

AVG/2021/300 Case 1

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National Data Protection Commission

RESOLUTION/2021/1569

I. Report

1. The National Data Protection Commission (CNPD) prepared, on June 30, 2021, a draft deliberation, in which the defendant Municipality of Lisbon was charged with the practice, in material authorship, in the consummated form and with intent,

- one hundred and eleven offences, in an effective contest, p. and p. by Article 5(1)(a), Article 6, and Article 9(1), in conjunction with Article 83(5)(a), both of Regulation (EU) 2016/679, of 27 April 2016 (General Regulation on Data Protection - RGPD), sanctioned with a fine, up to a maximum amount of € 20,000,000.00 each;

- one hundred and eleven offences, in an effective contest, p. and p. by subparagraph c) of paragraph 1 of article 5, in conjunction with subparagraph a) of paragraph 5 of article 83, both of the RGPD, sanctioned with a fine, up to a maximum amount of € 20,000,000, 00 each;

- of an administrative offence, p. and p. by paragraphs 1 and 2 of article 13, in conjunction with paragraph b) of paragraph 5 of article 83, both of the RGPD, sanctioned with a fine, up to a maximum amount of € 20,000,000.00;

- of an administrative offence, p. and p. by subparagraph b) of paragraph 3 of article 35 of the RGPD, in conjunction with paragraph a) of paragraph 4 of article 83, both of the RGPD, sanctioned with a fine, up to a maximum amount of € 10,000.000.00; and

- of an administrative offence, p. and p. by subparagraph e) of paragraph 1 of article 5, in conjunction with subparagraph a) of paragraph 5 of article 83, both of the RGPD, sanctioned with a fine, up to a maximum amount of € 20,000,000, 00

2. Notified the defendant of the content of said project and, pursuant to the provisions of article 50 of Decree-Law No. 433/82, of October 27, in its current wording (General Regime for Administrative Offenses - RGCO), to present its defence, it came, through the Representative with a power of attorney attached to the process, to claim, in short:

The. The existence of a set of prior questions related to

i. the statute of limitations for the infringement by omission of the impact assessment on data protection;

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ii. the omission of prior notice by the CNPD; and

iii. the nullity of the accusation for omission of the subjective elements of the type;

B. That the adoption of procedures relating to the management of notices of demonstrations was based on the tradition that already existed at the time of the competence attributed to Civil Governments;

ç. That the Municipality of Lisbon committed a relevant set of financial and human resources to meet the requirements of the GDPR and adapt internal practices to these requirements;

d. Which corrected the procedure when the complaint was made on March 18, 2021 by[^]I

and. Disagree with the CNPD's assessment regarding the subjective element (intention);

f. That there is no sanctioning rule applicable to the defendant, since the application of the fines provided for in the RGPD only apply to the public sector in accordance with the intermediation of the national legislator, which must, under the terms of paragraph 7 of article 83, define the if and when. In the defense, the defendant argues for the lack of a sanctioning rule applicable to non-business entities in the public sector, as it is not expressly included in Law No. 5 of article 83 of the GDPR, which, in their opinion and except for the unequivocal intermediation of the national legislator, always point to the existence of business entities to which the limits relating to annual turnover apply;

g. That, if there is responsibility for the violations that, in part, he admits to have occurred, this was due, in the case of sending the notices to entities without legitimacy to have access to them, from a behavior only attributable to the employees who acted contrary to the Order of 13 April 2013, from the Mayor of Lisbon, which determined that the said notices should only be sent to

the Ministry of Internal Administration (MAI) and the Public Security Police (PSP);

H. That the personal data contained in the notices should not, in some cases, be included in the special categories of data provided for in paragraph 1 of article 9, as they do not reveal any of the dimensions protected by that article, in addition to the fact that the

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information on the support of the promoters to the causes and manifestations communicated by these notices was widely publicized on social networks, making it "treatable" in the light of the grounds provided for in subparagraph e) of paragraph 2 of the same article 9. In addition, the defendant believes that participation in demonstrations must be considered as a factor that strongly influences, if not obliterates, the reservation and protection that the personal data of the promoters, in theory and in different situations, would deserve;

As for the legality grounds, that the public interest was manifest and that Decree-Law No. 406/74, of August 29, cannot fail to be read in the light of the current reality, in which municipalities do not have the competence to to guarantee a good part of the requirements that the aforementioned diploma demands, namely with regard to the prerogatives of authority and management of the routes;

That the sharing of contact details with the MAI and the PSP is perfectly justified in line with the powers of that ministry and security force and,

That the sharing of personal information with the municipal services is based, on the one hand, on the fact that it is the same entity (in the case of the Municipal Police) and, on the other hand, on the need to coordinate the competent services for matters as different as urban cleaning or the provision of electricity to the demonstrations, with their promoters. And this should be done, taking into account the short period provided for by law (two working days), in the most direct way possible, that is, using the contacts of the promoters;

There was no intent or fault on the part of the Municipality, either because the undue treatment (remittance of notices to entities that were not foreseen in the order) occurred due to a "bureaucratic procedure" and originated in the undetected

existence of unjustified information sharing at the time of the assessment of the Municipality's internal compliance with the requirements of the RGPD, promoted using internal staff and external assessment entities, whether due to the aforementioned disrespect for the orders or instructions issued by the Mayor's order;

If there is a subjective imputation, it will always have to be supported by a very tenuous degree of censorship and never by way of intent;

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no. That, considering in the abstract the existence of all the infractions imputed to the defendant or only those that the defendant admits actually exist, the application of paragraph 3 of article 83 of the RGPD will always lead to the joint consideration of the infractions, tributary to the principle of absorption, therefore, only a single offense will be considered as all the offenses charged are considered to be closely connected.

3. The defendant did not deny, did not contradict, or even contradict any element of the draft deliberation regarding the charges of violation of the provisions of paragraphs 1 and 2 of article 13 and of the principle of conservation, provided for in subparagraph e) of paragraph 1 of article 5, all of the RGPD, except for the imputation of the same intentionally.

4. The defendant also requested the waiver of fines, pursuant to paragraph 3 of article 44 of Law No. 58/2019, of 8 August, which will be evaluated in Part B of this deliberation.

5. Gathered 28 (twenty-eight) documents and listed 8 (eight) witnesses.

PART A

II. appreciation

6. About the previous questions

The. Regarding the statute of limitations for the infringement by omission of the impact assessment on data protection.

i. The defendant maintains that such an obligation could only be considered enforceable when the GDPR came into application, on May 25, 2018;

ii. It should be noted that the defendant argues that, regarding a set of data processing that consisted of sending information about protesters to entities not provided for in the order of the Mayor of April 13, 2013, the personal data involved do not constitute categories data specials. This specific argument will be discussed below, in point 13. Even so, it will always be said that the consideration of the need to carry out an impact assessment on a specific treatment must have as one of its assumptions the possibility of it focusing on special categories of data, but this is not the only and decisive element that should dictate its realization.

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iii. If we pay close attention to Article 35(1), we can infer from it that the need to carry out an impact assessment is not restricted to the presence and processing of special categories of data,

iv. and that whenever there is a susceptibility that it "implies a high risk to the rights and freedoms of natural persons", then such an assessment must take place¹,

v. being certain that "A «risk» is a scenario that describes an event and its consequences, estimated in terms of severity and probability. On the other hand, «risk management» can be defined as the coordinated activities that aim to direct and control an organization when it comes to risk."²

saw. The "reference to the «rights and freedoms» of data subjects mainly concerns data protection and privacy rights, but also involves other fundamental rights such as freedom of expression, freedom of thought, freedom of movement, prohibition of discrimination, the right to liberty, conscience and religion."³

vii. And even when its performance is not mandatory,"..., the mere fact that the conditions leading to the obligation to carry out an IAPD have not been satisfied does not diminish the general obligation that controllers have to apply measures aimed at managing adequately assess the risks to the rights and freedoms of data subjects. In practice, this means that controllers must

continually assess the risks created by their processing activities in order to identify when a certain type of processing is "likely to a high risk to the rights and freedoms of individuals."⁴

viii. It should always be borne in mind that "In cases where it is not clear whether carrying out an IAPD is necessary, the Article 29 Working Party [and the European Data Protection Board, which succeeded it] recommends that, even so, an IAPD is carried out,

¹ 'There is only an obligation to carry out a DPIA when the processing is 'likely to involve a high risk for the rights and freedoms of natural persons' (Article 35(1)).", in Guidelines on the Impact Assessment on Data Protection (DPIA) and which determine whether the processing is "likely to result in a high risk' for the purposes of Regulation (EU) 2016/679, (p. 5), available at

<https://ec.europa.eu/newsroom/article29/items/611236>.

² Cf. Guidance cited (p.7).

³ Ditto

⁴ Ditto

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as a DPIA is a useful tool to help controllers comply with data protection legislation."⁵

ix. This means that the potential violation or jeopardizing the exercise of certain fundamental rights, such as freedom of assembly and demonstration, would in itself justify, with regard to the processing of data from promoters, the holding of an IAPD.

x. It should be noted that the Municipality did not have any authorization prior to 2018 and issued by the CNPD that could, as provided for in recital 171 of the RGPD and pursuant to paragraph 4 of article 60 of Law no. of August 8, remain in force and

frame these treatments.

xi. Returning to the question of the statute of limitations raised by the defendant, it cannot be accepted that the breach of a duty imposed by the GDPR is postponed by the statute of limitations.

xii. Moreover, until Law no. remains possible (cf. Article 43).

xiii The fact that the IAPD is not carried out in any of the moments prior to sending the communication with the data of the promoters constitutes a clear evidence of the disrespect for this duty.

xiv. In fact, the awareness of the illegality of her actions and the actuality and pertinence of the adoption of different behavior by the defendant is evident from what she states in point 274 of the Defense, when she indicates the initiation of «procedures in order to precede the performance of an assessment impact on the processing of personal data in question and, as well, in order to proceed with the definition of retention periods for these treatments, thus allowing the erasure of personal data that are no longer necessary for the purpose of treatment'.

xv. It is not seen how to admit the lack of an assessment that the person responsible for the treatment recognizes remains fully necessary and enforceable.

B. About the omission of advance warning

5 Cf. Guidance cited (p.9)

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i. The defendant defends that what is included in paragraph 3 of article 39 of Law no. of the conduct is not framed as intentional, constitutes a "procedural requirement".

ii. Regardless of the defendant's argument, with which one does not agree, the fact is that the CNPD imputed all the administrative misconduct as intentional, which it maintains, so it becomes out of time to discuss or rebut the assertions made.

iii. It should be noted, however, that the case mentioned in point 126 of the Defense, which runs under German jurisdiction, configures a situation totally different from the one dealt with here, which is not, even so, closed.

iv. In view of the foregoing, any assessment of the arguments put forward with regard to the 'non-application of national rules incompatible with EU law' and those relating to the 'filing for legal inadmissibility of the procedure', which focus on the

admissibility of the aforementioned paragraph, is jeopardized. 3 of article 39.

ç. On the nullity by omission of subjective elements of the type

i. The defendant claims that the prosecution [rectius draft deliberation⁶] does not “specify and materialize the facts (allegedly) revealing, or at least indicative, of the subjective element of the types of offenses charged” (cf. point 191 of the Defense).

ii. Offering a list of jurisprudence from the Supreme Court of Justice and the Constitutional Court which, according to the CNPD, only confirm the regularity of the draft deliberation.

iii. It should be noted that what should be made known to the accused, as the accused rightly notes in the cited jurisprudence, is the «sequential, narratively oriented and spatio-temporally circumstantial description of the essential elements for the singularization of the relevant administrative offences; and that this description must contemplate the characterization, objective and subjective, of the action or omission whose imputation is in question» (emphasis added).

6 As Augusto Silva Dias rightly notes, in administrative offences, prosecution is the responsibility of the Public Prosecutor's Office, in the judicial phase, if that phase is reached (cf. Law of Administrative Offenses, 2020, Almedina, §18 of part V).

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iv. This is precisely what happened, the CNPD being careful to sequentially describe the facts and behaviors of the defendant that filled the types of administrative offenses for which he is accused, it being evident that the subjective element is fulfilled with the clear, unequivocal and repeated attribution of such behaviors to malicious title.

v. Furthermore, it is common ground that what must be expressly enshrined in the "accusation" are essential elements, repeatedly affirmed by the jurisprudence.

saw. "Therefore, "[in] a criminal offense/or misdemeanor, the accusation must necessarily include, due to its relevance to the possibility of imputing the crime to the agent, that the defendant acted freely (removal of the causes of exclusion of guilt - the

defendant was able to determine his action), deliberately (volitional or emotional element of the intent - the agent what the criminal act was) and consciously (imputability - the defendant is imputable), knowing that his conduct was prohibited and punished by law (intellectual element of intent, translated into knowledge of the objective elements of the type)» (cf. the judgment of the Court of Appeal of Coimbra of 01.06.2011 in case 150/10.5T3OVR.C1, Maria Pilar Oliveira)."⁷

vii. Precisely what was inscribed in points 159 to 163 of the Draft Deliberation.

7. On the argument that the adoption of procedures relating to the management of notices of demonstrations was based on the tradition that already existed at the time of the competence attributed to Civil Governments

i. The defendant pauses in revisiting the procedures carried out by Civil Governments to justify maintaining a way of acting that does not comply with legal requirements.

ii. Based on the protocol established in 2012 by the then Mayor of Lisbon, it describes how warnings were sent (cf. point 213 of Defence) to the entities listed therein (Prime Minister's Office, Security Coordinating Office, Office of the Minister of Internal Administration, Office of the Deputy Minister and Parliamentary Affairs, Public Security Police, Territorial Coordination Unit and Lisbon Municipal Police).

7 As established in the judgment of the Court of Appeal of Coimbra of 11 November 2020, reported by Maria José Nogueira, available at

<http://www.dasi.pt/itrc.nsf/c3fb530030ea1c6l802568d9005cd5bb/4e87c9392fffa4c780258622003831ce70open> Document.

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iii. To which were added the Parliament, the Ministries, the Embassies and the municipal services that might be targeted (cf. point 214 of Defence).

iv. The defendant acknowledges that the protocol "did not define the level of information that should be transmitted to these entities" (cf. point 215 of the Defense).

v. Therefore, "the GAP officials limited themselves to sending a copy of the Notice received" (cf. point 217 of the Defence).

saw. According to the defendant, these procedures for sending notices under the terms mentioned above were used to

"ensure communication between the competent authorities and the promoters of the demonstrations for the purpose of resolving issues related to public security or of a technical nature and that required immediate solution." (cf. point 220 of the Defense).

vii. «Which (...) were not compatible (i) with a communication procedure that forced, for example, the PSP to contact the services of the Lisbon City Council so that they could contact the promoters of the demonstration and transmit to them the instructions received , and (ii) with the availability of the data of only one promoter for contact purposes...» (cf. point 221 of the Defense).

viii. The notices were also "sent to the services of the Lisbon City Council whose intervention was necessary following the holding of demonstrations" (cf. point 222 of the Defence).

ix. This whole description points to an evident disorganization of the services, or, as Opinion No. (defective corporate organization) or "autonomous fault for organizational deficit".

x. Defect that the Municipality itself assumed (without taking care to correct it properly), in the person of its President, when, on April 13, 2013, it decided to issue an order that amended the procedures provided for in the aforementioned protocol.

8 Available in

<http://www.dgsi.pt/pgrp.nsf/7fc0bd52c6f5cd5a802568c0003fb410/d74d5fc794d5302180257b6e0051c9ee70pe>
nDocument#_Section2.

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This order limited the sending to the Ministry of Internal Administration and to COMETLIS/PSP.

And that was communicated to the employees of the GAP (Office of Support to the Presidency).

Which, according to the defendant, ignored its content, maintaining the procedures instituted until then (cf. point 232 of the

Defense) and contained in the aforementioned protocol.

Here, too, it seems evident that the defendant was satisfied with the mere issuance of the President's order, not carrying out, as was his obligation, an assessment, even if minimal, of its compliance.

It is strange that a change promoted due to doubts about the legal framework that governed the management of this information, was not accompanied by a dedicated and oriented attention to ensuring that this change was effectively complied with.

Situation that was in force until June 11, 2021, as the defendant tacitly admits, that is, after the complaints of the data subjects and the investigations carried out by the CNPD.

It should be noted that the GDPR entered into force on May 24, 2016, and its application was deferred to May 25, 2018 (see Article 99(2)).

It is the defendant himself who admits, again tacitly (or through negligence, which is irrelevant), that it was only on May 24, 2018, on the eve of the date on which the GDPR would come into force, that "a specific team to guarantee the implementation of the GDPR" (cf. point 241 of Defence).

From this it can be concluded that the Lisbon City Council, well aware that the GDPR was applicable to it from May 25, 2018, only started the process of evaluating the compliance of the processing of personal data with this regulation on the day before its application. and two years after its entry into force.

At no time does it claim, as it could not claim, not knowing either the moment when the GDPR came into force, or the moment when it came to apply.

Since it consciously complied with this manifest delay in the process of adapting to the requirements brought about by the RGPD, but which, by all indications, would extend to multiple domains subject to the discipline of personal data protection, as will be seen below.

