, and it was estimated that the application that the complainant claims to have submitted was likely to be mistakenly linked to another application that the KEP received that week. The officer of the Service stated that at the given moment it was very difficult to check the applications, due to the very large number of applications and documents that were mixed with the rest of the applications received from other points and from the other KEPs. Therefore, he informed that in case the application was linked to another application, this would be established when each application is examined separately. Nevertheless, as he mentioned, he would make an effort to locate the application.

3.3. On April 15, 2021, the complainant visited XXX Police Station and complained that his application was lost. The Policewoman on duty, in the presence of the complainant, called the Head of the KEP and asked for information on the matter. The Head of the KEP explained the procedure followed, that the matter is being investigated in cooperation with the competent authority and as soon as there were any developments the complainant would be informed. 3.4. On April 20 and 21, 2021, there was an exchange of electronic messages between the Head of the KEP and the Service. From the correspondence it appears that the application could not be located. However, to serve the complainant and to avoid the possibility of missing the application schedule, and the related allowance, an arrangement was made with the Service that the complainant submits re-application, which would be registered with the date he claims to have submitted the application, which is April 5, 2021. Further, the complainant would not be required to resubmit any required documents related to government agencies. On April 20, 2021, telephone contact was made with the complainant. In particular, the complainant was informed that until that moment his application had not been located, but it was most likely that it would be found when each application would be examined separately by the Service. In addition, in order to rule out any possibility of not receiving the relevant allowance, it was

suggested that he submit a new application in which he would only present the certificate of attendance from the University and the rest of the documents would be arranged by the KEP in collaboration with the Service. 3.5. In addition to the check that was carried out inside the premises of the KEP to identify the application and in addition to the communication with the Service, telephone contact was also made with other Departments, which in the said period were sent applications / documents concerning them and were asked to check against how much the said application was sent to them by mistake. However, there was no result. 3.6. On 21 April 2021, the complainant visited the KEP and submitted a new application. The application was personally sent to the Service officer and registered with the applications dated April 5, 2021. Both the Department - KEP and the Service, as the competent authority, took all possible actions with the aim of not inconveniencing the complainant and not losing the student welfare allowance. 3.7. Upon receipt of my Office's letter dated May 13, 2021, the Head of the KEP again requested, by email dated May 19, 2021, the Service to check whether the complainant's original application was located. The Service, by email dated June 1, 2021, informed that the application could not be located, noting, however, that when the chronological order of the applications received on the dates in question would arrive, it would be re-checked and if the application was located, the KEP would be informed about it. 3.8. As reported, as of June 7, 2021, the investigation to locate the application had not been completed. Therefore, according to the Service's claim, the loss of the application had not yet been established with certainty, in order to activate the process of dealing with security incidents and reporting personal data breach incidents, of which all KEPs are aware. Also, in the Notification of Incident form submitted to my Office on 2nd July 2021, it is stated that "complainant's allegation that he has applied has not been substantiated". 4 In addition to the above data, the Department has recorded the following 3.9. The Department has sent to my Office: 3.9.1. a sample summary form for sending applications to the Service, in which the type of applications, their number and any comments are recorded, 3.9.2. a sample of the consolidated daily statement of the applications submitted on a specific day, which was printed through the computerized system, 3.9.3. electronic messages of the Head of the KEP to the Service, dated April 20 and 21, 2021, as well as a reply to him from the Service, dated April 20, 2021, 3.9.4. electronic message from the Head of the KEP to the Service, dated 19 May 2021, i.e. after the complaint was submitted to my Office, as well as a reply to him from the Service, dated 1 June 2021. 4. Regarding the KEP's KKPP, the The department stated that this had been checked by the Head of the KEP, based on the information provided by the complainant (date and time of attendance, car type and number). It was established that the complainant visited the KEP on April 5, 2021. It appeared from the KKBP that in the

