

Athens, 09-05-2018

Prot. No.: G/EX/3520/09-05-2018

GREEK EMPIRE

PRINCIPLE OF PROTECTION OF E OMEN

OF A PERSONAL CHARACTER

A P O F A S I NO. 41/2018

(Department)

The Personal Data Protection Authority met in composition

Department at its headquarters on Friday, March 16, 2018 following his invitation

of its President, following the meeting from 02-14-2018, in order to examine

the case referred to in the history of the present. The Deputy appeared

President, Georgios Batzalexis, obstructed by the President of the Authority, Constants Nou

Menoudakou, and the alternate members Panagiotis Rontogiannis, as rapporteur,

Charalambos Tsiliotis and Grigorios Tsolias, replacing the regular members

Anton ou Symvonis, Spyrdonos Vlachopoulos and Charalambou Anthopoulos respectively,

those who, although only summoned in writing, did not attend due to obstruction. At

meeting was attended, by order of the President, George Roussopoulos and

Leon das Roussos, expert scientists - auditors as assistant rapporteur. He also attended

by order of the President, and Irini Papageorgopoulou, employee of the Administrative Board

Department of the Authority, as secretary.

It was forwarded to the Authority by the Labor Inspection Body of the Minister

Labor and Social Security (Labor Relations Inspection Department of

– St. I. Renti) the no. prot. C/EIS/3850/15-05-2017 complaint, regarding

operation of the video surveillance system at the premises of the Law Firm

Sioufas and Associates (hereinafter "data controller"). The Authority sent to

responsible for processing let the no. prot. C/EX/3850-1/28-06-2017 document with the

informed him of the complaint and asked him to provide his views on it.

1-3 Kifis St., 11523 Athens, Tel.: 210-6475600, Fax: 210-6475628, contact@dpa.gr, www.dpa.gr

-1-

Let the processor respond to the Authority with the no. prot. C/EIS/5567/21-

07-2017, while he submitted notification with no. prot. GN/EIS/2494/05-09-2017.

Following this complaint, the Authority carried out on 01-12-2017

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

19 items h' of Law 2472/1997. The control was carried out at his facility

responsible at 6A Neo Faliro Street, 182 33 Agios Ioannis Rentis, from

employees of the Auditors Department of the Authority's Secretary Georgios Roussopoulos

and Leon da Russo (hereinafter "control group"), after the no. first

C/EX/8609/30-11-2017 order of the President of the Authority.

After carrying out the on-site check, the processor sent us

evidence of the control (photographs from the screens and a copy of the contract) with the

no. prot. G/EIS/9150/19-12-2017.

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

let's edit. a dialogic discussion was held with

A, Director

of Business Operations and Internal Control, assisted by an executive

of the technical department responsible for electronic applications and infrastructures and,

finally, B, lawyer and partner of the company.

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

Start it with no. prot. G/EIS/9206/20-2-2017 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. Let the specific workplaces include

jobs let, both type of worker in a call center, and

working in a standard office space of one space.

- The video surveillance system receives an image from the public street, the sidewalks, opposite buildings and the opposite perpendicular to N. Faliero Street, outside the central entrance of the responsible person's facility, without receiving to be limited to a space near the entrance.

- Our editor has posted information boards but only on interior of the space.

-2-

- The controller was late in communicating its functionality video surveillance system to the Authority.

The person responsible for processing, then, with no. prot. G/EX/839/30-01-2018

document of the Authority was only summoned to a hearing before the Authority at its session

14-02-2018 to provide further clarifications and express his views on the

subject. Together with his summons, the above Opinion was served. At her meeting

02-14-2018, B attended, who verbally presented the views of the person in charge. At

then, our processor received a deadline and timely filed the

No. prot. C/EIS/1513/22-02-2018 memo.

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

Regarding the first finding, he considered that there are objective conditions that

justify and tolerate the use of the video surveillance system for its sake

workplace safety, the protection of persons and property

goods.

Regarding the second finding, he considered that the conditions for its application were met

of article 6 of Guideline 1/2011 of the APDPH, i.e. the bending of the prohibition principle

of taking pictures from side streets and sidewalks.

As for the third finding, he accepts it and understands the obligation of immediateness compliance with the relevant door marking.

As for the fourth finding, he does not deny the failure to notify her operator of the external cameras, but he should appreciate that, the internal cameras were not working and therefore no processing took place data, a fact that was considered, well, that it did not dictate the relevant notification.

With no. prot. C/EIS/2104/15-03-2018 supplementary memo o our controller sent further data late. Specifically, attached relevant incident reports requested by him after the hearing. Also inform about two more recent events within the month of March: a) phone call in documents a for an imminent attack by RUBICON and b) receiving a suspect parcel, for which the Piraeus Security Sub-Directorate was contacted.

-3-

The Authority, after examining all the elements of the file and referring to of the session of 02-14-2018, 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

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

-4-

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 where this is justified by nature and the working conditions and it is necessary for the protection of health and employee safety or the protection of sensitive 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 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. 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.

-5-

8. 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.

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

The following:

- As there are no external information boards, visitors to premises are not informed about the operation of the video surveillance system, in violation of no. 11 of Law 2472/1997.
- The video surveillance system was notified late to the Authority, at least as far as external cameras are concerned, and therefore there was violation of Article 6 of Law 2472/1997.
- 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 cameras operate in the workplace, without being justified by nature and the working conditions. The controller's claim cannot are accepted, as the purpose of the protection of persons and goods may was satisfied only with the operation of cameras in the attendance areas.
- The video surveillance system in question does not meet the legal requirements

which are set out in article 6 par. 1 and the surveillance of neighboring publics

spaces extends to an excessive degree in outdoor spaces.

- 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.

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 above violations.

FOR THOSE REASONS

-6-

The Authority taking into account the above:

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

Law firm Sioufas and Associates fine of fifty thousand (50,000) euros

for the above described violations of Law 2472/1997.

The Deputy President

George Batzalexis

The Secretary

Irini Papageorgopoulou

-7-