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xxii. Moreover, it was only on August 1, 2019 that the “Project Team's Action Plan for the Implementation of the General Data Protection Regulation” was approved (cf. point 256 of Defence).

xxiii. Even so, the treatment regarding the protest notices was not addressed, according to the defendant's version, “certainly due to an administrative error or lapse” (cf. point 257 of the Defence).

xxiv. In view of the succession of events, which begin with the lack of concern with verifying compliance with the 2013 order, which lasts until June 2021, they go through the late assessment of the compliance of internal procedures and personal data processing with the RGPD and end in the inability to diagnosis of the management of the notifications of the manifestations for the purposes of that same evaluation, it becomes difficult, if not impossible, to ignore a consistency in the disregard for the rules of protection of personal data and a posture of laxity in the management of the matter related to the processing of data which can only result in the existence of conscious, repeated and voluntary conduct on the part of the Municipality and the President of the Municipal Council.

xxv. It is, in fact, very revealing of this attitude and conduct that the management of these notices and the information contained in them is under the responsibility of the Office of Support to the Presidency, which reported directly to the Mayor of Lisbon (regardless of the effective holder of that body). government over time).

xxvi. Even more revealing is the fact that there are referrals to a councilor (cf. point 46 of the Deliberation Project) and to more than one address related to advisors of the Mayor himself (which happened after May 26, 2020), suggesting a behavior commonly known and accepted by the organization.

xxvii. Without this having triggered the slightest critical reaction or correction of behavior on the part of those who had the competence and responsibility to demand it or, at least, provoke it.

xxviii. We return to the argument of the need to share information with the various interlocutors provided for both in the protocol and in the 2013 order, to point out some critical aspects.

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xix. On the one hand, the defendant confuses the potential need to communicate the promoters' personal data with the communication of the mere existence of manifestations to an extensive set of entities,

xxx. the latter case being admitted, although without waiving that such communication does not, in itself and by virtue of the chosen addressees, aim at disproportionately limiting the right of assembly and demonstration.

xxxi. On the other hand, it is based on an argument of convenience to legitimize processing of personal data not provided for by law.

xxxii. It is recalled that the notice referred to in Decree-Law no. 406/74, of 29 August, in paragraph 1 of article 2, expressly refers to the entities to be notified, today the Municipal Councils, in the past Civil Governments and Municipal Councils, when the demonstrations did not take place in the district capital.

xxxiii. In turn, paragraph 2 of that same article defined precisely what information should be made available by the promoters, namely "name, profession and address".

xxxiv. It should be noted that the legislator understood, in 1974, when the means of communication were significantly smaller and with much more restricted access to the general population, to erect a system that was based on the communication of personal data that only luckily would allow communication in time. useful between City Councils and developers.

xxxv. Providing an admittedly short lead time between the time of manifestation and the time of reporting the warning.

xxxvi. If that was the case in 1974, there is no reason to allow that, in the present time, when the means of communication are instantaneous, extensive and almost omnipresent in the lives of citizens and with the CNPD even admitting that the personal data processed today have to be adapted to contemporaneity (collecting emails, telephone numbers and mobile phone numbers), the dissemination of such data by such a significant set of entities is authorized and clearly contrary to the law.

xxxvii. In 1974 there were already ministries, prime minister, services of the Municipal Councils, PSP and GNR and, however, none of these possible interlocutors was contemplated in the legal hypothesis.

xxxviii. The same needs for coordinating resources that are claimed today existed in 1974 and this was never seen as a sufficient argument to open up the sharing of contact between

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promoters to entities other than those provided for in Decree-Law No. 406/74 (which remains).

xxxix It does not seem likely that the profusion of potential contacts with the promoters in the space of two working days serves any practical purpose, since, in many cases, these are sporadic events, without any context of professionalization in their organization.

xl. In addition to the fact that, in the face of possible harassment from five, six or ten different entities, legitimately responsible for partial aspects related to the holding of the demonstration, contact with one, two or three people cannot be considered minimally useful or appropriate. promote.,

xli. In fact, allowing this multiplicity of contacts to take place could, at the limit, lead to the annulment of the right to assemble and demonstrate, such would be the feasibility requirements potentially pointed out by each of these entities to the promoters of the demonstrations.

xlii. Those who, certainly without the means and knowledge to respond in a qualified way to the various problems raised, could be led to give up or cancel the demonstrations for fear of individual responsibility.

xliii. Likewise, there is no justification for sending personal data to the Security Coordinating Office, or the Prime Minister, or the Deputy Minister for Parliamentary Affairs, the Assembly of the Republic or the Presidency of the Republic or even the Ministry of Internal Affairs.

xliv. In fact, when Decree-Law No. 406/74 was amended by Organic Law No. 1/2011, of 30 November, with the extinction of Civil Governments, the national legislator chose to concentrate the powers of reception and processing of communications relating to meetings, rallies, demonstrations and parades in the mayor of the territorially competent municipal council, when he could have considered transferring those powers to the MAI, as he did with regard to other powers of civil governors. The legislative option reveals the intention to prevent possible conditioning of the exercise of fundamental rights of assembly and demonstration resulting from knowledge of the identity of the promoters of the events by holders of political power or those who are directly and hierarchically dependent on them.

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xliv. Furthermore, it is not possible to see what relevant public interest would be achieved with access to personal data that could not be carried out without such information or what powers would depend, in their exercise, on such access.

xlvi. Such sharing of personal information cannot but be qualified as indirectly violating the right to assembly and demonstration and directly violating the right to the protection of personal data, two fundamental rights that are constitutionally protected, xlvii. The obligation that seems to underlie the system created by the legislator is that an entity, the Municipality (rectius, an administrative body - the mayor of the territorially competent municipal council) will centralize the contacts that have to happen with the promoters.

xlvi. It will be up to the Mayor (or the body to which he delegates such competence) to promote these contacts and act as interlocutor, xlix. The argument of legal incompetence raised in the 2013 order by the Mayor of Lisbon was as valid at the time, as it is today, as it was in 1974, when, as is well known, the mayors, who were not district capitals, they already had this task; in other words, such an argument corresponds to an interpretation that contradicts the literal content of the norm and that has no support in the other interpretative elements, in particular, in the teleological element and in the historical element.

8. On the commitment of means to meet the requirements of the GDPR

i. The existence of this concern to provide the Municipality of Lisbon with the means and capabilities to assist in compliance with the GDPR, expressed in various initiatives of an organizational, procedural, financial and training nature, is positively highlighted.

ii. It should, however, be noted, as has already been done above, that the failure to take advantage of the two years of vacatio with which the European legislator intermediated the date of entry into force of the regulation and its date of application can only be evaluated negatively, as an additional factor revealing the high censorship of the defendant's conduct, especially with

regard to the protection of personal data. 9

9. About the correction of the procedure after the complaint of March 18, 2021

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i. Correction initiatives initiated after the denunciation made by

ii. At this level, the emphasis is renewed on the assumption of the need to carry out an impact assessment on data protection regarding the treatment of notices of manifestations, as stated in point 274 of the Defense and which contradicts the allegation that the defendant makes in this regard. of the alleged statute of limitations for the breach of that same obligation.

iii. Even so, with regard to the management of the notices, the corrections were insufficient and doubts about the genuine desire to change the procedures in order to bring them into line with the law increase.

iv. Indeed, "limiting" the sending of notices with personal data from promoters to PSP and MAI does not meet the requirements expressed in the Decree-Law and suggests a militant will to violate the applicable legal provisions.

v. As mentioned above, sending this personal information is disproportionate, as the law does not provide for it and the supposed public interest that would be associated with it collides with a legal construction that clearly prefers to centralize the management of contacts with promoters in a single entity.

10. On the subjective elements pointed to the defendant's conduct (willful misconduct)

i. The defendant considers the imputation of the violations contained in the draft deliberation to be intolerable by way of intent.

ii. Pointing out as the only reason for "possible irregularities in the processing of personal data [...] exclusively the result of an error in the design and updating of the procedures intended to comply with the provisions of Decree-Law No. 406/74, of 29 of August» (cf. point 281 of the Defence).

iii. As Augusto Silva Dias states, «The proof of intent, like any subjective element, is made through inferences based on the factual circumstances of the specific case.»⁹ 9

⁹ Ob. cit., pp. 106.

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iv. «Evidence of intent always requires the reconstitution, based on the circumstances of the case, of the agent's knowledge of the elements of the type and the formal prohibition»¹⁰.

v. In the present case, what always transpired in the action of the Municipality of Lisbon was not the concern with compliance with the legislation for the protection of personal data, which it was aware of, as well expressed by its (albeit late) action of conforming the internal procedures with the GDPR, and, as well, saw. Insufficient correction made in June 2021.

vii. What mattered to the defendant was to ensure that he was not held responsible as the addressee of the rules of Decree-Law No. 406/74, not refraining from endorsing personal data to third parties that he knew by himself could be received and kept.

viii. The order of April 13, 2013 is nothing more than the perfect implementation of this disclaimer that violates the legal precepts that confined the management of personal data to the Mayor.

ix. Order that is indifferent to the right to the protection of personal data, not even fighting for the explanation of the consequences, for the promoters, of the assumed procedures.

x. In addition to this indifference to the violation of the applicable rules, the fact that there is a permanent and objectionable behavior of non-verification of compliance with an order which, due to its nature, object and sensitivity, would require increased attention in its implementation, at least in the times subsequently closest to its publication.

xi. It cannot be accepted that the disrespect for the content of the order by the officials, it should be noted officials and not just an official, from the Office of Support to the Presidency of the Municipality of Lisbon, is a reasonable reason to exempt the defendant from those that are the your obligations.

xii. Since, as has been repeatedly emphasized, the order only limits, not eliminating, the patent violation of Decree-Law No. 406/74 and, reflexively, of the data protection legal regime then in force - Law No. 67/ 98, of October 26 - and, as of May 25, 2018, of the RGPD, with regard to the violation of the principle of lawfulness provided for in paragraph 1 of its article 5.

10 Ob. cit., pp. 107.

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It should also be pointed out the contradiction of the defendant's defense who, despite understanding that he has no competence to act in the areas that the law itself reserves for him (of the management of manifestations and, by implication, of the notices to the same ones), determining, by order, the sending of notices to external entities, ends up defending the internal and practically indiscriminate sharing between its own services to ensure such competences that it rejected as its own.

The accused cannot still be unaware of the principle included in paragraph 2 of the same article 5, which enshrines a principle of responsibility, through which those responsible for the treatment - the quality that the accused assumes in the treatment of notices data - cannot be limited to the "passive" fulfillment of obligations to which they are bound in terms of protection of personal data, through, in particular, orders or instructions, and must assume an active posture of reiterated verification of this fulfillment within organizations (always that are legal persons).

However, such verification was never carried out, which led to the procedures being practically unchanged.

Furthermore, whenever deviations from the procedure were actually noticed, they were aimed at degrading the protection of the personal data of the persons concerned, through the sharing of their personal information with entities as different as the "Social Services of the Embassy of India" (cf. point 66 of the Deliberation Project) or, even, a private company, Restaurante Quero Lugar que não existe, Lda. (cf. point 113 of the Deliberation Project) Always without any additional, periodic and minimal verification.

Again, all this reality reveals an organizational culture, to say the least, very deficient.

It is undeniable that the defendant was aware of his legal obligations, whether arising from Decree-Law no. not contemplated in the law, with the sole aim of ensuring that they are not held accountable.

In an attitude clearly contrary or, at least, indifferent to the Law and its norms.

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xxi. However, «the misdemeanor intent resides in the intellectual knowledge of the elements of the type and in the disrespect for the prohibitions or legal obligations protected by the administrative offences rules»¹¹.

xxii. And there are no doubts about the knowledge of the elements of the type and the verification of the disrespect for the prohibitions or legal obligations on the part of the defendant.

xxiii. If the conditions for the imputation of the conduct with intent are complete, within the limit in the modality of eventual willful misconduct, the accused having foreseen the result as a possible consequence of his conduct and, nevertheless, carrying out such conduct, complying with the respective result.

11. On the absence of a sanctioning rule applicable to the accused

i. The defendant argues that there is no sanctioning rule, since, in short, the application of the fines provided for in the RGPD only apply to the public sector in accordance with the intermediation of the national legislator, which must, under the terms of paragraph 7 of article 83. ° of the GDPR, define the "if" and "to what extent" are those subject to fines.

ii. In defence, the defendant argues for the lack of a sanctioning rule applicable to non-business entities in the public sector, as it is not expressly included in Law No. 5 of article 83 of the RGPD which, in their opinion and except for the unequivocal intermediation of the national legislator, always point to the existence of business entities to which the limits referring to annual turnovers apply.

- iii. This thesis cannot be accepted because it does not adhere to the reality of the facts and the applicable legal circumstances.
- iv. Article 83(7) of the GDPR provides: 'Without prejudice to the supervisory authorities' powers of correction pursuant to Article 58(2), Member States may lay down rules which make it possible to determine whether and to what extent fines may be imposed on public authorities and bodies established on their territory.'

11 As explained by Paulo Pinto de Albuquerque, in note 4 to article 8 of the RGCO, in his work 'Commentário do Regime Geral das Contraordenações in the light of the European Convention on Human Rights'.

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- v. This is one of the precepts that authorize the intermediation of the Member States in the conformation of the regime registered in the RGPD, in the territory of their country.

saw. In the Portuguese case, the national legislator intended to express in paragraph 1 of article 44 of Law no. to public entities.

- vii. In it we find the following formulation: «The fines provided for in the GDPR and in this law apply equally to public and private entities.».

viii. We consider the purpose and scope of the formulation to be crystal clear, and the will of the national legislator to subject public entities to the imposition of the fines provided for in the GDPR (as well as in national law) is obvious, in the same way that private entities are subject to them.

- ix. Having thus answered the "if" with a resounding yes and the "to what extent", with the same intensity applicable to any other legal person.

x. We do not see how this precept can offer any interpretive difficulty.

xi. And even less is the framework to which public entities will have to be subjected when they do not take the form of companies is accepted as dubious.

xii. If the fines apply "equally to public and private entities", it becomes clear that, *mutatis mutandis*, if the public entity does not constitute itself as a company, the limits established in the GDPR (and in the law regarding the administrative offenses

provided for therein) for all entities that are not companies or whose turnover expressed in the percentages of paragraph 4 and paragraph 5 of article 83 of the RGPD do not allow to exceed respectively 10 (ten) or the 20 (twenty) million euros.

xiii Here, there is no obstacle to legal predictability or legal certainty and certainty that could benefit the defendant and that should serve as a justification for not imposing fines within the framework provided for in the GDPR.

12. On the responsibility of the accused and his employees

i. Also here, the defendant understands, as already mentioned, that his responsibility is non-existent or, at least, negligent and that, if it exists, it is fully and solely endorsable to the employee(s) who failed to comply with the orders. of that dispatch.

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ii. Basing this opinion on the fact that there was an order under the responsibility of the Mayor of Lisbon, the aforementioned order of April 2013, which clearly imposed the duty not to forward the notices to entities other than the MAI and the PSP (COMETLIS /PSP).

iii. It happens, on the one hand, and as already noted, that the order is manifestly insufficient, if not even silent on the destination of the personal data contained in the notices.

iv. While it is clear that they should be forwarded to those entities, in all other aspects of the processing (right to information, retention period, security conditions regarding the sending and retention of information) silence reigns.

v. On the other hand, and as has already been profusely demonstrated, the order limited itself to reducing the list of entities not authorized to receive the personal information of the promoters, not taking care, as was its duty, to eliminate these entities from the universe of recipients of the data. personal,

saw. And this obligation is as translucent today as it was in the light of Law No. 67/98, of October 26, amended by Law No.

subsequently revoked by Law No. 58/2019, of August 8, which contained, for what is relevant here, the very same principles (with the exception of liability) - cf. Article 5(1) of this law and Article 5(1) of the GDPR.

vii. In addition to these elements, and as already underlined, the defendant never took care to verify, as was his legal obligation, whether this order (however insufficient) was being fulfilled,

viii. Omission that lasted, at least since 2013 and until June 2021, when an orientation from the Chief of Staff of the Mayor determined that personal data (in the notices) should not be shared with entities other than the MAI and the PSP (cf. pp. 435 of Annex I next to the file)

ix. Once again, the violation of the law was repeated in the consignment of recipients of personal data that are clearly not included in Decree-Law No. 406/74.

x. In addition to the clear demonstration of indifference to the legal obligation enshrined in that diploma, as well as to the obligations prescribed by the RGPD, this attitude reveals an obvious mistake on the part of those who manage the services.

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xi. 0 which is very revealing of the defendant's organizational culture and his organizational deficit, naturally only attributable to his own.

xii. Moreover, the attribution of responsibilities to the accused cannot fail to be affirmed.

xiii Whether (de jure constituto) by way of what the Superior Council of the Attorney General's Office defended in Opinion No. is found in a "structural defect of the business organization" (defective corporate organization) or "autonomous fault for organizational deficit", or by imputation to a natural person functionally linked to the legal person, but which does not need to be identified or individualized.»

xiv. This is, as Augusto Silva Dias argues, because we follow the argument that «that the model of direct and autonomous imputation is the most correct and should be adopted de jure constitundo»¹³.

xv. Since this criterion or model «points to autonomous grounds of responsibility of the legal person based on an illicit and fault proper to the organization, poured into the accomplishment of the fact, on which the social reprimand is based»¹⁴.

xvi. Refusing any of these positions, and interpreting paragraph 2 of article 7 of the RGCO in a restrictive way, we would be admitting and strengthening a space of unjustifiable and constitutionally dubious non-imputability, in terms of the principle of equality, in the confrontation between the responsibility of natural persons and legal persons.

xvii. In a relationship that, in accordance with the principle set out in paragraph 1 of article 7 of the RGCO, must be considered parified.

xviii It should be recalled, in conclusion, that the 2013 order was not complied with by an official, but by all elements of the Office of Support to the Presidency of the CML and that, even when a councilor had direct knowledge of the forwarding of one of these notices (cf. . point 46 of the Draft Deliberation), no corrective action was requested or even any doubts were raised regarding the ongoing procedures.