presence of the security guard, the complainant placed a white envelope in the application box located at the entrance of the KEP and then left the building. In addition to this, it was not possible for the KKBP to monitor the course of the file and to draw other conclusions such as for example the content of the file and whether it included the relevant documents. 5. elements: 5.1. The application was not received by an official of the KEP, in order to verify what information had been filled in. In general, the information requested to complete the application for student welfare for the academic year 2020 - 2021 (FORM K.F.M. 6) concerns name, identity number, social security number, date of birth, tax registration number, postal address, email address, mobile phone, financial information (income, assets), type of occupation, status for the applicant, spouse, student and dependent children (family). In addition, the student's residential address, student's study details and international bank account number of the applicant or authorized representative are requested. All of the above must be submitted accompanied by the required supporting documents. Therefore, the incident concerns a violation of the following categories: name, identity number, social security number, contact information (postal address, e-mail, telephone numbers), financial information (annual earnings, income), bank account IBAN number, proof of attendance and proof of tuition payment. 5.2. The incident concerns a violation of the availability of personal data, but not a violation of confidentiality or a violation of data integrity. The cause of the incident is also unknown. 5.3. A possible consequence of the incident is the misuse or interception of identity information as well as other data, however the severity of the possible consequences is small. 5 The Department identifies differences between the facts as it has also recorded 5.4. To deal with the incident, the following measures were taken by the Department: 5.4.1. telephone communication with the Service on April 13, 2021 to check the applications received on April 12, 2021 by the Department, 5.4.2. exchange of electronic messages on April 20 and 21, May 19 and June 1, 2021 with the Service, to check the applications sent, 5.4.3. telephone notification of the complainant, on April 20, 2021, that his application had not been located and a recommendation to submit a new application only with the certificate of attendance from the University, 5.4.4. telephone communication with other Departments that in that period had sent applications or documents from the Department. 5.5. After contacting the Service and following a check by the computerized system, it was found that the complainant's new application was approved and on June 18, 2021, the amount of €1,185 was paid. Regarding the original application, the Service informed that it was not possible to locate it. 6. of the allegations of the complainant. Specifically, the Department maintains that: 6.1. The box is always guarded by the security guard and/or KEP officer, who is at the entrance. The guard is at the KEP every day, throughout its operation. Therefore, the Department states that the allegation of the complainant that the

box was without any supervision and control is not true. 6.2. The complainant contacted KEP by phone on April 13, 2021, and not on April 14, 2021 as he stated. 6.3. It took place on April 20, 2021, and not on April 19, 2021. 6.4. The claim of the complainant that the legislation was not applied is not valid, since nowhere in the legislation for which the competent authority is the "parent Service (Ministry of Education, Culture, Sports and Youth)" is the method of receiving the Service's applications mentioned. The Head of the KEP informed the complainant that compared to previous years, the application process had changed, given the special measures taken to prevent the spread of the COVID-19 coronavirus and the need to implement the Decrees of the Ministry of Health as well as the relevant circulars and instructions. 6.5. The complainant's report that he sent an electronic message to KEP on April 13, 2021 is not correct. The complainant's communication with the officials and the Head of the KEP was always by telephone. 6.6. The claim of the complainant that he requested, as in the event that his application was not found, that an official of the KEP be appointed to collect the documents he submitted with his application from the various services and to go to the place of work or residence of the complainant is not correct. , to complete a new application. The recommendation to submit a new application, without the presentation of the documents related to the state services, was made by the Head of the KEP after consultation with the Service as well. of the Head of the KEP with the complainant communication on 6. As mentioned in the letter of the Department dated June 8, 2021 as well as 7. and in the notification form of the incident on July 2, 2021, regarding the ways of serving the citizens, taking into account the measures to prevent the spread of COVID-19, the Decrees of the Ministry of Health as well as relevant circulars and instructions, the KEP serve the public by arranging appointments in advance (e.g. for submitting applications for issuing an identity card, passport, driver's license, etc.). 7.1. According to the claim of the Department, regarding the applications for allowances, aids, etc. including the applications for student sponsorship / care, the procedure followed is as follows: 7.1.1. boxes have been placed at the entrance of each KEP for the submission of applications and supporting documents for various issues, including applications for the student sponsorship allowance. For each category / topic there is a separate box, 7.1.2. at the entrance of the KEP there is a guard on a daily basis, who informs and guides citizens in which box to place their application, depending on the subject, 7.1.3. subsequently during the day, KEP officers collect the applications from the boxes and enter the details of the applications in the various computerized systems of the competent authorities / "mother Services", to which the KEP officers have access, after the approval of each "mother Service", depending on the subject, including applications for student sponsorship, 7.1.4. regarding student sponsorship applications, as soon as the details of these are registered by the KEP

officials in the Service's system, an automated message is sent from the system to the applicant's mobile phone that the application has been received, 7.1.5. at the end of the day all the applications submitted are collected and tied together, the computerized system prints the consolidated daily statement of the applications submitted that day, which is detailed (with information on the category, the type of application, the sender, the date of receipt), the subject and this status is placed at the top of the applications, 7.1.6. every week all the collected applications are placed in boxes and sent by Akis Express to the Service for examination, accompanied by the aggregated statement mentioned above (inside the box), as well as a summary Application Dispatch Form (with information on the type and the number of applications and any comments), so that it is clear what applications / supporting documents etc. are in each box. The Application Dispatch Form is signed both by the KEP officer, who sends it, and by the Service officer who receives the documents. The signed consignment note from the Service is sent back to the KEP. 8. In the framework of strengthening the insurance barriers and the control mechanism to avoid similar incidents in the future, relevant additional actions have already been taken by the Department. In particular, a "Register of Delivery of applications to the box" has been created which is located at the entrance of the KEP. The register in question is signed by a KEP official who notes the type of application / supporting document / document that was placed in the box. The register is also signed by the bearer of the above. With this arrangement, the KEP is able to check whether any application / documents / supporting documents were submitted to the box, the date of submission and the person who submitted them. 7

8.1. Also, the Department pointed out to my Office that, despite the huge volume of applications handled through the KEPs, the errors observed, due to the procedures followed, are minimal. 9. On June 9, 2022, I sent the Department a prima facie Decision, after finding that there is a prima facie violation of Articles 5(1)(f), 24(1), 32(1) and 33(1) of the Regulation. 9.1. Also, before taking a Decision on the possible imposition of an administrative fine, the Department was invited to submit within four weeks, from the taking of the prima facie Decision, the reasons and circumstances that should be taken into account in the context and for the purposes imposing an administrative sanction, pursuant to article 58(2) of the Regulation and article 32(1) and (3) of Law 125(I)/2018. 10. In the context of the right to a hearing provided for the reasons and circumstances that should be taken into account for the purposes of imposing an administrative sanction, pursuant to article 58(2) of the Regulation and article 32(1) and (3) of the Law 125(I)/2018, the Department, in a letter dated July 4, 2022, quoted the following: 10.1. The decision to accept applications in boxes was made in March 2020, at the beginning of the measures to deal with the COVID-19 pandemic, to make it possible to continue serving the citizens, while observing the necessary measures. The mode of

operation of the KEPs in all provinces had been differentiated, with the aim of protecting both employees and the public and, taking into account the restriction of movements, on the basis of the relevant government Decrees and directives. It is also reported that during the same period, some other Services did not accept any public for service in their premises. 10.2. The arrangement for receiving applications through boxes continued throughout the measures to deal with the pandemic for better and faster service to the citizens. It is however acknowledged by the Department that although measures were taken to secure the documents received through the boxes, as stated in its letter to my Office dated 11 January 2022, these were not sufficient due to the nature of the arrangement. 10.3. In view of the above, and in the context of the termination of the measures related to the limitation of the number of people who can be indoors at the citizen service offices of Public Authorities, from May 20, 2022, the receipt of applications through boxes at all KEP has been terminated. Citizens are served in the mentioned services provided by the KEP, such as for example services related to the receipt of applications for pensions, allowances and assistance from the Social Insurance Services, for the Minimum Guaranteed Income, or Student Sponsorship, is done within the KEP by an officer service, with simultaneous registration of applications in the relevant information system, where applicable. 10.4. After consultation between the Department / KEP with the Service, the complainant was not adversely affected, since his application was examined by the Service and he was paid the allowance for the student sponsorship. 8