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12 Available in

<http://www.dgsi.pt/pggrp.nsf/7fc0bd52c6f5cd5a802568c0003fb410/d74d5fc794d5302180257b6e0051c9ee70pe>
nDocument#_Section2

13 Ob. cit., p. 97.

14 Ditto.

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13. On the categorization of personal data under Article 9(1) of the GDPR

i. In this field, the defendant argues that the processed personal data cannot all be returned to the special categories of data, the processing of which is, as a rule, prohibited, under the terms of Article 9(1) of the GDPR.

ii. The defendant discusses the origins of the demonstrations and their objective, which, admittedly, aims to make public and notorious causes, protests, opinions or identities within society.

iii. However, the accused commits the "capital sin" of confusing the objective of the demonstrations with the objective of the demonstrations warnings.

iv. As for the first, it must be said that even the publicity of the motto that led to the demonstrations does not always aim at or oblige the publicity of the protesters.

v. The phenomenon of "anonymous" demonstrations¹⁵ is increasingly known, in which protesters try to remain incognito in order to avoid reprisals from the entities against whom they protest (generally the States).

saw. The growing range of means of identifying, recording and preserving personal information in public places (such as the profusion of video surveillance cameras with and without the possibility of running artificial intelligence programming that allows the rapid identification of protesters) should lead to an updated risk assessment. that these means represent for freedom of expression.

vii. On the other hand, the mere publicity of the person in the context of a given manifestation does not authorize any public or private entity, automatically and unconditionally, to collect, organize and store information about that publicity and person.

viii. The lawful ground provided for in Article 9(2)(e) is just that, a ground, not exempting from compliance with the other requirements in the GDPR to ensure that the processing complies with parameters as relevant as those of the loyalty,

¹⁵ In this regard, it is worth noting the example of the demonstrations that took place in Hong Kong, against the local government in protest against the democratic degradation of institutions and in which, for fear of reprisals, thousands of protesters wore masks to avoid being recognized, leading to the state legislation, as reported in the following news item:

<https://www.bbc.com/news/world-asia-china-49931598>.

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transparency and other principles with constitutional dignity that are equally summonable, such as proportionality.

ix. Therefore, it is not possible to absolutize a foundation as if it contained all the legal presuppositions of the processing of personal data.

x. Above all, as is well known, that paragraph 2 of article 9 of the GDPR serves as a catalog of grounds auxiliary to those provided for in article 6 of the same regulation, and it is with this article that we must begin the search for the lawfulness of any treatment .

xi. It is, for all these reasons, unacceptable, the conclusion that the defendant intends to draw that these data, being

publicized, cannot fall under the protection of article 9.

xii. In what is an exercise of reprehensible one-dimensional characterization of personal data, when taken in the sense that, as it refers to a fundamental right with public resonance, it does not admit a scope of reservation or protection beyond that publicity.

xiii This "nonsense" that the defendant points out regarding the consideration of the protection of the data of the protesters in the scope of article 9, despite the content of these data having been freely publicized, reflects a misunderstanding of the different stages and different treatments that the personal data can suffer.

xiv. And, as already mentioned, if we all admit that, in the context of the demonstration, the protesters and the promoters, as a rule, unconditionally publicize their position,

xv. For this reason, we must not transform this exercise located and limited to a given situation and at a given moment into a catalog of people aligned with their ideas, orientations and religions, unconditionally maintained and managed by anyone.

xvi. Furthermore, the discussion and the problem should be centered on what really matters and that is the sudden transfer of personal data contained in notices of demonstrations to third parties and not provided for by law.

xvii. Instead of dwelling on a discussion, here spurious and inconsequential, about the more or less public character of these gatherings.

xviii Not least because there will not be many demonstrations in which the demonstrators, promoters or not, reveal their name, address and profession to all who may come into contact with them during the course of the same.

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xix Another point that the defendant tries to raise is the fact that, in certain notices, the personal data presented refer to data subjects representing legal persons or public entities.

xx And, therefore, he argues that such data cannot be traced back to special categories of data, since those people will not be associated with those events.

xxi. Firstly, it must be reaffirmed that the sending of personal information (whose treatment is delimited by law) to entities not provided for in the law violates the principle of lawfulness, loyalty and transparency, regardless of the link that may be established between these people and the causes of the manifestations.

xxii. Then, the representation of legal persons does not automatically mean the disassociation of these persons from the causes and notices that are sent to the Municipality of Lisbon, and the situations in which this may eventually happen are rare.

xxiii. And what really matters, from the moment these notices are sent, is whether or not these people are listed as prosecutors.

xxiv. If so, as is the case, it is not seen how they can be dissociated from the demonstrations (and ideas, positions and protests) promoted.

xxv. However, the defendant is right in two cases,

xxvi. In point 521 of the Defense, refers to the notice regarding the event "Cultural Manifestation - Colombina Clandestina", which does not, effectively, have connotations with any of the types of personal data provided for in paragraph 1 of article 9 of the RGPD .

xxvii. Also in point 528 there is a notice referring to a concentration "to honor Mário Nunes, a Portuguese volunteer who fought the Islamic State in Syria".

xxviii. In the latter case, it is more debatable whether or not we can qualify the promoters as being linked to manifestations of a political, philosophical or religious nature, even though a direct link can be promoted between the homage to the man and the homage to the cause for which he fought and died. .

xix. Without prejudice to this interpretative path and because nothing is said in the notice that makes this direct link, it is accepted that there are also no special categories of personal data processed here, so these two cases will be considered as non-special personal data processing operations. .

14. On the joint consideration of the conducts

- i. The defendant understands that the 225 administrative offenses are closely connected, which prevents the application of the effective competition institute,
 - ii. before demanding recourse to the provisions of Article 83(3) of the GDPR,
 - iii. which presupposes an absorption system whereby “the joint punishment of all offenses is carried out only within the limits of the legal framework provided for the most serious offence” (cf. point 672 of the Defence).
 - iv. Although some of the arguments explained in the defense may be borne out, such as the interconnection between the 225 administrative offenses at issue here, one does not agree with the assertion that Article 83(3) constitutes an absorption system.
 - v. Regardless of the arguments for or against this perspective, the first binding decision issued by the European Data Protection Board under Article 65 of the GDPR¹⁶ cannot be ignored.
- saw. The CNPD, in order to guarantee the objectives of coherent application of the RGPD in the various Member States, must follow the binding interpretation established there concerning, among other matters, the aforementioned paragraph 3 of article 83 of the RGPD.
- vii. Therefore, the Committee is of the opinion that, in the event of application of Article 83(3), that is, when 'the controller or processor infringes, intentionally or through negligence, in the context of the same processing operations or of linked transactions, various provisions of this Regulation, the total amount of the fine may not exceed the amount specified for the most serious breach.
 - viii. Take into account each of the violations that have been proven, and they must contribute to the determination of the final total value of the single fine to be applied to the agent, without such single fine being able to exceed the maximum amount abstractly considered of the frame that corresponds to the most serious violation of all those considered.
 - ix. This means, in the present case, in which we have 225 administrative offenses in total, but in which they are divided into 224 administrative offenses to which the maximum limit provided for in no.

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¹⁶ Available in English at: <https://edpb.europa.eu/system/files/2021->

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5 of article 83 (111 administrative offenses under subparagraph a) of paragraph 1 of article 5, article 6, and paragraph 1 of article 9, in conjunction with paragraph a) of paragraph Article 83(5); 111 administrative offenses p. and p. by subparagraph c) of paragraph 1 of article 5, in conjunction with subparagraph a) of paragraph 5 of article 83; 1 administrative offense p. and p. by Article 13(1) and (2) in conjunction with Article 83(5)(b); 1 administrative offense and 1 administrative offense p. and p. by subparagraph e) of paragraph 1 of article 5, in conjunction with subparagraph a) of paragraph 5 of article 83, both of the GDPR),

x. and an administrative offense to which the maximum limit provided for in paragraph 4 of article 83 applies (p. and p. by paragraph b) of paragraph 3 of article 35 of the GDPR, in conjunction with paragraph a) of paragraph 4 of article 83),

xi. that the most serious violation(s) is (are) objectively the one(s) that point(s) to the frame provided for in paragraph 5 of article 83, being, therefore, established, that the maximum of the specific fine to be imposed cannot exceed 20 (twenty) million euros, regardless of the amount that applies to each of the different violations.

15. Regarding the other arguments of the defense, it is understood that they have already been answered in the subsequent points, not requiring additional assessments.

16. The CNPD does not consider hearing the witnesses presented, since what is at issue is not a matter of fact, moreover repeatedly confirmed by the accused and, in other cases, not even contested (such as the one relating to the allegations of rape of the right to information and the principle of the limit of conservation) but only the legal interpretation of the facts found, for which the same hearing is unnecessary.

III. With the elements contained in the case file, of interest for the decision, we consider the following facts to have been

proven

i. Collection of personal data from promoters

17. The Municipality of Lisbon collects information on individuals who subscribe to notices for the holding of meetings, rallies, demonstrations or parades in public places or open to the public, whether they are promoters of such events or representatives of promoting associations.

18. This information corresponds, at least, to the name.

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19. Information is also collected regarding address (postal and or electronic), profession, telephone contact, nationality, date of birth, affiliation, marital status, tax identification number, civil identification document number, authorization data of residence and, sometimes, copies of civil identification document.

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ii. Meeting notice communications

20. As part of the processing of notices, from the email box with the address [^][^][^][^]cm-lisboa.pt, the communications listed below were sent.

21. On 9 July 2018, in reference to the demonstration "Supporting the release of Ukrainian prisoners for political reasons in Russia" (Palace of Bethlehem), email with personal data relating to (name) to the recipients Office of the Minister (a) of Internal Administration, PSP/COMETUS (2 addresses), other addresses with PSP domain (1 contact), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses), Presidency of the Republic - cf. pages 2 to 5 of Annex II of the Report;

22. On 4 September 2018, in reference to the manifestation "Inhumane conditions that asylum seekers have suffered in Libya" (Rossio), email with personal data relating to (name, email) to recipients Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (1 address), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), City Council Services from Lisbon (3 addresses) - cf. pages 6 to 9 of Annex II of the Report;

23. On September 20, 2018, in reference to the demonstration "Protest the propaganda policy of the Russian Orthodox Church against Ukraine" (In front of the Chapel of the Good News), email with personal data relating to[^][^][^][^][^][^] (name) for recipients

Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (1 address), Prime Minister's Office, Security Coordinating Office, Municipal Police of Lisbon (2 addresses), Lisbon City Council Services (3 addresses), Russian Orthodox Church - cf. pages 10 to 13 of Annex II of the Report;

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24. On November 22, 2018, in reference to the manifestation "Official visit of the Russian Foreign Minister" (Clock Roundabout), email with personal data relating to ^^^^H(name) to recipients (a) Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (1 address), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Services Lisbon City Council (3 addresses), Presidency of the Republic, Office of the Minister for Eslianyeiros Affairs - cf. pages 14 to 17 of Annex II of the Report;

25. On December 1, 2018, referring to the demonstration "Demonstrations of support on the occasion of the State Visit of the President of China, Xi Jinping" (Various locations), email with related personal data (name, telephone) /a name , phone) /a (name,

telephone) for recipients Office of the Minister of Internal Administration, PSP/COMETLIS (2 addresses), other addresses with a PSP domain (1 address), Office of the Prime Minister, Security Coordinating Office, Municipal Police of Lisbon (2 addresses), Lisbon City Council Services (3 addresses), Assembly of the Republic, Ajuda National Palace, Navy Museum - cf. pages 18 to 23 of Annex II of the Report;

26. On December 6, 2018, in reference to the demonstration "so that the Russian federation frees" (Plaza do Comércio), email with personal data relating to ^^^^^m(name) to the recipients Office of) Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (1 address), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), City Council Services Municipality of Lisbon (3 addresses), Russian Embassy - cf. pages 24 to

27 of Annex II of the Report;

27. On December 20, 2018, referring to the demonstration "immediately the three ships and 24 Ukrainian crew members" (Hungarian Embassy), email with personal data relating to (name, telephone, address, email) /a (Name, telephone, address, email) / to (name, telephone, address, email) for the recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with a PSP domain (1 address), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses)), Chamber Services AVG Process/2021/300 15

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Municipality of Lisbon (3 addresses), Embassy of Hungary - cf. pages 28 to 31 of Annex II of the Report;

28. On January 16, 2019, in reference to the "Cultural Manifestation - Colombina Clandestina" (Panteão Nacional ao Beco de São Miguel), email with personal data relating to m (name, profession, address, email) (name, profession, address) |(name, profession, address) / profession, address)

|(name, profession, address) for recipients Office of the Minister of Internal Affairs, PSP/COMETUS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Coordinating Office of Security, Municipal Police of Lisbon (2 addresses), Services of the Municipality of Lisbon (3 addresses), Office of Councilor Duarte Cordeiro, National Pantheon - cf. pages 3 to 15 of Annex III of the Report;

29. On January 19, 2019, in reference to the demonstration "Support for Venezuela, on the International Day of Freedom" (Plaza do Comércio), email with related personal data

(name, ID, telephone, profession, address, email) / (name, telephone, occupation, address) (name, telephone, occupation, address) for the recipients Office of the Minister of Internal Administration, PSP/COMETLIS (2 addresses), other addresses with a PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses)), Lisbon City Council Services (3 addresses), Embassy of Venezuela - cf. pages 16 to 22 of Annex III of the Report;

30. On January 22, 2019, in reference to the manifestation "Action "LIBERATECRIMEIA""

(Praça do Comércio), email with personal data related to (name) for the

recipients Office of the Minister of Internal Administration, PSP/COMETLIS (2 addresses), other addresses with a PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses)), Lisbon City Council Services (3 addresses), Ukrainian Embassy - cf. pages 23 to 26 of Annex III of the Report;

31. On January 29, 2019, in reference to the demonstration "Solidarity with Brazilian indigenous peoples" (from Pç. Luís de Camões to Ribeira das Naus), email with personal data

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relating to [^^](name, telephone, email) /H^B(name< telephone) /^^](name, telephone) for recipients Office of the Minister of Internal Affairs , PSP/COMETUS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses) - cf. pages 27 to 31 of Annex III of the Report;

32. On February 12, 2019, in reference to the demonstration "Reclaiming equal rights in the search for a person" (Praça Luís de Camões), email with personal data relating to

(name, email) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses), Brazilian Embassy - cf. pages 32 to 35 of Annex III of the Report;

33. On February 18, 2019, in reference to the demonstration "Protest against the aggression in Moscow" (Embassy of the Russian Federation), email with personal data relating to

(name) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Municipal Police of Lisbon (2 addresses), Lisbon City Council Services (3 addresses), Russian Embassy - cf. pages 36 to 39 of Annex III of the Report;

34. On February 20, 2019, in reference to the demonstration "Peaceful Concentration "Revolt

Tibetan National"" (Embassy of the People's Republic of China), email with personal data relating to (name, telephone) to recipients Office of the Minister of Internal Administration, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses), Chinese Embassy (2 addresses) - cf. pages 40 to 43 of Annex III of the Report;

35. On March 11, 2019, in reference to the manifestation "Act for the one year of the death of

Brazilian councilor Marielle Franco and Anderson Gomes" (Largo Camões), email with personal data relating to (name, ID, address) /^^^^^^|(name, address,

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email) (name, CC, address, email) to recipients

Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses) , Lisbon City Council Services (3 addresses), Consulate General of Brazil - cf. pages 44 to 47 of Annex III of the Report;

36. On March 19, 2019, in reference to the demonstration "Fulfillment of one year of political imprisonment of former bi-asileito

President Lula da Silva" (Luis de Camões Square), email with data

relating to (name, telephone)

(name, CC, telephone) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Office of the Prime Minister, Office of Coordinator of Security, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses), Brazilian Embassy - cf. pages 48 to 54 of Annex III of the Report;

37. On March 26, 2019, in reference to the demonstration "Defense of Peace and NATO denunciation" (Cais do Sodré

Station), email with personal data relating to^^^^^^H(name) to the recipients Office of the Minister of Internal Administration,

PSP/COMETLIS (2 addresses), other addresses with a PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses)), Lisbon City Council Services (3 addresses) - cf. pages 55 to 58 of Annex III of the Report;

38. On May 9, 2019, in reference to the event "Celebrations of the birth of Buddha in Nepal" (Praça do Comércio ao Largo do Martim Moniz), email with personal data relating to ^^^^^^^^^^I (name) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Municipal Police Lisbon (2 addresses), Lisbon City Council Services (3 addresses) - cf. pages 59 to 64 of Annex III of the Report;

39. On May 15, 2019, in reference to the demonstration "Peace and Progress for Guinea-Bissau

Bissau" (Rossio), email with personal data relating to (name, telephone, email)

/^^^^^H^^^(name, telephone, email) /^^^^^(name, telephone, email) for recipients Office of the Minister of Internal Affairs,

PSP/ COMETLIS (2 addresses),

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other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses) - cf. pages 65 to 69 of Annex III of the Report;

40. On June 24, 2019, in reference to the demonstration "International Campaign for the singer Milton Nascimento not to perform in Israel" (Lisbon Coliseum), email with personal data relating to (name, telephone) to the recipients Gabinete do (a) Minister of

Internal Administration, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses)), Lisbon Coliseum, Palestinian Diplomatic Mission, Israeli Embassy - cf. pages 70 to 78 of Annex III of the Report;

41. On July 15, 2019, in reference to the manifestation "Conviction of Sergeant of the National Guard of Ukraine, Vitaly Markiv"

(Embassy of Italy), email with personal data concerning (name) to the recipients Office of Minister of Internal Administration, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses), Italian Embassy - cf. pages 79 to 84 of Annex III of the Report;

42. On 17 July 2019, in reference to the demonstration "In memory of the victims of flight MH1T (Embassy of the Russian Federation), email with personal data relating to (name) to the recipients Office of the Minister) of the Internal Administration, PSP/COMETLIS (2 addresses), other addresses with a PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses), Embassy of the Russian Federation and Ministry of Foreign Affairs of the Russian Federation - see pages 85 to 90 of Annex III of the Report;

43. On August 7, 2019, in reference to the demonstration "Solidarity with the struggle of Brazilians for education and against pension reform" (Praça Luís de Camões), email with personal data relating to (name, CC, telephone)

^H(name, CC, telephone) for recipients Office of the Minister of Administration

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Internal, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses) - cf. pages 91 to 95 of Annex III of the Report;