Legal Framework B. 11. According to article 4 of the Regulation, personal data is interpreted as "any information concerning an identified or identifiable natural person ("data subject"); an identifiable natural person is one whose identity can be ascertained, directly or indirectly, in particular by reference to an identifier such as a name, an identity number, location data, an online identifier or one or more factors specific to the physical, physiological, genetic, psychological, economic, cultural or social identity of the natural person in question". Pursuant to the same article, a personal data breach is a "breach of security that leads to the accidental or unlawful destruction, loss, alteration, unauthorized disclosure or access of personal data transmitted, stored or otherwise processed". Also, in the same article, the data controller is defined as "the natural or legal person, public authority, agency or other entity that, alone or jointly with others, determines the purposes and manner of processing personal data; when the purposes and the manner of such processing are determined by Union law or the law of a Member State, the controller or the specific criteria for his appointment may be provided for by Union law or the law of a Member State". 12.

Article 5 of the Regulation includes the principles governing the processing of personal data. The principle of integrity and confidentiality, as referred to in paragraph 1(f) of this article, states that personal data "are processed in a way that guarantees

the appropriate security of personal data, including their protection from unauthorized or unlawful processing and accidental loss, destruction or damage, using appropriate technical or organizational measures". 13. Pursuant to article 24 of the Regulation, the following are provided for: "1. Taking into account the nature, scope, context and purposes of the processing, as well as the risks of different probability of occurrence and severity for the rights and freedoms of natural persons, the controller implements appropriate technical and organizational measures in order to ensure and can demonstrate that the processing is carried out in accordance with this regulation. These measures are reviewed and updated when deemed necessary. When justified in relation to the processing activities, the measures 2. referred to in paragraph 1 include the implementation of appropriate policies for the protection of data by the controller." 14. Additionally, for the security of processing, article 32 of the Regulation provides, among other things, that: "1. Taking into account the latest developments, the cost of implementation and the nature, scope, context and purposes of the processing, as well as 9 of the pseudonymization and encryption of personal data the risks of different probability of occurrence and severity for the rights and freedoms of natural persons of persons, the controller and the processor implement appropriate technical and organizational measures in order to ensure the appropriate level of security against risks, including, among others, as appropriate: a) character, the possibility of ensuring privacy, integrity, b) availability and reliability of processing systems and services on an ongoing basis, c) the possibility of restoring the availability and access to personal data in a timely manner in the event of a natural or technical event, d) a procedure for regular testing, assessment and evaluation the effectiveness of the technical and organizational measures to ensure the security of the processing. 2. When assessing the appropriate level of security, particular consideration shall be given to the risks deriving from processing, in particular from accidental or unlawful destruction, loss, alteration, unauthorized disclosure or access to personal data transmitted, stored or otherwise submitted to processing." 15. Pursuant to article 33 of the Regulation, regarding the Notification of a personal data breach to the Supervisory Authority, it is provided that: The processor informs the controller without delay, In the event of a personal data breach, the "1. controller shall notify without delay and, if possible, within 72 hours of becoming aware of the personal data breach to the supervisory authority competent in accordance with Article 55, unless the personal data breach is unlikely to cause risk to the rights and freedoms of natural persons. Where notification to the supervisory authority is not made within 72 hours, it shall be accompanied by a justification for the delay. 2. as soon as it becomes aware of a personal data breach. The notification referred to in paragraph 1 shall at least: 3. a) describe the nature of the personal data breach, including, where