44. On August 8, 2019, in reference to the demonstration "International Day of Indigenous Peoples" (Luis de Camões Square), email with personal data relating to ^^^^Knome, CC, muiada) /^^^^ ^^^^^|(name, address) /^^^^^^^^^^^^|(name, address) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service - see pages 96 to 99 of Annex III to the Report;

45. On August 8, 2019, in reference to the demonstration "Punjab Referendum 2020 for Khalistan" (Embassy of the Indian Union), email with personal data concerning

(name, CC copy, telephone, occupation, address) / a^^^^|(name, CC copy, telephone, occupation, address, email) (name, CC copy, telephone, occupation, address) for the recipients Office of the Minister of Internal Administration, PSP/COMETLIS (2 addresses), other addresses with a PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses)), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Consular Service of the Embassy of India - cf. pages 100 to 111 of Annex III of the Report;

46. On August 9, 2019, in reference to the demonstration "Against the decision of the Government Indian to revoke the special status of Kashmir" (Luis de Camões Square to the Assembly of the Republic), email with personal data relating to (name, copy of title color residence, telephone) (name, email) for recipients Office of Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), City Council Services of Lisbon (3 addresses), Municipal Civil Protection Service, Assembly of the Republic, Consular Service of the Embassy of India - cf. pages 112 to 118 of Annex III of the Report;

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47. On August 16, 2019, in reference to the demonstration "Manifestation for the 500 days of political imprisonment of Luiz Inácio Lula da Silva, former president of Brazil" (Praça Luís de Camões), email with personal data relating to ^^

^^^^^^^(name, CC, phone)

^■(name, CC, telephone) for recipients Office of the Minister of Home Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Office Security Coordinator, Lisbon Municipal Police (2 addresses), Lisbon City Council Serviços (3 addresses), Municipal Civil Protection Service - cf. pages 119 to 125 of Annex III of the Report;

48. On August 16, 2019, in reference to the demonstration "I protest against the decision of the Indian Government to revoke the special status of Kashmir" (from Rua Luís Castanho de Almeida, 2 to the Embassy of the Indian Union), email with personal data relating to ^^^^^^H(name, front copy of residence permit , telephone, profession) (name, telephone, profession) /^^^^^^^^^(name) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses) , Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Social Services of the Embassy of India - cf. pages 126 to 141 of Annex III to the Report;

49. On August 20, 2019, in reference to the demonstration "Action to support security and justice agents in Brazil" (Praça do Comércio), email with personal data relating to Elen ^^^^^^^^^ ^^^^(name, profession, address, email) /^^^^^(name, profession, address) /^^^^^^^^^■(name, profession, address) to the recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses) , Lisbon City Council Services (3 addresses), Municipal Civil Protection Service - cf. pages 142 to 156 of Annex III of the Report;

50. On August 22, 2019, in reference to the demonstration "Silent vigil in protest against the inaction of the Brazilian government in relation to the fire that is consuming the Amazon" (Restauradores Square), email with personal data relating to (name , CC, address, affiliation, marital status) / ^^^^^^^^^■(name)

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(name) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Municipal Police of Lisbon (2 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Embassy Brazil - cf. pages 157 to 167 of Annex III of the Report;

51. On October 4, 2019, in reference to the demonstration "I protest against the decision of the Indian Government to revoke the special status of Kashmir" (from Praça Martim Moniz to Rossio), email with personal data relating to (name, telephone, profession) /

(name, telephone, profession) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Office of the Prime Minister, Office of Coordinator of Security, Municipal Police of Lisbon (2 addresses), Services of the Municipality of Lisbon (3 addresses), Municipal Civil Protection Service, Social Services of the Embassy of India - cf. pages 168 to 179 of Annex III of the Report;

52. On October 22, 2019, in reference to the demonstration "Pacific Manifestation in solidarity with Chile" (Luis de Camões Square), email with personal data relating to

(name) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Municipal Police of Lisbon (2 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service - cf. pages 180 to 184 of Annex III to the Report;

53. On October 24, 2019, in reference to the demonstration "Lula Day" (Praça do Comércio),
email with personal data regarding name, CC, telephone)

(name, CC, telephone) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Office of the Prime Minister, Office of Coordinator of Security, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service - cf. pages 185 to 189 of Annex III to the Report;

54. On October 29, 2019, in reference to the demonstration "Marcha Chile Resiste" (Rossio
to Praça Luís de Camões), email with personal data relating to (name, telephone)

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for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service - cf. pages 190 to 194 of Annex III of the Report;

55. On November 28, 2019, in reference to the demonstration "Concentration "Cacerolazo

Latino" in defense of peace and life in Latin America" (Largo Luís de Camões), email with personal data relating to (name, passport, nationality, telephone,

address) /^^^^^^^^^^^^^name, Passport, nationality, telephone, address)

(name, Passport, nationality, telephone, address) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Office of the Prime Minister , Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service - cf. pages 195 to 199 of Annex III to the Report;

56. On November 29, 2019, in reference to the demonstration "Reclaiming the rights of Nepalese citizens in Nepal" (Embassy of India in Portugal), email with personal data relating to^^^H(name, CC, nationality, telephone , date of birth) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Police Municipality of Lisbon (2 addresses), Services of the Municipality of Lisbon (3 addresses), Municipal Civil Protection Service, Consular Service of the Embassy of India - cf. pages 200 to 204 of Annex III of the Report;

57. On December 3, 2019, in reference to the demonstration "Protest Feminista" (Praça do Comércio), email with personal data relating to ^^^^^^^^(name, telephone) to the recipients Gabinete do(a) Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with a PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council (3 addresses), Municipal Civil Protection Service - cf. pages 205 to 209 of Annex III of the Report;

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58. On December 5, 2019, in reference to the manifestation "Request for the continuation of sanctions against Russia" (Plaza do Comércio), email with personal data relating to (name) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Municipal Police Lisbon (2 addresses), Lisbon City Council Services (3 addresses). Municipal Civil Protection Service - cf. pages 210 to 216 of Annex III of the Report;
59. On December 6, 2019, in reference to the demonstration "Manifestation against corruption in Brazil" (Praça Luís de Camões), email with personal data relating to (name, telephone, email) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with a PSP domain (2 addresses), Office of the Prime Minister, Office of the Coordinator of Security, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Consulate General of Brazil (2 addresses) - cf. pages 217 to 223 of Annex III of the Report;
60. On December 7, 2019, in reference to the "Vigil for United Latin America" (Monumento de Simón Bolívar, Av. da Liberdade), email with personal data relating to ^^^^|^(name, phone, email) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Police Municipality of Lisbon (2 addresses), Services of the Municipality of Lisbon (3 addresses), Municipal Civil Protection Service - cf. pages 224 to 229 of Annex III to the Report;
61. On December 18, 2019, in reference to the demonstration "Support to the SOS Amazônia cause" (Cais do Sodré to Terreiro do Paço), email with personal data relating to (name, CC, address) (name, CC, address) / ^H ^H ^H (name, CC, address) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Office of the Prime Minister , Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service - cf. pages 230 to 235 of Annex III of the Report;

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address)

62. On December 23, 2019, in reference to the demonstration "Protest against anti-democratic methods and oppressors of freedom of expression of climate activists in Russia" (Russian Embassy), email with personal data relating to

|(name, profession, address, email) /^H^{^^}|^{^^}|(name, profession, (name, profession, address) for recipients Office of the Minister of Internal Affairs, PSP/ COMETLIS (2 addresses), other addresses with PSP domain (2 endeieçus), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection, Russian Embassy - see pages 236 to 244 of Annex III of the Report;

63. On October 24, 2019, in reference to the demonstration "Protest against the Indian Government's decision to revoke the special status of Kashmir" (Praça da Figueira), email with

personal data relating to

| (name, phone)

|(name) /

(name) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses). Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service - cf. pages 245 to 258 of Annex III of the Report;

64. On January 30, 2020, in reference to the demonstration "Solidarity Protest "Cashmir Pacifico1" (Praça Martim Moniz to the Assembly of the Republic), email with personal data relating to (name, telephone, profession) /^{^^}^{^^} ^{^^}■(name, phone, profession) (name, telephone, profession) for recipients Office of

Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's

Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), City Council Services of Lisbon (3 addresses), Assembly of the Republic, Social Services of the Embassy of India - cf. pages 4 to 11 of Annex IV of the Report;

65. On 18 February 2020, in reference to the demonstration "Protest against Moscow's aggression towards the sovereignty of Ukraine" (Embassy of the Russian Federation), email with personal data concerning (name) to recipients Office of the (a) Minister

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Administration, PSP/COMETUS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Embassy of the Russian Federation and Ministry of Foreign Affairs of the Russian Federation - cf. pages 12 to 15 of Annex IV of the Report;

66. On February 19, 2020, in reference to the demonstration "I support the New Constitution

Chilena" (Praça do Comércio), email with personal data relating to (name,

telephone) for recipients Office of the Minister of Internal Administration, PSP/COMETLIS (2 addresses), other addresses with a PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Municipal Police of Lisbon (2 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service - cf. pages 16 to 20 of Annex IV of the Report;

67. On 23 February 2020, in reference to the demonstration "Protest against Moscow's aggression towards the sovereignty of Ukraine" (Embassy of the Russian Federation), email with personal data concerning ■■■■(name) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Embassy of the Russian Federation and Ministry of Foreign Affairs of the Russian Federation - cf. pages 21 to 25 of Annex IV of the Report;

68. On February 26, 2020, in reference to the demonstration "Beginning of the illegal occupation of the

Crimea for Russia in 2014" (Embassy of the Russian Federation), email with personal data concerning (name) to recipients Office of the Minister of

Internal Administration, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's

Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses),
Municipal Civil Protection Service, Russian Embassy - cf. pages 26 to 29 of Annex IV of the Report;

69. On March 4, 2020, in reference to the demonstration "March for peace and harmony in
Guinea-Bissau" (From Marquês de Pombal to Rossio), email with personal data relating to | ■

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^^■^■(name, CC, address, email) for recipients Office of the Minister of Internal Affairs, PSP/COMETUS (2 addresses), other
addresses with PSP domain (2 addresses), Office of the Prime Minister, Security Coordinating Office, Lisbon Municipal Police
(2 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Guinea Bissau Embassy - cf.
pages 30 to 36 of Annex IV of the Report;

70. On March 4, 2020, in reference to the demonstration "Peaceful Concentration "Tibetan National Revolt"" (Municipality
Square), email with personal data relating to

(name, telephone) for recipients Office of the Minister of Internal Affairs, PSP/COMETUS (2 addresses), other addresses with
PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses),
Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Chinese Embassy - cf. pages 37 to 44 of Annex
IV of the Report;

71. On April 24, 2020, in reference to the manifestation "Azan (Prayer
muslim/Islamic call to worship)" (Martim Moniz), email with personal data relating to (name, telephone) to recipients Office of

the Minister of

Internal Administration, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (2 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service - cf. pages 45 to 60 of Annex IV of the Report;

72. On May 26, 2020, in reference to the demonstration "Denouncing the genocidal policy of the

President Jair Bolsonaro" (Consulate General of Brazil), email with personal data relating to ^^^^^^^^^|^^|(name, CC, telephone, profession, address, email) / ^^^^| ^H(name, address)

(name, CC, telephone, profession, address) (name, CC, telephone,

profession, address) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Police Municipality of Lisbon (2 addresses), Services of the Municipality of Lisbon (3 addresses), Municipal Service of

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Civil Protection, Office of the Mayor of Lisbon (2 addresses), Consulate General of Brazil - cf. pages 61 to 67 of Annex IV of the Report;

73. On May 27, 2020, in reference to the demonstration "Request for the release of civil rescue ships Aita Mari and Alan Kurdi in the port of Palermo" (Embassy of Italy), email with personal data relating to ^^|^| (name) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Municipal Police of Lisbon (2 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service (2 addresses), Office of the Mayor of Lisbon (2 addresses), Embassy of Italy - cf. pages 68 to 75 of Annex IV of the Report;

74. On June 3, 2020, in reference to the manifestation "Symbolic Concentration" (US Embassy), email with personal data relating to

(name, CC, phone) (name, CC) to recipients

Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses),

Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses) , Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Lisbon Mayor's Office (2 addresses), US Embassy - cf. pages 322 to 337 of Annex IV of the Report;

75. On June 7, 2020, in reference to the demonstration "Against fascism and neoliberalism in Brazil" (Rossio), email with relative personal data (name, CC, telephone) /1

|(name, CC, phone) /

(name, CC, telephone) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Office of the Prime Minister, Office of Coordinator of Security, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses), Consulate General of Brazil - cf. pages 338 to 353 of Annex IV of the Report;

76. On June 8, 2020, referring to the manifestation "Concentration" (US Embassy), email with personal data relating to ^^^^^^^|^^^^^^^(name, CC, phone, profession, email) /^^^^^^^^^^■(name, CC, profession) /

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|(name, CC, profession) for recipients Office of the Minister of Internal Affairs, PSP/COMETUS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Coordinating Office of Security, Municipal Police of Lisbon (2 addresses), Services of the Municipality of Lisbon (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses), US Embassy - cf. pages 76 to 87 of Annex IV of the Report;

77. On June 17, 2020, in reference to the demonstration ""Stop Bolsonaro Global"" (Rossio), email with personal data relating to ^^^^^^^^^^(name, CC, telephone) / ^^H^(name, CC, phone) / (name, CC, phone) for the

recipients Office of the Minister of Internal Administration, PSP/COMETLIS (2 addresses), other addresses with a PSP domain

(2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses)), Lisbon City Council Services (6 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses), Consulate General of Brazil - cf. pages 88 to 104 of Annex IV of the Report;

78. On June 17, 2020, in reference to the manifestation "Discontent regarding the political and social instability/crisis in Guinea-Bissau" (Rossio up to the CPLP), email with personal data relating to (name) to recipients Office of (a)

Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), City Council Services of Lisbon (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses), CPLP, Embassy of Guinea Bissau - cf. pages 354 to 374 of Annex IV of the Report;

79. On July 7, 2020, in reference to the demonstration "Protest against the decision of the Indian Government to revoke the special status of Kashmir" (Embassy of India), email with personal data relating to ^^^^^^^ ^^^|(name) / ^^^^^^^|(name) /

For recipients Office of the Minister of Internal Administration, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses),

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Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses), Embassy of India (2 addresses) and Embassy of Pakistan - cf. pages 375 to 402 of Annex IV of the Report;

80. On July 16, 2020, in reference to the demonstration "Solidarity with Free Belarus and for the End of Violation of Human Rights in Belarus" (Largo Luís de Camões), email

with personal data relating to

(name, CC, telephone, profession, address)

"[(name, title

| (name, CC, telephone, profession, address) /| residence, telephone, profession, address, email) for recipients Office of the

Minister of Internal Affairs, PSP/COMETUS (2 addresses), other addresses with PSP domain (2 addresses), Office of the Prime Minister, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Lisbon City Council President's Office (2 addresses) - cf. pages 105 to 112 of Annex IV of the Report;

81. On July 16, 2020, in reference to the demonstration "Indignation at disrespect for the Constitution of the Republic of Guinea-Bissau" (Assembly of the Republic), email with personal data relating to (name, telephone, email) to recipients Cabinet of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with a PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Services of the Municipality of Lisbon (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses), Assembly of the Republic, Embassy of Guinea Bissau - cf. pages 113 to 124 of Annex IV of the Report;

82. On July 23, 2020, in reference to the manifestation "Evocative Initiative of the 75th Anniversary of the Bombing of Hiroshima and Nagasaki" (Jardim da Cerca da Graça), email with personal data relating to (name, NIC, telephone) ■^■(name, NIC, telephone) for recipients Office of the Minister of Home Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Office of the Prime Minister, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal

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Civil Protection, Office of the Mayor of Lisbon (2 addresses) - cf. pages 125 to 132 of Annex IV of the Report;

83. On August 5, 2020, in reference to the demonstration "Sound the alarm on the impact of Covid-19 on indigenous communities" (Largo Luís de Camões), email with personal data to (name, address)

(name, profession, address) /(name, profession, address) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Office of the Prime Minister, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Lisbon City Council President's Office (2 addresses) - cf . pages 133 to 138 of Annex IV of the Report;

84. On August 7, 2020, in reference to the demonstration "End of Violation of Rights

Humans in Belarus by the Lukashenko regime" (Rossio), email with personal data relating to residence permit, telephone, profession, address, email) /

^^^^^^|^(name, CC, telephone, occupation, address) /^^^^^^Kname, residence title, telephone, occupation, address) for recipients Office of the Minister Administration, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses) - cf. pages 139 to 143 of Annex IV of the Report;

85. On August 7, 2020, in reference to the event "Meeting of the Guinean Community and Lovers of Peace, stability of Guinea-Bissau" (Alameda), email with personal data relating to ^^^^^H(name, telephone , email) to recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Municipal Police of Lisbon (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses), Guinea Bissau Embassy - cf. pages 144 to 146 of Annex IV of the Report;

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86. On August 17, 2020, in reference to the demonstration "Fora Bolsonaro, against the fascism, neoliberalism, racism and the destruction of the environment in Brazil" (Rossio), email with personal data relating to (name, CC, telephone)

(name, CC, phone) (name, CC, phone) to recipients

Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses) , Lisbon City Council Services (6

addresses), Civil Protection Municipal Service (2 addresses), Lisbon City Council President's Office (2 addresses), Brazilian Embassy - cf. pages 147 to 161 of Annex IV of the Report;

87. On August 18, 2020, in reference to the demonstration "The road to freedom. One human chain in solidarity with the Belarusian people" (Av. Ribeira das Naus), email with personal data relating to (name, residence permit, telephone, profession, address) telephone, profession, address) / (name, residence title, telephone, profession, address) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Office of the Prime Minister, Office Security Coordinator, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses) - cf. pages 162 to 170 of Annex IV of the Report;