possible, the categories and approximate number of affected data subjects, as well as the categories and approximate number of affected personal data files, announces the name and contact details of the b) data protection officer or other point of contact from which more information can be obtained, c) personal data, d) describes the received or proposed to be received measures by the controller to deal with the data breach describes the possible consequences of the personal data breach 10 and, where appropriate, measures to mitigate any adverse consequences thereof. 4. In case and as long as it is not possible to provide the information at the same time, it can be provided gradually without undue delay." 16. Pursuant to Article 58(2) of the Regulation, the Personal Data Protection Commissioner has the following remedial powers: to instruct the data controller to announce the breach "a) to send warnings to the data controller or processor that intended processing operations are likely to violate provisions of this regulation, b) address reprimands to the controller or processor when processing operations have violated provisions of this regulation, c) instruct the controller or processor to comply with the requests of the data subject for the exercise of his rights in accordance with this regulation, to instruct the controller or the processor d) to make the processing operations comply with the provisions of this regulation, if necessary, in a specific way and within a certain period, e) of personal data to the subject of the data, f) prohibition of processing, g) to give an order to correct or delete personal data or limit the processing pursuant to articles 16, 17 and 18 and an order to notify these actions to recipients to whom personal data have been disclosed pursuant to Article 17(2) and Article 19, h) to withdraw the certification or to order the certification body to withdraw a certificate issued in accordance with Articles 42 and 43 or to order the certification body not to issue certification, if the certification requirements are not met or no longer met, i) to impose an administrative fine pursuant to article 83, in addition to or instead of the measures referred to in this paragraph, depending on the circumstances of each individual case, j) third country or to an international organization.' to impose a temporary or permanent restriction, including giving an order to suspend the circulation of data to a recipient in 17. fines, provides that: Article 83 of the Regulation, regarding the general conditions for imposing administrative fines Each supervisory authority shall ensure that the imposition of administrative fines " 1. in accordance with this article against violations of this regulation referred to in paragraphs 4, 5 and 6 to be effective, proportionate and dissuasive in each individual case. 2. Administrative fines, depending on the circumstances of each individual case, are imposed in addition to or instead of the measures referred to in Article 58 paragraph 2 points a) to h) and in Article 58 paragraph 2 point 11 the degree of cooperation with the control authority for the rectification of any relevant previous violations of the data controller or j). When deciding on the imposition of an administrative fine, as well as on the

amount of the administrative fine for each individual case, the following shall be duly taken into account: a) the nature, gravity and duration of the infringement, taking into account the nature, extent or purpose of the relevant processing, as well as the number of data subjects affected by the breach and the degree of damage suffered by them, the intent or negligence that caused the breach, b) c) any actions taken by the controller or the processor to mitigate the damage suffered by the data subjects, d) the degree of responsibility of the controller or processor, taking into account the technical and organizational measures they apply pursuant to articles 25 and 32, e) the processor the processing, f) violation and the limitation of its possible adverse effects, g) violation, h) the way in which the supervisory authority was informed of the violation, in particular if and to what extent the person in charge of processing or the processor notified the violation, i) in the event that the measures referred to in Article 58 paragraph 2 were previously ordered to be taken against the controller or processor involved in relation to the same object, the compliance with said measures, j) approved certification mechanisms in accordance with article 42 and any other aggravating or mitigating factor resulting from k) the circumstances of the specific case, such as the financial benefits obtained or damages avoided, directly or indirectly, from the violation. 3. In the event that the controller or processor, for the same or related processing operations, violates several provisions of this regulation, the total amount of the administrative fine does not exceed the amount set for the most serious violation." the categories of personal data affected by the observance of approved codes of conduct in accordance with article 40 or 18. Regarding the imposition of an administrative fine, article 32 of the on the Protection of Natural Persons Against the Processing of Personal Data and the Free Movement of Given these, the 2018 Law, Law 125(I)/2018, provides that: Subject to the provisions of Article 83 of the Regulation, the Commissioner "(1) imposes an administrative fine. (...) An administrative fine imposed on a public authority or public entity and (3) concerns activities of a non-profit nature, may not exceed two hundred thousand euros (€200,000)." 12

Rationale C. 19. Taking into account the admission of the Department that from the control of the KEP's KKBP it was established that the complainant placed a white envelope in the box reception of applications located at the entrance of the KEP, I judge that the claim of the complainant that he delivered a file to the KEP on April 5, 2021 has been confirmed. 20. The Department of Public Administration is responsible for the supervision, coordination and development of the institution of the Citizen Service Centers and Personnel. This is also stated on the relevant website of the Department regarding the KEPs https://www.mof.gov.cy/mof/papd/papd.nsf/page50_gr/page50_gr?OpenDocument. 20.1. For the protection of the file submitted by the complainant, as well as its content, the Department is responsible for processing. Therefore, for the specific

processing arising from the incident in question, such as for example the receipt of a file, the registration of data, the sending of the application to the Service, the Service to which the application would be sent is not responsible for processing, since the file of complainant was lost before it was even sent to the Service. 21. As stated by the Department, the incident concerns a violation of the availability of personal data, but not a violation of confidentiality or a violation of data integrity. It appears, however, that the specific incident also concerns a breach of data confidentiality, since the course of the specific file has not been made known, and therefore there is the possibility that the file is in the possession of unauthorized persons. After all, there was the Department's admission that a possible consequence of the incident is the misuse or interception of identity information as well as other data. 22. The Department has sent to my Office the procedure followed in the applications for student sponsorship / care, as referred to in paragraph 7.1. of the present. From the study of this procedure, but also from the result, it is found that this procedure was not able to ensure that the appropriate level of security is provided for the personal data contained in the file placed by the complainant. 23. This procedure does not enable it to be ascertained at which stage the personal data breach incident under investigation occurred. Nor, of course, can it confirm the claim of the complainant that he actually delivered a file and/or an application to the KEP. I remind you that the Department's admission that the complainant placed a file in the application receiving box, arose from the study of the KEP's CCBP, and not from the internal investigation of whether the procedure was followed. 23.1. For example, if when placing a file and/or application in the box, citizens received a relevant receipt, then the claim of a citizen that he delivered a file and/or application to the KEP could not be disputed. In addition, a specific code could be assigned to the receipt and the file, so that it could be matched to which application each receipt refers to. Furthermore, in order to ascertain at which stage of the process a data breach 13 occurred, each time a new file and/or application is placed in each box, this fact could be recorded. In addition to the fact that it would be known at all times how many applications were submitted, in the event of a file being lost, it would be possible to ascertain at which stage the loss occurred by comparing the number of applications at each stage with the number of applications in the box. 24. The fact that the Department had taken, after the incident, additional actions, namely the existence of a "Register of delivery of applications to the box" at the entrance of the KEP, which was signed by an official of the KEP, who noted the type of application / supporting document / of a document placed in the box, shows that there was evidence of reinforcement of the procedure followed to compensate for any risks. 25. Admittedly, the conditions against the COVID-19 pandemic, resulted in the modification and adoption of new procedures, which, however, had to ensure an adequate level of protection of the personal

data of the data subjects. Therefore, this incident cannot be attributed to the measures taken to contain the pandemic, since the actions mentioned in the previous paragraphs could be implemented without the risk of spreading the pandemic. 26.

Taking into account the particular circumstances that prevailed at the time, such as the fact that citizens deposited files and/or applications in a box, i.e. without the files and/or applications being delivered by hand and registered immediately, it follows that there was an increased risk of improper and/or appropriate handling of them. Therefore, due to the increased risk and these conditions, the Department was obliged to put additional security measures or measures to avoid any mistakes.