88. On 7 September 2020, in reference to the demonstration "Solidarity with Alexei Navalny and against Russian intervention in Belarus" (Embassy of the Russian Federation), email with personal data relating to ^^^^^(name, residence permit, telephone, profession, address) / (name, ID, telephone, profession, address, email) ^^^Rname, ID, telephone, profession, address) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Office of the First -Minister, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Lisbon City Council President's Office (2

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addresses), Embassy of the Russian Federation and Ministry of Foreign Affairs of the Russian Federation - cf. pages 171 to 177 of Annex IV of the Report;

89. On September 15, 2020, in reference to the demonstration "Warriors of light: women

in white march through free Belarus" (From Marquês do Pombal to Praça dos Restauradores), email with personal data relating to residence permit, telephone,

occupation, address) / (name, CC, telephone, occupation, address) /

(name, residence permit, telephone, profession, address) for recipients Office of the Minister of Internal Affairs,

PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Office of the Prime Minister Minister,

Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal

Civil Protection Service, Lisbon City Council President's Office (2 addresses) - cf. pages 178 to 183 of Annex IV of the Report;

90. On September 18, 2020, in reference to the demonstration "In favor of the defense of the

Democracy in Angola" (Embassy of the Republic of Angola), email with personal data relating to (name, telephone)

/^^^^^^^(name) /

(name) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP

domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Municipal Police of Lisbon (3 addresses), Lisbon

City Council Services (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses), Embassy

of Angola - cf. pages 184 to 191 of Annex IV of the Report;

91. On 22 September 2020, in reference to the demonstration "Ask Cyprus not to ban EU sanctions against the Lukashenko

regime1' (Embassy of the Republic of Cyprus), email with personal data concerning ^^^^^ ^^^H(name, residence title,

telephone, profession, address)/^^^^^^^(name, CC, telephone, occupation, address)/^^^^^^^(name, residence title, telephone,

profession, address) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses

with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office , Lisbon Municipal Police (3 addresses),

Lisbon City Council Services (3 addresses),

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Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses), Embassy of Cyprus - cf. pages 192 to 197 of Annex IV of the Report;

92. On the 30th of September 2020, in reference to the demonstration "Inabilitation of the President of the Government of Catalonia, Quim Torra" (Luis de Camões Square), email with personal data concerning

Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses) , Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses) - cf. pages 198 to 205 of Annex IV of the Report;

93. On October 6, 2020, in reference to the manifestation "Concentration" (Embassy of Turkey), email with personal data relating to ^^^^^^^^(name, email) to the recipients Office of Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), City Council Services of Lisbon (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses), Embassy of Turkey - cf. pages 206 to 215 of Annex IV of the Report;

94. On October 6, 2020, in reference to the demonstration "Against the self-proclaimed Presidente Sissoco Embaló and his government" (Aeroporto Militar do Figo Maduro), email with personal data relating to (name, telephone, profession, address, email)
(name, address)

^^H(name, telephone, profession, address) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Office of the Prime Minister Minister, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Lisbon City Council President's Office (2 addresses), General Staff of the Forces Armadas, Lisbon Airport, Consulate General of Guinea Bissau - cf. pages 216 to 238 of Annex IV of the Report;

(name, CC, telephone, profession, address) /

(name, profession) to recipients

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95. On October 9, 2020, in reference to the demonstration "Artistic act in support of the struggle of indigenous peoples of Latin America" (Padrão dos Descobrimentos), email with relative personal data (name, CC, telephone, address) /^^^H(name, CC, telephone,

address) / (name, CC, telephone, address) for recipients Office of

Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), City Council Services of Lisbon (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses), Restaurant That Lugar que não existe, Lda., Embaixada Brasil - cf. pages 239 to 244 of Annex IV of the Report;

96. On October 12, 2020, in reference to the demonstration "Support for the New Chilean Constitution process" (From Praça das Novas Nações to Martim Moniz), email with personal data relating to^^^^^(name, telephone) for recipients Office of the Minister of Internal Administration, PSP/COMETLIS (2 addresses), other addresses with a PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Municipal Police of Lisbon (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses) - cf. pages 245 to 250 of Annex IV of the Report;

97. On October 20, 2020, in reference to the demonstration "Peaceful protest against police brutality and bad governance in Nigeria" (Embassy of Nigeria), email with personal details regarding (name, CC, nationality, date of birth) to the recipients Office of the Minister of Internal Administration, PSP/COMETLIS (2 addresses), other addresses with a PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses)), Lisbon City

Council Services (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses), Nigerian Embassy (4 addresses) - cf. pages 251 to 256 of Annex IV of the Report;

98. On October 26, 2020, in reference to the demonstration "Supporting women in Poland against the recent introduction of the new anti-abortion law" (Praça da Figueira to Praça Luís de Camões), email with personal data relating to ^^ H^^H(name) for Office recipients

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of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with a PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Services of the Lisbon City Council (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses) - cf. pages 257 to 262 of Annex IV of the Report;

99. On November 2, 2020, in reference to the manifestation "Dissatisfaction with what is happening in Guinea-Uonacri" (From Marquês de Pombal to Rossio), email with personal data relating to ^^^^^^ ^|(name, nationality, profession) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Office of the Prime Minister, Office Security Coordinator, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses) - see pages 263 to 287 Annex IV of the Report;

100. On November 3, 2020, in reference to the "world #WMM protest of the anonymous" (from Marquês do Pombal to Rossio), email with personal data relating to|^H ^^^^|(name, CC, telephone) (name, CC) to recipients Office of (a)

Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), City Council Services of Lisbon (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses) - cf. pages 403 and 404 of Annex IV of the Report;

101. On November 5, 2020, in reference to the demonstration "Demand the Government of Angola compliance with the electoral political program" (Consulate General of Lisbon of the Republic of Angola), email with personal

data relating to (name, profession)

^H(name, profession) (name, profession) / (name,

profession) (name, profession) for recipients Office of the Minister of

Internal Administration, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's

Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses),

Municipal Civil Protection Service, Office of the Mayor of Lisbon (2

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addresses), Consulate General of Angola (2 addresses) - cf. pages 288 to 300 of Annex IV of the Report;

102. On November 12, 2020, in reference to the demonstration "Against brutality, hunger, unemployment in Angola" (Rossio),

email with personal data relating to ^H(name, telephone, address) / ^Kname, phone)

phone, address) /■(name, phone) (name, phone, address)

for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2

addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council

Services (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses), Consulate General of

Angola (2 addresses) - cf. pages 301 to 318 of Annex IV of the Report;

103. On November 13, 2020, in reference to the demonstration "Rejection of the Peruvian Coup d'Etat" (Luis de Camões

Square), email with personal data relating to^|(name, telephone) to the recipients Office of the Minister of Internal Affairs,

PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security

Coordinating Office, Lisbon Municipal Police (3 addresses) , Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Lisbon City Council Mayor's Office (2 addresses) - cf. pages 319 to 321 of Annex IV of the Report;

104. On 19 January 2021, in reference to the demonstration "Solidarity with Alexei Navalny and call for his immediate release" (Embassy of the Russian Federation), email with personal data concerning ^^^^^^^|(name. ID, telephone, profession, address, email) / ^H

(name, ID, telephone, occupation, address) / ^^^^^^^|(name, residence permit, telephone, occupation, address) for recipients Office of the Minister of Internal Affairs, PSP/ COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection, Office of the Mayor of Lisbon (2 addresses) Embassy

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of the Russian Federation and Ministry of Foreign Affairs of the Russian Federation - cf. pages 3 to 5 of Annex V of the Report;

105. On 29 January 2021, in reference to the demonstration "Supporting Free Belarus and the recipients Office of the Minister of Internal Administration, PSP/COMETLIS (2 addresses), other addresses with a PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses)), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Lisbon City Council President's Office (2 addresses) - cf. pages 6 to 14 of Annex V of the Report;

106. On February 22, 2021, in reference to the demonstration "Immediate release of Rapper Pablo Hasél" (Consulate of Spain), email with personal data relating to

Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), City Council Services of Lisbon (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses) - cf. pages 15 to 19 of Annex V of the Report;

107. On February 27, 2021, in reference to the merger with the participation of the "Belarusian National Leader" (Miradouro de

São Pedro de Alcântara), email with personal data relating to^^^^^^|(name, title residence, telephone, occupation, address)
'^^^^^■(name, CC, telephone, occupation, address) (name, residence title, telephone, occupation,
address) for recipients Office of the Minister of Internal Administration, PSP/COMETLIS (2 addresses), other addresses with
PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Municipal Police of Lisbon (3 addresses),
Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (3 addresses) - cf.
pages 20 to 26 of Annex V of the Report;

political prisoners" (Rossio), email with personal data (name, title
residence, telephone, profession, address, email) / and, profession,
address) / (name, residence permit, telephone, profession, address) for
|(name, CC, telephone, address) /^^^^^^|(name, CC, address) / ■^^^^■(name, CC, address) for recipients' Office
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108. On March 4, 2021, in reference to the demonstration "Not conformed to the socio-political framework of Angola"
(Embassy of the Republic of Angola), email with personal data relating to^^^^^^|(name, phone) /^^^^^■(name, phone)
(name, telephone, address) / ^^^^^■(name, telephone) / ^^^^^■(name, telephone) / (name, telephone) / ^^^^^■(name, telephone)
/ (name ,
phone) /^^^^^|(name, phone) /^^^^^Kname, phone) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (1
address), others addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon
Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Office of the
President of Lisbon City Council (2 addresses), Angolan Embassy - cf. pages 27 to 36 of Annex V of the Report;

109. On March 16, 2021, in reference to the demonstration "World Against Racism" (from Largo de São Domingos to Rossio),

email with personal data relating to ^^^^^^(name, CC, telephone, profession , email) / ^^^^^^^^^^^^^^(name, residence permit, profession) / ^^^^^^^^^^^^^^(name, CC, profession) to the recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses) , Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Lisbon City Council Mayor's Office (2 addresses) - cf. pages 37 to 45 of Annex V of the Report;

110. On March 24, 2021, in reference to the demonstration "Support for free Belarus" (Rossio), email with personal data relating to (name, passport, telephone, profession, address) / ^^^^^^^^^^(name, residence permit, telephone, profession, address) ^^H(name, residence permit, telephone, occupation, address) for recipients Office of the Minister(a) Internal Administration, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses) - cf. pages 46 to 53 of Annex V of the Report;

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111. On April 12, 2021, in reference to the demonstration "Mozambique Importa!" (headquarters of Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses) , Lisbon City Council Services (3 addresses). Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses), CPLP - cf. pages 54 to 61 of Annex V of the Report;

112. On April 19, 2021, in reference to the demonstration "Solidarity with Alexei Navalny and call for immediate medical assistance and release" (Marquês de Pombal), email with personal data relating to (name) / ^^^^^^(name) / ^^^^^^^^^Hname) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Office of the First -Minister, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City

Council Services (3 addresses), Municipal Civil Protection Service, Lisbon City Council President's Office (2 addresses) - cf. pages 62 to 69 of Annex V of the Report;

113. On April 21, 2021, in reference to the demonstration "Homage to Mário Nunes, Portuguese volunteer who fought the Islamic State in Syria" (Luis de Camões Square), email with personal data relating to ^^^^^B(name' profession, address) /^^^^^(name, profession, address) /^^^^^^B(name, profession, address) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses). Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses) - cf. pages 72 to 77 of Annex V of the Report;

114. On April 22, 2021, referring to the demonstration "Festa da EID UL Fitr" (Martim Moniz), email with personal data relating to (name, telephone, email) to the recipients Office of the Minister of Internal Administration, PSP/COMETLIS (2 addresses), other addresses with a PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses)), Chamber Services

CPLP), email with personal data related to (name, email) to recipients

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Municipality of Lisbon (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses) - cf. pages 78 to 85 of Annex V of the Report;

115. On April 29, 2021, in reference to the manifestation "Diáspora Guinea-Bissau" (Presidency of the Republic), email with personal data relating to (name, email) to the recipients Office of the Minister of Internal Administration, PSP/COMETLIS (2

addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses), Presidency of the Republic - cf. pages 86 to 92 of Annex V of the Report;

116. On May 1, 2021, in reference to the demonstration "Denunciation of those killed by COVID 19 in Brazil and in support of this population" (Alameda Dom Afonso Henriques), email with personal data regarding CC, telephone, address)

■■■■■|(name, CC, address)/(name, CC, address) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with domain PSP (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon Lisbon (2 addresses) - cf. pages 93 to 99 of Annex V of the Report;

117. On May 3, 2021, in reference to the demonstration "Paro Nacional de Colombia" (Plaza do Comércio), email with personal data relating to residence permit,

address) (name, passport, address) for recipients' Office

Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), City Council Services of Lisbon (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses) - cf. pages 100 to 105 of Annex V of the Report;

118. On May 3, 2021, in reference to the demonstration "To mark Victory Day, when 76 years have passed since the defeat of Nazi Germany in the 2.3rd World War" (Restauradores Square), email with personal data relating to^^ ^^H(name) for recipients

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Office of the Minister of Internal Affairs, PSP/COMETUS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Lisbon City Council Mayor's Office (2 addresses) - cf. pages 106 to 114 of Annex V of the Report;

119. On May 4, 2021, in reference to the demonstration "Nuestra lucha es por la vida -Colombians por la Paz en Portugal" (Luis de Camões Square), email with personal data regarding the address)

(name, Passport, address) for recipients Office of the Minister of Internal Affairs, PSP/COMETUS (2 addresses), other addresses with PSP domain (2 addresses), Office of the Prime Minister, Office of the Coordinator of Security, Municipal Police of Lisbon (3 addresses), Services of the Municipality of Lisbon (6 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses) - cf. pages 115 to 124 of Annex V of the Report;

120. On May 12, 2021, in reference to the demonstration "Peaceful demonstration of solidarity with the Palestinian people" (Israel Embassy), email with related personal data (name, telephone, email) to recipients minister Administration, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses) - cf. pages 125 to 131 of Annex V of the Report;

121. On May 13, 2021, in reference to the demonstration "Defense of democracy in Brazil, by Fora Bolsonaro" (Praça do Comércio), email with personal data relating to (name, CC, telephone) /^^^^^ ^^^^^^■(name, CC, phone)

|(name, CC) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office , Municipal Police of Lisbon (3 addresses), Services of the Municipality of Lisbon (3 addresses), Municipal Service of

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Civil Protection, Office of the Mayor of Lisbon (2 addresses) - cf. pages 132 to 139 of Annex V of the Report;

122. On May 17, 2021, in reference to the demonstration "Violations of human rights committed by Israeli forces and Palestinian armed groups1' (Largo da Av. Marquês de Tomar), email with personal data relating to^^^^Knome , CC, profession) /|^^| (name, CC, profession) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal

Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Lisbon City Council President's Office (2 addresses) - see pages 140 to 151 of Annex V of the Report;

123. On May 18, 2021, in reference to the demonstration "Marcha Universal Por Colombia"

(Luis de Camões Square), email with personal data relating to (name, title residence, address) (name, residence permit, address) for recipients

Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses) , Lisbon City Council Services (6 addresses), Municipal Civil Protection Service, Lisbon City Council President's Office (2 addresses) - cf. pages 152 to 159 of Annex V of the Report;

124. On May 19, 2021, in reference to the manifestation "Protest" (Israeli Embassy), email with personal data relating to ^B(name) to recipients Office of the Minister of Internal Affairs , PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses), Israeli Embassy - cf. pages 160 to 172 of Annex V of the Report;

125. On 21 May 2021, in reference to the demonstration "Supporting Free Belarus and political prisoners" (Rossio), email with personal data relating to ^^(name) /^(name) / ^H(name) for recipients Office of the Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Office of the

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Prime Minister, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service - cf. pages 173 to 185 of Annex V of the Report;

126. On May 26, 2021, in reference to the demonstration 'Symbolic Manifestation in denouncement of those killed by COVID 19 in Brazil" (Alameda), email with personal data relating to

(name, CC, telephone, address) (name, CC,

address) / (name, CC, address) for recipients Office of

Minister of Internal Affairs, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), City Council Services of Lisbon (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses) - cf. pages 186 to 194 of Annex V of the Report;

127. On May 28, 2021, in reference to the demonstration ""This Flag of Hope: a

look at the Palestinian question"" (Largo José Saramago), email with personal data related to ^^^^^^(name, CC, telephone) / telephone) to

the recipients Office of the Minister of Internal Administration, PSP/COMETLIS (2 addresses), other addresses with a PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses), Municipal Civil Protection Service, Lisbon City Council Mayor's Office (2 addresses) - cf. pages 195 to 202 of Annex V of the Report;

128. On June 8, 2021, in reference to the demonstration "Concentration against Israel" (Rotunda Visconde de Alvalade), email with related personal data ^^^■(name, CC, telephone, address) /^^^^ ^^^^^^(name, Residence Permit, profession) / ^^^^^^|^^Kname, CC, profession) for recipients Office of the Minister of Administration Internal, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Prime Minister's Office, Security Coordinating Office, Lisbon Municipal Police (3 addresses), Lisbon City Council Services (3 addresses) , Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses) - cf. pages 203 to 211 of Annex V of the Report;

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129. On June 9, 2021, in reference to the manifestation "Tratado da Carta da Energia" (From Largo das Necessidades to the

Assembly of the Republic), email with personal data concerning H| ^^^^^^B^^^^^|(name, phone)

(name, ID, telephone) for recipients Office of the Minister of Internal Affairs, PSP/COMETUS (2 addresses), other addresses with PSP domain (2 addresses), Office of the Prime Minister, Office of Coordinator of Security, Municipal Police of Lisbon (3 addresses), Services of the Municipality of Lisbon (3 addresses), Municipal Civil Protection Service, Office of the Mayor of Lisbon (2 addresses), Assembly of the Republic - cf. pages 212 to 215 of Annex V of the Report;

130. On June 14, 2021, in reference to the demonstration "In Defense of Democracy, Fora Bolsonaro" (Eduardo VII Park), email with relative personal data (name, CC, telephone) /^^^^^^^^ ^■(name, CC, phone) /

(name, CC) for recipients Office of the Minister of Internal Administration, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Office of the Mayor of Lisbon (2 addresses) - cf. pages 216 to 219 of Annex V of the Report;

131. On June 14, 2021, in reference to the demonstration "Symbolic Manifestation in denouncement of those killed by COVID 19 in Brazil" (Eduardo VII Park), email with personal data relating to|

^^^■(name, CC, address) /| (name, CC, telephone, address) /

|(name, CC, phone, address)

|(name, CC, address)/!

^^^^^^^^^^^^^^^^m(name, for

the recipients Office of the Minister of Internal Administration, PSP/COMETLIS (2 addresses), other addresses with PSP domain (2 addresses), Office of the Mayor of Lisbon (2 addresses) - cf. pages 220 to 226 of Annex V of the Report.

iii. Personal data registration

132. The Municipality of Lisbon records all notices, as well as communications made after they have been processed, in the GESCOR document management system.

133. From those documents and the registration in GESCOR, the Municipality creates an Excel file with the following information about each manifestation; registration number in GESCOR,

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identification of the promoter or his representative, who sent the notice, date, time, place and subject of the demonstration (cf. pages 118 to 430 of Annex I of the Report).

iv. Preservation of personal data

134. From January 2012 until at least June 22, 2021, the Municipality of Lisbon keeps the list of events subject to notice in the aforementioned Excel file (see pages 118 to 429 of Annex I of the Report).

135. It also keeps in the GESCOR document management system, the documents mentioned in point 26 of the Draft Deliberation, at least from June 2018 until at least June 22, 2021 (cf. Annexes II to V of the Report).

v. Information provided to promoters on the processing of their data

136. The only information that is transmitted to promoters, regarding operations on the data they hold, is contained in the standardized response acknowledging receipt of the protest notice (cf. Annex I of the protocol referred to in point 18 of the Draft Deliberation) and reads as follows: «Following the same, and in view of the combined provisions of paragraph 1 of article 2 of Decree-law n.2 406/74, of 29 August, in the wording of the Organic Law 1/2011, of 30 November, with paragraph 2 of article 3 of the same diploma, we inform you that it is the responsibility of the Lisbon City Council to forward the demonstration communications to the Office of His Excellency the Minister of Internal Administration and to Mr. Lisbon Metropolitan Commander of the Public Security Police, for the purposes legally provided for in Decree-Law No. 406/74, of 29 August».

137. No other specific information is available on the Lisbon Municipality's website regarding the treatment of information relating to the promoters of meetings, rallies, demonstrations or parades.

saw. Impact Assessment on Data Protection

138. The processing of personal data under analysis, because it treats special categories of data on a large scale, enjoys a reinforced regime of protection in the RGPD that is based not only on the strictest conditions for its treatment but also on the obligation to

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carrying out a data protection impact assessment (DPIA) in accordance with Article 35(3)(b) of the GDPR.

139. The Municipality of Lisbon, despite having carried out AIPD for processing by the Department of Support to the Municipal Organs and Services (to which the GAP belongs), did not include in this evaluation the processing of personal data carried out in the scope of notices of meetings, rallies, demonstrations and parades (cf. pages 65 to 110 and 116 of Annex I of the Report).

vii. subjective element

140. Consequently, the Municipality of Lisbon carried out a series of operations on information concerning natural persons, in the exercise of a specific public activity, which necessarily results in an impact on their privacy and freedom and was obliged to know the legal framework in that could in fact carry out this set of operations and conform the procedures and actions in the light of the rules and principles of the RGPD.

141. The Municipality of Lisbon acted freely, deliberately and consciously, in sending the one hundred and eleven electronic communications, with information on individuals who subscribed to the notices of meetings, rallies, demonstrations and parades, to the services of the Municipality of Lisbon, who did not need to know that personal information for the preparation and execution of public tasks, knowing that their conduct was prohibited and sanctioned by law.

142. The Municipality of Lisbon acted freely, deliberately and consciously, when sending the one hundred and eleven electronic communications, with information regarding natural persons whose data were included in the notices of meetings, rallies, demonstrations and parades to the above third parties identified (cf. above, points 21 to 131), for an unexplained and unlawful purpose, knowing that their conduct was prohibited and sanctioned by law.

143. Likewise, the Municipality of Lisbon acted freely, deliberately and consciously, as it kept the information regarding the promoters of the above-identified demonstrations, even after the purpose that motivated the collection had been exhausted, knowing that their conduct was prohibited and sanctioned by law.

144. Afterwards, the Municipality of Lisbon acted freely, deliberately and consciously, in carrying out the operations on the personal information described above, without having previously or, in the first

communication of response, informing the respective holders, knowing that their conduct was prohibited and sanctioned by law.

145. Finally, the Municipality of Lisbon acted freely, deliberately and consciously, by not having carried out the impact assessment of the processing of information on highly sensitive personal data, due to the harmful consequences that it may have on the fundamental rights of their holders, well aware that their conduct was prohibited and sanctioned by law.

IV. Reasoning of the de facto decision

146. The facts given as established resulted from the inspection report and its annexes, which contain documentary evidence of the sending of notices from the promoters of the demonstrations to the entities described in the facts, as well as the statement obtained following that inspection.

V. Right

The. Responsible for processing personal data

147. The information relating to the natural persons who subscribed to the notices of meetings, rallies, demonstrations or parades, either as promoters or as representatives of associations promoting the events, because they identify these persons, correspond to personal data, under the terms of Article 4(1) of the GDPR.

148. The collection, communication, recording, analysis and conservation of this information are part of the concept of processing personal data, defined in paragraph 2) of article 4 of the RGPD.

149. According to Article 4(7) of the GDPR, the person responsible for processing personal data is the public legal person that determines the purposes and means of such processing. In the present case, given that a national legislative act provides that the notice of meetings, rallies, demonstrations or parades must contain certain personal data of the promoters and must be sent to the mayor of the territorially competent municipal council, there is no doubt that the person responsible for the processing of personal data in question is the legal person Municipality of Lisbon - cf. Article 2, No. 1 and 2, of Decree-Law No.

406/74, of 29 August, as amended by Organic Law No. 1/2011, of 30 November.

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150. It should be noted that the interpretation adopted by the Municipality of Lisbon, by order of the Mayor dated May 13, 2013 (see page 31 of Annex I to the Report), according to which «the Municipality does not have unequivocal legal competence, nor the necessary police means to exercise the provisions of DL n° 406/74 of 29 August, so we limit ourselves to forwarding the communication received, and to MAI and COMETLIS/PSP responsible for any damages that result from the action or omission in the treatment of the communication», does not exclude the responsibility for the processing of personal data carried out by the Municipality.

151. In fact, regardless of the ownership of the competence to prevent or condition the exercise of the constitutional right to demonstrate, the Municipality of Lisbon collects, records and preserves personal data of the promoters and communicates them to third parties, being, therefore, indisputably responsible for these same processing of personal data.

152. Another is the question of whether the communications of personal data of the subscribers of the notices addressed to the Mayor of Lisbon will be justified in the context of the execution of that legal diploma, which will be analyzed below, in points 164 to 198.

B. Special personal data processing

153. The personal data being processed, as they concern promoters (or representatives of promoters, when these are associations) of meetings, rallies, demonstrations or parades, go beyond mere identification data and contact details of their holders, integrating the special categories of data, listed in paragraph 1 of article 9 of the GDPR. This with the exception pointed out in the appraisal (cf. above, point 13, xxvi to xxix) regarding the notices contained in points 521 and 528 of the Defendant's Defense and which will be taken into due account in the assessment of the fines to be imposed. In fact, since their

holders are associated with the organization of initiatives for the expression and defense of certain ideas, the personal data processed reveals, in particular, political opinions, religious or philosophical convictions or sexual orientation.

154. Bearing in mind the discriminatory potential of these personal data, the RGPD has a general rule forbidding its processing, only admitting it in very limited cases, which

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are essentially based on the holder's explicit consent or on the basis of law and provided that the law contains appropriate safeguards.

155. In fact, the processing of sensitive data enjoys a reinforced regime of protection in the GDPR, which is based not only on the strictest conditions for its processing, but also on the obligation to carry out an impact assessment on data protection (AIPD), in accordance with Article 35(3)(b) of the GDPR.

156. The Municipality of Lisbon was obliged to carry out an IAPD, since the processed data almost invariably fall under Article 9(1) of the GDPR and its processing is carried out on a large scale, comprising the entirety of the universe of subscribers to notices of meetings, rallies and demonstrations. In fact, Lisbon concentrates a large number of initiatives of this nature, as it is the capital of the country, where the main institutions and sovereign bodies are located, as well as diplomatic representations, covering, therefore, a very wide universe of data subjects, as organizers of rallies, demonstrations and other types of meetings in public places.

157. It was found that the controller did not carry out the legally due IAPD, and from which he would not be exempt under Article 60(4) of Law No. 58/2019, of 8 August, for not having, under the previous data protection law - Law no. 67/98, of 26 October - obtained from the CNPD the proper authorization for this data processing.

158. The purpose of an IAPD is precisely to verify that the legal obligations regarding the protection of personal data are complied with, namely regarding the principles applicable to data processing, as well as to analyze the risks inherent in the processing of data to the rights and freedoms of natural persons, and adopt the necessary and appropriate technical and

organizational measures to minimize such risks to acceptable levels.

159. It is therefore incumbent upon the person responsible for processing, in this case the Municipality of Lisbon, to take special care in the processing of data relating to the exercise of the fundamental right to assemble and demonstrate, as we are dealing with sensitive data, which was not the case.

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Non-performance of AIPD

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160. Thus, the Municipality of Lisbon, by not carrying out the AIPD, violated the provisions of subparagraph b) of paragraph 3 of article 35 of the RGPD.

d. Grounds for the legitimacy of data processing

161. The processing of personal data in question is carried out, first of all, to fulfill a legal obligation to give written notice of the intention to hold meetings, rallies, demonstrations or parades in public places or open to the public. Such notice must be signed by three of its promoters, duly identified by name, profession and address (cf. paragraphs 1 and 2 of article 2 of Decree-Law n.º 406/74).

162. It follows that this processing of personal data is based on the combined provisions of Article 6(1)(c) and Article 9(2)(g), both of the GDPR. It should be noted, however, that the processing of data, in order to preserve its legal status, must respect the purposes of the legislation that provides for it.

163. In this sense, the collection of personal data sent by the promoters, in paper or by electronic means, as well as their registration, organization and conservation by the Municipality of Lisbon constitute personal data processing operations, within the meaning of paragraph 2) of article 4 of the RGPD, and are legitimized as a whole by Decree-Law No. 406/74.

and. Dissemination of data within the Municipality

164. It is also apparent from the facts described above, in points 21 to 131, that the Municipality of Lisbon disseminated, by e-mail, to various services and municipal internal offices, not only information regarding the event to be held, but also the identity and contact details of all the promoters of these meetings, rallies, demonstrations or parades, as well as other personal data contained in the aforementioned notices.

165. As an impact assessment was not carried out on the processing of data relating to notices of the exercise of the right to assemble in a public place, it is not possible to assess the reasons underlying the sending of personal data of the promoters of these initiatives to various recipients within the County.

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166. It could be understood that, given the powers attributed to the Mayor by Decree-Law No. 406/74, namely that of reserving a place for the holding of events, and, therefore, the need to manage the occupation of spaces, the strict information regarding the realization of such initiatives, without the personal data of the promoters, find justification. The same applies to other municipal services that, given their functions, need to know the place, date and time of the events, such as urban cleaning services.

167. However, receiving the identity and contact details of the promoters is already absolutely irrelevant and excessive for the fulfillment of their functions.

168. The same can be said of sending the personal data of the promoters to advisors of the Mayor, not even in this case, the need to disseminate such personal data (see above, points 72 to 131).

169. It can be conceivable that, for logistical reasons in the organization of meetings, rallies, demonstrations or parades, it is necessary, in some cases, for a municipal service to have contact with the promoter to directly arrange planning details (e.g., for the installation of fountains on-site power). In that case, sending such data could be justified.

170. However, in compliance with the principle of proportionality, in the areas of necessity and prohibition of excess, the CNPD

believes that, if there is a need to communicate to some municipal services the promoter's contacts for a direct interaction of the services with the promoters, it is not necessary. In any case, the personal data of all promoters included in the notice¹⁷ must be communicated, since, in order to reach the purpose of possible contact with those who organize the initiative, it will be sufficient for the municipal services to have the name and contact details of a person, there is no need to gather the personal data of all promoters.

171. Consequently, the Municipality of Lisbon violated the principle enshrined in subparagraph c) of no. , in addition to having also sent the data of all the promoters (whose number, in some cases, reached the

17 At least three (3), as provided for in Article 2(2) of Decree-Law No. 406/74.

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10 - cf. above, point 108). In accordance with the so-called data minimization principle, personal data must be “adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed”.

172. The extent of the internal dissemination of personal data of this sensitive nature, without being duly substantiated, in addition to being clearly unnecessary and excessive, potentiates the abusive disclosure of personal data, in proportion to the wide universe of people who become aware of them, without the controller has no control over it, due to the absence of technical and organizational measures for this purpose.

f. Communication of data to third parties

173. However, the communication of personal data by the controller to third parties constitutes an additional data processing, therefore it lacks a condition of autonomous lawfulness and the explanation of a specific purpose for this transmission of data to third entities. Let us then see whether Decree-Law No. 406/74 can also constitute the legal basis on which such

communication of data can be based.

174. In addition to the powers expressly attributed by that legal diploma to the mayor of the territorially competent municipal council (indicated in point 6 of the Draft Deliberation 2021/16, of 30 June), some specific powers are also attributed to other authorities (named in the diploma as "competent authorities"), such as those resulting from the application of article 5 (order to interrupt the meeting), article 6 (change of scheduled routes and article 7 (adoption of necessary measures to avoid interference from counter-demonstrations, including ordering its agents to appear).

175. Bearing in mind the competences described above in the area of public safety and in the area of regulation of road traffic for traffic management, these are performed, in the territory of the Municipality of Lisbon, by the PSP and, as far as traffic regulation is concerned, by the Lisbon Municipal Police (PML) on public roads under the jurisdiction of the Municipality, possibly in cooperation with the PSP (cf. Article 4(2) and Article 5(2)(i), both of the Decree-Law no. 13/2017, of 26 January, which establishes the regime for municipal police in Lisbon and Porto).

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176. In this regard, it should be noted that, if there is a need to change the routes initially programmed and included in the notice sent to the mayor, "the order to change the routes will be given in writing to the promoters" (cf. no. 2 of the Article 6 of Decree-Law No. 406/74). Likewise, the existence of any objections to the implementation of the initiative due to non-compliance with the legal requirements is communicated in writing to the promoters (cf. paragraph 2 of article 3).

177. However, Decree-Law No. 406/74 does not provide for who is the interlocutor of the promoters in the situations described above, nor does it provide in any rule that there is direct contact between the competent authorities (PSP and PML) and the promoters. meeting, rally, demonstration or parade. There is nothing to indicate that the competent authorities need to know in advance the identity and contact details of the organizers of the initiatives.

178. Contrary to what is stated by the controller in the standard response sent to the promoters, to acknowledge receipt of the notice, in which the forwarding of the notice with the promoters' personal data to the PSP¹⁸ is justified, for the purposes legally provided for in the Decree -Law No 406/74 with reference to the combined provisions of Article 2(1) and Article 3(2), those rules do not imply the communication of the personal data of the promoters of the initiatives.

179. In fact, the first legal provision referred to is the one that confers competence on the Mayor as the addressee of the

notices; the second reference concerns possible objections to the holding of events by these: (i) having an «object or purpose» contrary to the provisions of article 1; (ii) provide for routes that need to be changed, under the terms of article 6; (iii) provide for the holding of events in a place not available for that purpose, in accordance with article 9; (iv) require distance restrictions in relation to certain buildings or spaces, pursuant to article 13. As a result, it is not the responsibility of the controller, in order to comply with the provisions of Decree-Law no. regarding the holding of the meeting, that is, date and time, place and object and, if applicable, route.

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18 For the Commander of the Metropolitan Command of Lisbon - COMETLIS, and also for the Office of the Minister of Internal Administration.

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180. In fact, that legal diploma only provides, 'for security reasons', the possibility for the mayor to request an opinion, 'when necessary and convenient', from the military authorities or other entities, with the aim of preventing initiatives are carried out located less than 100 meters from some of the most sensitive areas (cf. Article 13). It is not, therefore, a matter of reinforcing the police mechanism or prohibiting the holding of the meeting, based on the identity of its promoters. Such communication of personal data is therefore not covered by law.

181. Given the free exercise of citizens' right to peacefully gather in public places, recognized in Article 45 of the Constitution of the Portuguese Republic (CRP) and in Decree-Law No. 406/74, it is accepted that the ratio of the diploma, even due to its particular historical context, suggests that the interaction with prosecutors is not done directly with the police, but with the

mayor (and, in the first version of the diploma, with the civil governor in the capitals of district), at least before the event takes place.

182. And the truth is that the amendment to the diploma in 2011 kept the same solution, without changing the ratio legis.

183. And what comes from saying is valid, in parallel, for communication to the Minister of Internal Administration and the Prime Minister (or their respective offices). Nothing in the law legitimizes such communication with personal data, which is understandable taking into account the political nature that marks most situations in which the fundamental right to assembly and demonstration is exercised. This is a communication that has no support in Decree-Law No. 406/74, a conclusion that is reinforced by the historical context of its approval and also by the fact that Organic Law No. 1/2011, when it extinguished civil governments, have specifically transferred this competence to the mayors and not to members of the Government or the security forces.

184. Even assuming that, in certain circumstances, some rules contained in Decree-Law No. 406/74, namely those related to the preparation and logistics of the initiative, were easier to implement through direct contact between the competent authorities (PSP and PML) and the promoters, the truth is that there is no legitimate basis for the Municipality of Lisbon to communicate personal data to PSP or PML, since there is no legal rule that provides for it.