Therefore, the conditions that existed due to the COVID-19 pandemic cannot be counted as a mitigating factor for the imposition of an administrative sanction. Also, the fact that some other Services did not accept any public for service in their premises, as mentioned by the Department, is not relevant to this particular case, nor can it be taken into account as a mitigating factor. 27. Despite the fact that the complainant claimed that the box at the entrance of the KEP was without any supervision and control at all, the Department stated that this claim was not true and that the box was always guarded by the security guard and/or an officer of the KEP. Conflicting positions were therefore put before me, which in no way negate the result, namely the loss of the file. If the claim of the complainant is valid, it appears that the procedure mentioned by the Department was not followed. While if the Department's contention is true, it is confirmed that the procedure was not sufficient to ensure an adequate level of safety against the risks. 28. In addition, the fact that the specific file has not yet been identified, and the cause of the incident remains unknown, confirms the lack and/or non-observance of measures to ensure an appropriate level of security against risks. 29. Based on the above analysis, it is established that the Department did not implement appropriate and effective measures and is not able to prove the effectiveness of the measures it took. Therefore, the Department cannot prove 14 that the processing was carried out in accordance with the Regulation, as provided for in Article 24(1) thereof. 30. Additionally, it is established that during the planning and preparation of the procedure, the risks to the rights and freedoms of natural persons were not taken into account. Therefore, the Department did not apply appropriate technical and organizational measures to ensure the appropriate level of security against risks, as provided for in article 32(1) of the Regulation. 31. The loss of the file in question indicates that the data contained in the complainant's file was not processed in a way that guaranteed its appropriate security, including its protection against unauthorized or unlawful processing and accidental loss, destruction or deterioration, by using appropriate technical or organizational measures, as provided for in article 5(1)(f) of the Regulation. The principle of integrity and confidentiality was therefore not respected. 32. I

welcome, however, the fact that the Department recognized that, because of the arrangement for receiving applications through boxes, the measures taken were not sufficient. 33. I also positively appreciate that with the termination of the measures related to the limitation of the number of people who could be inside the citizen service offices of Public Authorities, the Department differentiated the process of submitting files and/or applications and the service is now of citizens is done, within the KEP by a service officer, with the simultaneous registration of the applications in the relevant information system, where applicable. 34. It does not affect the substance of the incident and the investigation, the difference in the views of the complainant and the Department, regarding points in time that occurred specific events, since there is an admission of these events. 34.1. However, despite the Department's claims to the contrary, as stated in paragraphs 6.5. and 6.6. of this, I accept the claim of the complainant that on April 13, 2021 he sent an email to the KEP at the email address XXX@papd.mof.gov.cy, with notification to the Service, at the address grants@moec.gov.cy, after the this message was registered, in the context of the complaint to my Office. In this message, the complainant requested, if his application is not found, that an official of the KEP be appointed to collect all the information and documents of various services, which he submitted, and that this official go to his place of work or residence to fill in new Application. 35. By virtue of article 33(1) of the Regulation, the Department had to notify without delay and, if possible, within 72 hours from the moment it became aware of the fact, the incident of the violation of its personal data complainant and his family, to my Office, unless such violation does not could cause a risk to their rights and freedoms. In case and where the Notification was not made within 72 hours, it had to be accompanied by justifying the delay.

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35.1. As stated in the Disclosure Guidelines

personal data breaches pursuant to Regulation 2016/679,

issued by the Article 29 Working Group, predecessor of the European

Data Protection Board, as finally revised, WP250 rev.

01, "a controller should be considered to acquire "knowledge" when Art

because the controller has a reasonable degree of certainty that it has occurred

security incident that results in data being compromised

of a personal nature".

36.

The Department informed my Office that as of June 7, 2021, it had not the investigation to locate the application is completed and therefore, as reported, the loss of the application had not yet been established with certainty, in order to activate the security incident response process and notification of personal data breach incidents, for which all KEPs are aware of. Also inform my Office on July 2, 2021, that "complainant's allegation that he has applied has not been proved".