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185. In fact, the communication of personal data to these third parties has no legal basis, since, as data covered by Article 9(1) of the GDPR, there is a general prohibition on their processing, only derogable, in this case, by the explicit consent of the data subject or by a legal provision that expressly provides for such communication of data for certain purposes, and provided that this is proportionate to the objective pursued, respects the essence of the right to the protection of personal data and provides for measures appropriate and specific measures that safeguard fundamental rights. Given that in the two cases in which special categories of data are not involved, such reasoning is, with the necessary adaptations, applicable, since, there, too, there is no other legal basis than the consent of the data subjects. that could be seen as suitable to frame the respective

treatment.

186. In short, the communication by the Municipality of Lisbon of personal data of the promoters of meetings, rallies, demonstrations or parades to PSP and PML lacks legitimacy, in violation of the principle of legality, enshrined in subparagraph a) of no. Article 5(1) of the GDPR, which requires that personal data be processed lawfully in relation to the data subject.

187. A completely different matter concerns the communication by the Municipality of Lisbon to the competent authorities for the purposes of Decree-Law no. without, however, letting them know the identity of their promoters, that is, without personal data.

188. The CNPD verified that the Municipality of Lisbon communicated the personal data of the promoters of the initiatives to a wide range of third parties, which regularly included the Office of the Prime Minister, the Office of the Minister of Internal Administration and the Office Security Coordinator (cf. described above, in points 21 to 129).

189. The Security Coordinating Office (GCS), in turn, is constituted, pursuant to Article 21(2) of Law No. 53/2008, of 29 August, last amended by Law No. 21/2019, of 25 February, by the following entities: Secretary-General of the Internal Security System, who presides; Secretary General of the Republic's Information System; General Commanders of the National Republican Guard (GNR) and of the Maritime Police; national directors of the PSP, the Judiciary Police (PJ) and the Foreigners and Borders Services (SEF); information service directors

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and Security (SIS) and the Strategic Defense Information Service (SIEDM), National Maritime Authority; National Aeronautical Authority, National Civil Aviation Authority, President of the National Civil Protection Authority, Director General of Reinsertion and Prison Services. All these entities, as members of the GCS, are systematically recipients, and completely contrary to the law, of the identification and contact details of the promoters of meetings, rallies, demonstrations or parades.

190. In addition to these entities, it was still the usual practice of the data controller to send personal data from organizers of rallies or demonstrations to the public or private entity with which the initiative was planned, such as the Presidency of the Republic, the Assembly of the Republic, the Navy Museum or the Coliseu dos Recreios.

191. It was also verified by the CNPD that the personal identification and contact data of the promoters of such initiatives were

communicated to embassies and consulates, when meetings were scheduled in the vicinity of these places. In addition, this communication of personal data was carried out even when the demonstrations took place in a place far from diplomatic representations. It was also verified that the Municipality of Lisbon communicated the personal data of the organizers of demonstrations to other foreign entities, such as the Russian Orthodox Church and the Russian Ministry of Foreign Affairs (cf. above, points 23, 42, 65, 67, 88 and 104).

192. As stated above, the communication of personal data to these third parties has no basis of legitimacy, since, as data covered by Article 9(1) of the GDPR, there is a general prohibition on its treatment, which can only be derogated, in this case, by the explicit consent of the data subject or by a legal provision that expressly provides for such communication of data for certain purposes, and provided that this is proportionate to the objective pursued, respecting the essence of the right to data protection and provide for appropriate and specific measures to safeguard fundamental rights. And as for the two cases in which there are no special categories of data involved, we have also seen that only the consent of the data subjects would be an appropriate basis to authorize their treatment.

193. It is noted that each of the data communications carried out by the controller to third parties violated the principle of lawfulness, provided for in subparagraph a) of paragraph 1

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of article 5 of the GDPR, as it lacked legitimacy (or lawfulness) under the GDPR.

194. In addition, the conduct of the Municipality of Lisbon, in always communicating data of this sensitivity to such a large number of third parties, leads to the proliferation of data processing related to political, philosophical or religious convictions, outside municipal control, through the aggregation of the identification the organizers of rallies or demonstrations. This is all the more evident at the national level, with repeated sending to certain recipients.

195. However, the communication of personal data to foreign entities, because associated with expressions of displeasure or rejection of certain government policies or revealing a critical expression of decisions or other actions by certain organizations or States, may represent, in addition to the violation of the right fundamental to the protection of personal data, additional risks to the rights, freedoms and guarantees of the promoters of such initiatives.

196. The constitutional protection granted in Portugal to freedom of expression, the right to assemble and demonstrate and

freedom of association (cf. Articles 37, 45 and 46 of the CRP), as well as the provisions of the Decree -Law No. 406/74, do not allow public entities to violate the law in such a gross way, putting in crisis not only these fundamental rights, but also putting at risk, eventually, the physical integrity and lives of the people who promoted this meeting, rally, demonstration or parade or their family members.

197. Moreover, it is not clear what the aims of the Municipality of Lisbon are for sending the identification and contact details of the promoters of rallies or demonstrations to the diplomatic representations, in a clear demonstration of disproportionality.

198. Furthermore, when sending personal data to embassies or consulates of third countries, the controller is also carrying out an international transfer of data, since such locations constitute the national territory of the State they represent. Under the GDPR, this would only be possible if, in addition to having a legal basis for communicating data to third parties, the Municipality of Lisbon used one of the legal instruments for the transfer of data provided for in Chapter V of the GDPR, which is also not verified.

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g. Conservation limitation principle

199. It was verified by the CNPD that the Municipality of Lisbon keeps the personal data of the promoters of meetings, rallies, demonstrations or parades without having established any maximum period to keep this data (cf. pages 118 to 429 of Annex I of the Report).

200. In accordance with Article 5(1)(e) of the GDPR, personal data must be kept "only for the period necessary for the purposes for which they are processed". However, in the present case, the purposes of data processing are considered to

have been achieved after carrying out the initiative object of the notice without the occurrence of incidents that would lead to the maintenance of this information for communication to the competent authorities. There would also be a need to keep the data, in situations where decisions are challenged under the terms of Decree-Law No. 406/74.

201. The RGPD admits that the data can be effectively anonymized, that is, without allowing the identification of the holders, and after this operation they are kept. In this case, it would be a matter of preserving information, even for historical or statistical reasons, on the number of initiatives carried out, the places and the object of the exercise of the right to meet in a public place.

202. However, the data controller does not have any data retention policy in relation to this treatment, a failure that the realization of an IAPD would certainly have addressed. The principle of conservation limitation is based on the assumption that the maintenance of personal data, when they are no longer necessary for the purpose for which they were collected, increases the probability that they become outdated, allows the definition of a profile of the person over time, potency to its abusive use.

203. When dealing with special categories of data, relating to political, philosophical or religious opinions and beliefs, the seriousness of storing these personal data is much higher, insofar as their processing must always be viewed as a derogation from a general rule prohibiting treatment, precisely because of its sensitive nature and its discriminatory potential, with a strong negative impact on the rights, freedoms and guarantees of data subjects.

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204. In this sense, the controller should have taken special care in the processing of this personal data and reduce to the minimum possible the level of interference with the rights and freedoms of the promoters of this type of initiative.

205. It is therefore concluded that the Municipality of Lisbon violated the principle of limiting data retention, recognized in subparagraph e) of paragraph 1 of article 5 of the GDPR, by keeping the personal data of the promoters (and, in the case of associations, their representatives) of meetings, rallies, demonstrations and parades, after the purpose for which such personal data was collected has already been achieved.

206. The Municipality of Lisbon does not have any uniform procedure established for the collection of personal data, within the scope of notices concerning the exercise of the right to assemble in a public place. It also does not have any public information available on its website on how to send a notice of this nature to the Mayor, in compliance with the communication provided for in Decree-Law No. 406/74.

207. In this way, the data subjects (promoters or their representatives) are not provided with any of the information required by article 13 of the GDPR prior to the collection of personal data, namely who are the recipients of the personal data and, if there are data transfers to third countries or international organisations, the existence of an adequacy decision or under which appropriate safeguards or derogations (cf. Articles 45, 46 and 49 of the GDPR) the data are transferred, or , what is the period of storage of personal data, or the rights that the data subjects have.

208. The controller also fails to provide the information provided for in Article 13 of the GDPR, when acknowledging receipt of the notice, pursuant to Article 2(3) of Decree-Law No. 406/74. The CNPD verified that the Municipality gives a standard response, in which it is informed that it is up to the Lisbon City Council to forward the manifestation communications to the Office of His Excellency the Minister of Internal Administration and to Mr. Lisbon Metropolitan Commander of the Public Security Police, for the purposes legally provided for in Decree-Law No. 406/74, of 29 August.

H. Right to information

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209. Not considering, at this point, the question of the alleged competence to "forward" communications of the notices received by the Municipality of Lisbon, it only appears that, also after the receipt of the notice, the list of information of article 13 is not provided. ° of the GDPR. It should be noted, however, that data subjects are informed that their personal data will be communicated to the Office of the Minister of Internal Administration and to the Metropolitan Commander of Lisbon of the PSP,

completely omitting all other recipients to whom the Municipality of Lisbon actually sends the personal data.

210. Providing information to data subjects on the processing of personal data constitutes their right, insofar as such information allows them to know exactly who is responsible for the treatment, how their personal data are processed and for what purposes, on what legal basis and for how long, to whom their data can be communicated, what rights they have.

211. Compliance with article 13 of the GDPR implements the principle of transparency, which is naturally associated with the principle of lawfulness and the principle of good faith, since personal data must be "the subject of a lawful, fair and transparent" (cf. Article 5(1)(a) of the GDPR).

212. By not providing the promoters of meetings, rallies, demonstrations or parades with the information required by law, either before or after, the controller did not guarantee the right to information, in violation of article 13 of the GDPR

SAW. Non-application of rules of Law No. 58/2019, of August 8

213. The CNPD, by virtue of the primacy of European Union Law, with the grounds set out in Deliberation/2019/494, of 3 September 19, decides not to apply, in the specific case, with regard to the right to information, subparagraph h) of paragraph 1 of article 37 of Law n.º 58/2019, of 8 August, under the terms imposed by article 13 of the GDPR, since it distinguishes the relevant information from the others (whose omission would only lead to an administrative offense serious - see Article 38(1)(b) of the Law), a distinction that is neither enshrined nor recognized in Article 83 of the GDPR.

19 Accessible at https://www.cnpd.pt/bin/decisooes/Delib/DEL_2019_494.pdf.

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214. In fact, in subparagraph b) of paragraph 5 of the latter article, the violation of the rights of data subjects under Articles 12 to 22 of the GDPR is subject to the heaviest penalty frame, distinguishing, nor leaving space to distinguish, due to the omitted information elements²⁰.

215. Furthermore, the breach provided for in Article 83(5)(b) of the GDPR encompasses all dimensions of the right to information and not just the failure to provide information. This means that equivocal, erroneous, incomplete, dated or out-of-date information (violating article 13) also fits in the hypothesis of that rule of the RGPD, so the limitation of the sanctionable offense only to the omission of information is incompatible with the GDPR

216. The CNPD also decides not to apply, in the specific case, the provisions of paragraph 2 of article 38 of Law no. European Union, based on the aforementioned Deliberation/2019/494, of 3 September.

217. In fact, paragraph 2 of article 38 defines, for the offenses provided for in paragraph 4 of article 83 of the GDPR, different sanctioning frameworks depending on the size of the companies and the collective or individual nature of the subjects who perform data processing. In a regulatory framework intended to be uniform in the European space, the maximum limits defined in paragraphs 4 and 5 of article 83 of the GDPR cannot be removed by the Member States of the European Union.

218. It is true that the preamble to the aforementioned paragraphs 4 and 5 clearly assumes that the pecuniary values entered there - EUR 10 million and EUR 20 million or a percentage of turnover in the case of a company - are maximum limits and , therefore, it follows directly from it that the fines cannot exceed them in any case.

219. And a careful reading of Article 83 shows that it is directly addressed to the supervisory authorities, i.e., it is addressed to each national supervisory authority (in a court obviously susceptible to being controlled by the courts) and not the national legislator . It is enough, moreover, to compare the wording of Article 83(1) with that of Article 84(1) of the GDPR: in the former, the

20 In fact, the reference to the delimitation of the infringement to cases of non-compliance with the communication of relevant information and the delimitation of the obligation to inform to certain dimensions of this was included in article 79 of the proposal for a Regulation initially presented by the European Commission, of 25.01.2012 (2012/0011 COD), but it was definitively eliminated in the legislative procedure, which, as a historical element of interpretation of the current Union regime, strengthens the perspective that the Union legislator did not want, nor does it want, that the protection of rights in the sanctioning plan is somehow limited.

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the addressees of the standard are the supervisory authorities; in this, the addressees are the Member States, in their capacity as legislators. Moreover, the only provision of Article 83 addressed directly to the national legislature, that contained in paragraph 7, had, precisely for this reason, to adopt a different wording from that of the other paragraphs of the article; 'Member States may provide'.

220. So much so that Article 83(9) expressly provides for the direct applicability of the article by supervisory authorities where there is no national law²¹. And the reading of recitals 150 and 148 reinforces this interpretation, highlighting that the provisions of that article intend to direct and bindingly guide the supervisory authorities - "[t]he present regulation should define the violations and the maximum amount and the criterion for setting the value of the resulting fines, which should be determined by the competent supervisory authority in each individual case"²².

221. Hence, the abstract setting, in national law, of maximum limits lower than those provided for in paragraphs 4 and 5 of article 83 of the GDPR constitutes a breach of those limits. This conclusion is supported by the case law of the Court of Justice of the European Union (CJEU) in its judgment in *Commission v Italian Republic* (Case No 39/72); referring to the legislation approved in the Italian Republic, the Court states that "any implementation modalities that may impede the direct effect of Community regulations and thus compromise their simultaneous and uniform application within the Community are contrary to the Treaty"²³ - case law reiterated in the *Variola* judgment (Case No 34/73).

222. In addition, from the principle of the primacy of Union law, reflected in Article 288 of the Treaty on the Functioning of the European Union, it follows that regulations are binding and directly applicable in all Member States, thereby ruling out any possibility for a 'State [...], unilaterally, to annul its effects by means of a legislative act which can be enforced against Community texts' (cf. the aforementioned judgment of the CJEU *Costa/ENEL*, Case No 6/64).

²¹ Moreover, the absence of such a national law has nothing to do with the absence of a national definition of limits to sanctions, but rather with the absence of regulation, in certain Member States, of sanctions of this type.

²² Cf. also the WG29 guidelines on the application and setting of fines for the purposes of Regulation 2016/679, where the only circumstance in which freedom of modeling is allowed by each State is the one regarding the execution of sanctions, available at http://ec.europa.eu/newsroom/article29/item-detail.cfm?item_id=611237.

²³ Judgment *Commission/Italian Republic* of 7 February 1973, Proc. No. 39/72, paragraph 17.

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223. Furthermore, nowhere in Article 83, or in the recitals relating to the sanctioning regime, is there space for an autonomous consideration of the size of the undertaking, so that

The criterion adopted by the national legislator, to distinguish between small and medium-sized companies in order to reserve the GDPR's maximum monetary limit for large companies, constitutes in itself a violation of the GDPR.

224. To that extent, raising the size of the company as a delimiting criterion for sanctions is incompatible with the GDPR and contrary to the ratio underlying it.

225. The same reasoning must apply to the setting of minimum limits, since the GDPR does not leave room for the national legislator to define a sanctioning framework different from that established in paragraphs 4 and 5 of Article 83 of the GDPR .

When determining that '[t]he breach of the provisions set out below is subject, in accordance with paragraph 2, to fines up to...', the GDPR eliminates the legislative power of the Member States to define the sanctioning framework in relation to the infractions foreseen in those numbers.

226. The CNPD does not yet apply, with regard to determining the specific measure of the fine, paragraph

1 of article 39 of Law No. 58/2019, of 8 August, since the GDPR does not leave room for Member States to define other weighting criteria in relation to the offenses provided for in paragraphs 4 and 5 of Article 83. Only under Article 84, therefore, for offenses not sanctioned in the GDPR, will it be possible for the national legislator to add criteria, provided that they guarantee sanctions that are effective, proportionate and dissuasive. It is true that Article 83(2)(k) of the GDPR admits the consideration of other aggravating or mitigating factors applicable to the factual circumstances, such as the economic benefits obtained or the losses avoided as a result of the infringement. But it seems that the choice of factors should only be made in the specific case, by the entity (administrative or judicial) that applies the specific rule, and no longer by the national legislator of each Member State. This is even clear from the second part of the body of Article 83(2) of the GDPR, where the following can be read: '[I] act to decide on the imposition of a fine and on the amount of the fine in each individual case, it is the following shall be duly taken into account: [...]'.

227. Thus, in order to ensure the application of the provisions of paragraph 2 of article 83 of the RGPD, the CNPD also

disregards, in the present case, paragraph 1 of article 39 of Law n° 58 /2019, of August 8th.

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228. It should also be noted that, despite the fact that, in the present case, the question of the disapplication of paragraph 3 of article 39 of Law no. , in the abstract, if it were to be hypothesized that one or some of the conducts had been practiced with negligence, the CNPD would never apply such a precept.

229. In fact, the CNPD, by virtue of the principle of the primacy of European Union law and on the grounds set out in the aforementioned Deliberation/2019/494, of 3 September, would not apply the provisions of paragraph 3 of article 39. ° of Law no. reasonable period, establishes a special regime for unlawful conduct practiced with negligence that is not compatible with the regime provided for in the GDPR.

230. In fact, as is clear from the body of Article 83(2) of the GDPR, the EU legislature confers on the individual decision-maker, depending on the circumstances of each case, a discretionary power to impose fines in addition to or in instead of the measures referred to in points a) to h) and j) of Article 58(2) of the GDPR.