37. However, the finding by the Department that there was no registered application for the daughter of the complainant, in conjunction with his actions to rehabilitate her of any damage as well as with the responses received from the Service and from Departments contacted regarding whether the article was sent to them by mistake due to the application, show that the Department was aware of the incident before the letter me dated May 13, 2021 to this. After all, only after my instruction Department submitted a Notice to my Office.

38. It is, therefore, found that the Notification was not submitted within the time framework defined in article 33(1) of the Regulation.

39.

Regarding the violation of Article 33(1) of the Regulation, the Department did not report in his letter, dated July 4, 2022, any relevant information and/or a mitigating factor.

40. I must, however, recognize and positively assess the fact that the Department, before he even received a letter from my Office, he took actions to avoid it in case the schedule of the application is missed and he consulted with her Service as the complainant resubmits an application, dated the original

date of submission. Also important is the fact that it was found that the news the complainant's application was approved and the relevant sponsorship amount was paid. In none case, however, this does not imply or degrade the fact itself, namely the data breach incident.

D.

41. Taking into account all the above elements, as they have been set, and with based on the powers conferred on me by virtue of articles 33(5) and 57(1)(f) of Regulation, I find that there is a violation by the Department of Public Administration and Staff:

(a)

and confidentiality,
of article 5(1)(f) of the Regulation, since the principle of integrity was not respected

Conclusion

16

the categories
of data breached, in which no
the cooperation of the Department with my Office, providing the requested
the fact that the personal data that was breached
the absence of malice on the part of the Department,
the actions taken by the Department after the incident to mitigate the damage that
of article 24(1) of the Regulation, since they were not applied properly technically and

(b)

organizational measures in order to ensure and be able to prove that the
processing was carried out in accordance with the Regulation,

(c)

of article 32(1) of the Regulation, since they were not applied properly technically and

organizational measures in order to ensure an appropriate level of security against
of risks, and

(d)

of article 33(1) of the Regulation, since the Notification was not submitted to

My office within the time frame defined in Article 33(1) of the Regulation.

42. Based on the provisions of article 83 of the Regulation, regarding the conditions
imposition of administrative fines, to the extent that they are applied in the specific case
case, when calculating the administrative fine, I took them into account
following mitigating (a) – (f) and aggravating (g) – (h) factors:

(a)

were included in a single application,

(b)

(c)

the complainant suffered,

(d)

information within the timelines I set,

(e)

special categories of data are included,

(f)

the fact that the case under investigation is the first case

complaint and notification of an incident of violation to my Office which

is related to the Department, and for which I found a violation and issue a Decision,

(g)

the fact that the Department did not submit a Notification to my Office within

of the time frame provided for in the Regulation, but a previous submission

of complaint to my Office by the complainant, as well as my instruction to

Section for submission of Notification to my Office,

(the)

the fact that the incident occurred during the COVID-19 pandemic;

in which there was an increased risk of being inappropriate and/or inappropriate

handling of applications / files.

43. Having taken into account and considered:

(a)

in the provisions of Article 58(2) and Article 83 of the Regulation,

(b)

before me based on all existing correspondence,

(c)

I consider that, under the circumstances, the imposition of an administrative fine is not justified.

44. Nevertheless, having regard to the above facts, the legal aspect on

on which this Decision is based and the analysis as explained further

above, exercising the powers granted to me by Article 58(2)(b) of the Regulation,

all circumstances and factors raised by the complainant and the Department

the applicable legislative basis regarding the prescribed administrative sanctions

the above mitigating and aggravating factors,

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I decided

at my discretion and in compliance with the above provisions, to address the Department

Public Administration and Personnel

Reprimand for the violation of articles 5(1)(f), 24(1), 32(1) and 33(1) of the Regulation

(EU) 2016/679.

Irini Loizidou Nikolaidou

Protection Commissioner

Personal Data

October 6, 2022