231. Indeed, in determining that '[de]pending on the circumstances of each case, fines are imposed in addition to or instead of the measures referred to in Article 58(2)(a) to (h) and (j) [...]', Article 83(2) recognizes the power of national supervisory authorities to, on a case-by-case basis, choose to impose only a fine, impose a fine and corrective measure, or apply one or more measures in isolation. remedies provided for in Article 58(2). It is this discretionary power that is indisputably attributed to the national supervisory authorities, with the obvious possibility of review by the courts, that the rule contained in paragraph 3 of article 39 of Law n° 58/2019 is restricting, imposing in abstract, the CNPD to adopt a specific measure, regardless of the circumstances of each case (since it only takes into account the negligent nature of the infraction) and without allowing the immediate cumulation of the application of a sanction.

232. However, such an imposition voids the discretionary power recognized by the GDPR to the Portuguese supervisory authority, removing or considerably reducing the useful effect of the rule that attributes it²⁴.

233. Furthermore, the national legislator may not require its supervisory authority to adopt a corrective measure, as determined in Article 58(2)(a) of the GDPR, in cases in which a data processing operation is foreseen. data (therefore not yet implemented) that is likely to violate the rules of the Regulation, in situations where the presuppositions of this measure are not fulfilled. In other words, if the GDPR defines, in subparagraph a) of paragraph 2 of article 58, the presuppositions of the warning decision, the national law cannot impose the practice of this act when there is a situation that is not subsumed on these assumptions and fulfills another legal type for which the decision provided for in the GDPR is different.

234. In the light of such arguments, the CNPD would always decide not to apply, in the present case, paragraph 3 of article 39 of Law No. 58/2019, of 8 August.

VII. sanctions

235. In view of the established facts, which appear to be sufficiently indicted, the practice by the Municipality of Lisbon, in material authorship, in the consummated form and with intent, of one hundred and nine offences, in an effective contest, p. and p. Article 5(1)(a), Article 6(1) and Article 9(1) in conjunction with Article 83(5)(a), both of the RGD, sanctioned with a fine, up to a maximum amount of € 20,000,000.00 each. In the same way, the practice by the Municipality of Lisbon, in material authorship, in the consummated form and with intent, of two administrative infractions, in an effective contest, p. and p. by subparagraph a) of paragraph 1 of article 5 and by article 6, in conjunction with subparagraph a) of paragraph 5 of the

24 Moreover, the national legislator appears to want to recover a provision provided for in the first version of the proposal for a regulation by the European Commission (then Article 76(3)), which was removed at a later stage of the European legislative procedure, which constitutes another argument in favor of the interpretation that the Union legislature refused to limit or abstractly deprive the powers to apply pecuniary sanctions to the offenses provided for therein, so that a national rule that

provides for such a prior procedure for any and all negligent offenses with the effect of postponing or making impossible the exercise of sanctioning power recognized by the RGPD voids the useful effect of the Union rule that provides for such powers, putting in crisis the principle of effectiveness of Union law.

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article 83, both of the RGPD, sanctioned with a fine, up to a maximum amount of € 20,000,000.00 each.

236. As is sufficiently indicated, the practice by the Municipality of Lisbon, in material authorship, in the consummated form and with intent, of one hundred and eleven offences, in an effective contest, p. and p. by subparagraph c) of paragraph 1 of article 5, in conjunction with subparagraph a) of paragraph 5 of article 83, both of the RGPD, sanctioned with a fine, up to a maximum amount of € 20,000,000, 00, each.

237. Likewise, the practice by the Municipality of Lisbon, in material authorship, in the consummated form and with intent, of an administrative offence, p. and p. by paragraphs 1 and 2 of article 13, in conjunction with paragraph b) of paragraph 5 of article 83, both of the RGPD, sanctioned with a fine, up to a maximum amount of € 20,000,000.00.

238. As is also sufficiently indicated, the practice by the Municipality of Lisbon, in material authorship, in the consummated form and with intent, of an administrative offence, p. and p. by subparagraph b) of paragraph 3 of article 35 of the RGPD, in conjunction with paragraph a) of paragraph 4 of article 83, both of the RGPD, sanctioned with a fine, up to a maximum amount of € 10,000. 000.00

239. Finally, it is also sufficiently indicted, the practice by the Municipality of Lisbon, in material authorship, in the consummated form and with intent, of an administrative offence, p. and p. by subparagraph e) of paragraph 1 of article 5, in conjunction with subparagraph a) of paragraph 5 of article 83, both of the RGPD, sanctioned with a fine, up to a maximum amount of € 20,000,000, 00

240. All the offenses listed, as mentioned, were committed by the defendant in material authorship, with eventual intent, since all the obligations were known to the defendant, who knew that his action could result in the violation of these provisions and, even so, he complied up with such a result.

241. The Mayor preferred to legally justify his incompetence to apply the regime provided for in Decree-Law no. third. Moreover, it could and should, if that was its understanding (that of not having the competence to comply with the legally established), instruct the services that were under its responsibility to respond to the promoters who proceeded to send the notice of the manifestations, informing them of that

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interpretation. Freely, deliberately and consciously, the Municipality, through its President, determined the referred referral to third parties.

242. In the same free and conscious manner, the Municipality disclosed the personal information of the aforementioned promoters through the various services of the Municipal Council and the Municipal Police, contrary to the obligation imposed on it to limit to a minimum the universe of people who could have access to promoters' personal data. The level of violation of the legal obligation is clearly revealed in the fact that there is no minimum control of the number of promoters and contacts disclosed, in addition to the reiterated nature with which they were revealed to the services and to the advisors of the Mayor (when not even a councilor) reinforce this contempt for the principle of data minimization, in terms of "need to know".

243. Regarding the violation of the right to information, or the obligation to carry out an impact assessment on data protection, as well as regarding the violation of the principle of conservation, the defendant himself does not deny the conduct, and the total absence of its compliance together with the remaining circumstances of the facts sufficient to denote a coherent, constant and immutable behavior embodied in free, deliberate and conscious actions (or omissions) through which the Municipality, well knowing that it was legally bound to comply of those obligations, he chose not to do so, resigning himself to the result, that is, to the violations of the legal provisions that dictated such obligations.

244. Pursuant to Article 83(1)(a) to k) of the GDPR, the determination of the amount of the fine is based on the following criteria:

i. The nature, gravity and duration of the infringement, taking into account the nature, scope or purpose of the data processing in question, as well as the number of data subjects affected and the level of damage suffered by them - the set of 225 administrative offenses reflects the seriousness of the conduct, and it is certain that each of the 111 offenses charged to the defendant for violation of either subparagraph a) of paragraph 1 of article 5, article 6, and paragraph 1 of article 9 .°, in conjunction with Article 83(5)(a) or Article 5(1)(c), in conjunction with Article 83(5)(a) .°, corresponds to at least one and at most three subjects of personal data, that is, a broad and, in this case, universal set

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of the holders who provided their personal data to the Municipality. This criterion is further specified below, in points 250 et seq.;

ii. The damages directly caused to the data subjects as a result of the administrative offenses for which the defendant is accused are not evident, but it will always be said that the potential for uncontrolled disclosure and dissemination of their personal information by internal (Municipality) and external entities represents a serious breach of your fundamental right to the protection of personal data. Added to this is the fact that we are dealing with information provided by its holders in the context of exercising another fundamental right, which is freedom of assembly and demonstration (Article 45 of the CRP) and within the framework of a legal obligation;

iii. Noting that the different conducts have occurred, with administrative offense relevance, since May 2018;

iv. Only one of the offenses for which the defendant is accused is not punished by the most serious framework provided for in

the RGPD (in this case, the violation of the obligation to carry out an impact assessment on data protection);

v. The intentional or negligent nature of the infraction - as already explained above, the conduct related to the detected infractions is considered to be willful, even if as an eventual malice, since the defendant represented the practice of the infractions as a possible consequence of his conduct and with that he was satisfied;

saw. The initiative taken by the controller or the subcontractor to mitigate the damage suffered by the data subjects - in this regard, there is no evidence of any initiative that the defendant has taken to mitigate the potential damages caused by the various administrative misconducts carried out by him;

vii. The degree of responsibility of the controller or processor taking into account the technical or organizational measures implemented by them in accordance with Articles 25 and 32 - the defendant's responsibility is considered to be high due to inappropriate and culpable management of the processes for managing the personal information contained in the notices of the demonstrations, and the inexistence of a policy of conservation and

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elimination of information that explained the periods for which personal data would be stored;

viii. Any relevant infringements previously committed by the controller or processor - which do not occur;

ix. The degree of cooperation with the supervisory authority, in order to remedy the infringement and mitigate its possible negative effects - which is considered appropriate, given the availability of the required information;

x. The specific categories of personal data affected by the offense - with the exception of two cases (identified above, in points 28 and 113) all the other 223 misconduct for which the defendant is accused concern the processing of special categories of personal data. With regard to the violation of the principle of lawfulness, loyalty and transparency and the violation of the principle of data minimization, the information processing actually carried out focused on data that reveal dimensions of the life of its holders that fall within the prohibitions contained in no. 1 of article 9 of the GDPR. The same can be said about the violation of the principle of conservation which, as a result of the lack of a policy setting an adequate period for the

conservation of the personal data of the promoters of the events, gave rise to the indefinite extension of that conservation, which necessarily affects categories data specials;

xi. The right to information is an obligation that, in the abstract, disregards the existence or not of special categories of data. However, whenever they exist, the provision and prior information about the treatments that affect such categories of data cannot fail to assume a special relevance;

xii. Finally, and regarding the implementation of the impact assessment on data protection, the special categories of data have an increased influence on their obligation, and their treatment, moreover, is one of the factors that weigh in the decision that those responsible for the treatment will make. to do in order to consider the need for its implementation to be insurmountable (paragraph b) of paragraph 3 of article 35 of the GDPR);

xiii How the supervisory authority became aware of the infringement, in particular whether the controller or processor notified it, and if so, on what

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measure they did - which, in this case, resulted from the denunciation of data subjects, not resulting from any mitigating circumstances for the defendant;

xiv. Compliance with the measures referred to in Article 58(2) of the GDPR, if they have been previously imposed on the controller or processor concerned in relation to the same matter - this criterion not being applied, as that there were no previously determined corrective measures;

xv. Compliance with codes of conduct approved under the terms of article 40 or the certification procedure approved under the terms of article 42 - a criterion that also does not apply, as there is no code of conduct or certification procedure, under the aforementioned terms;

xvi. Any other aggravating or mitigating factor applicable to the circumstances of the case, in light of Article 83(2)(k) of the GDPR, such as the financial benefits obtained or the losses avoided, directly or indirectly, through the infringement - which, in this case, do not exist.

245. Since the fine must be proportionate, one cannot fail to take into account the exceptionality of recent years, due to the pandemic context we are experiencing, resulting from the spread of the SARS-CoV-2 virus and the disease associated with it - to COVID-19,

- which has a clear impact on economic activity and, reflexively, on revenue collection and expenditure allocation by municipalities. In addition, local authorities have been playing a pivotal role in providing human, logistical and financial resources in the fight against the pandemic, which, as is well known, has repercussions on their financial health. Therefore, the alleged by the defendant in points 702 to 706 of the Defense is taken into account, which will be reflected in the concrete amount of the fines to be imposed.

VIII. Application of the fine

246. Bearing in mind the aforementioned criteria, the CNPD considers it necessary to impose, in the specific case, a fine on the defendant, considering that this is the effective proportionate and dissuasive measure that is imposed given the specific circumstances in which the infractions occurred.

247. The framework of fines abstractly applicable to the defendant for the 225 offenses foreseen and punishable under the terms of the combined provisions,

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- Article 5(1)(a), Article 6, and Article 9(1) and Article 83(5)(a) of the GDPR (109 offences),

- Article 5(1)(a), Article 6 and Article 83(5)(a) of the GDPR (2 offences);

- Article 5(1)(c) and Article 83(5)(a) of the GDPR (111 offences);

- Article 13(1) and (2) and Article 83(5)(b) of the GDPR (1 administrative offence); and

- Article 5(1)(e) and Article 83(5)(a) of the GDPR (1 offence),

has a maximum limit of €20,000,000.00.

248. While the fine frame abstractly applicable to the defendant for the offense foreseen and punishable under the combined provisions of subparagraph b) of paragraph 3 of article 35, with subparagraph a) of paragraph 4 of article 83 .°, all of the GDPR, has a maximum limit of € 10,000,000.00.

249. The CNPD understands that the 222 offenses foreseen and punishable under the combined provisions of paragraph a) of paragraph 1 of article 5, article 6, and paragraph 1 of article 9 and of paragraph a) Article 83(5) GDPR (109 administrative offenses), Article 5(1)(a), Article 6(5) and Article 83(5)(a). Article 5(1)(c) and Article 83(5)(a) of the GDPR (111 offences) obey a different severity matrix which will apply depending on the number of entities with which the personal data has been shared and according to the number of holders and personal data thus shared.

250. As noted in the report attached to the file, "From the analysis of the recipients of the information, it was found that the number of recipients increased over time. Otherwise let's see:

1. For events that took place between July and December 2018, the Office of the Minister of Internal Administration

I^{^^^^}Jfmai.gov.pt), the Metropolitan Command of Lisbon of the PSP and rrp.pt), another address of the PSP

^{^^}Mdpsp.pt), the Security Coordinating Office <[^]@sg.mai.gov.pt), the Prime Minister's Office dpm.gov.pt), the Lisbon Municipal Police ©cm-

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lisboa.pt and [^]f@cm-lisboa.pt) and three services of the Lisbon City Council bicm-lisboa.pt,

l@cm-iisboa.pt and ^{^^}Rô)cm-

lisbon.pt);

2. As of January 2019, the addressees of the previous point remain, adding one more

recipient of PSP i jsp.pt);

3. As of August 8, 2019, the addressees of the previous point remain, adding the Municipal Civil Protection Service

(^^^^^^@cm-lisboa.pt);

4. As of February 18, 2020, the addressees of the previous point remain, with the

address l

|@psp.pt replaced by \

ipsp.pt;

5. As of May 26, 2020, the addressees of the previous point remain, adding two

advisors to the Office of the Mayor of Lisbon lisboa.pt e|

WtLcm-

f@cm-lisboa.pt).

From June 14, 2021, the number of recipients will be reduced, sending personal data to the Office of the Minister of Internal

Administration ^famai.gov.pt), the Metropolitan Command of Lisbon of the PSP '^^^^^^/@psp .pt and ^^^^^^iosp.pt), others

\@psp.pt e|

addresses with PSP domain \

Lisbon City Council (Lisbon \ (cf. pp. 14 of the report).

vpsp.pt and

l@psp.pt) and Office of the President of

f@cm-lisboa.pt e|

hacm-iisboa.pt).»

251. Thus, with regard to the foreseen and punishable violations under the combined provisions of Article 5(1)(a), Article 6, and Article 9(1) and a) of no.

5 of article 83 of the GDPR (109 offences), and of paragraph a) of paragraph 1 of article 5, article 6 and of paragraph a) of paragraph 5 of article 83 of the GDPR (2 offences),

252. there are 5 levels that correspond, in increasing order of severity, to the following chronological intervals:

The. June 14, 2021;

B. From the 9th of July to the 20th of December, both 2018;

ç. From January 16th to August 7th, both 2019;

d. From August 8, 2019 to April 24, 2020 (since between February 18, 2020 and this date there was only a replacement of recipients);

and. From May 26, 2020 to June 9, 2021.

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253. In turn, within each of these time gaps, it was observed that there was a set of 5 additional levels of severity attributable to the violations that were actually found and resulting from the existence of a different set of data and subjects affected by each of the data submissions , which correspond to the aforementioned violations, namely:

The. Minimal - sharing of a single promoter's personal data;

B. Low average - sharing of personal data relating to more than one promoter, up to a limit of 3 promoters, or a set of two personal data relating to one, or a set of 2 or 3 promoters;

ç. Medium - sharing of three personal data relating to a promoter or relating to at least one promoter and a maximum of 3 out of a set of 2 or 3 promoters for whom personal data is shared;

d. Medium high - sharing of one or two personal data relating to more than 3 promoters, or sharing of more than three personal data relating to a promoter or to at least one promoter from a set of 2 or 3 promoters whose personal data be treated;

and. Maximum - sharing of three or more personal data relating to more than 3 promoters, or to at least one, 2 or 3 promoters from a set of more than three promoters.

254. It should be noted that there are two additional relevant notes:

The. One concerning the fact that some of the sharing of personal data deserves an aggravation to the next higher level in view of the additional entities that are recipients of the data, since the defendant himself admits that such sharing will be considered unjustifiable, with the corresponding additional degree of censorship to their total lack of purpose. This just does

not happen when the conduct is already punished with the highest level of severity;

B. Another one regarding the violation that took place on January 30, 2020, in reference to the demonstration "Solidarity Protest "Pacific Kashmir"" (Praça Martim Moniz to the Assembly of the Republic) - cf. pages 4 to 11 of Annex IV of the Report. The reason is that, despite being in the interval between the 8th of August 2019 and the 24th of April 2020, among the recipients of the message, the

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Municipal Civil Protection Services. In this way, the degree of seriousness applicable to that conduct, taking into account the group of recipients, is identical to that of those that occurred in the immediately preceding period. For this reason, it was understood to group this violation in the set of violations concerning the period between January 16th and August 7th, both of 2019.

255. Assessing the facts found in the light of the above mentioned criteria, the CNPD, under the terms of article 58, no. June 14, 2021, of two fines,

The. one for medium-severity violation, in the amount of €6,000.00 (six thousand euros) -cf. pages 216 to 219 of Annex V of the Report, and

B. another for a serious violation, in the amount of €7,200.00 (seven thousand two hundred euros) - cf. pages 220 to 226 of Annex V of the Report;

256. Regarding shipments that occurred in the period between July 9 and December 20, 2018. seven fines,

The. one for a minor violation, in the amount of €4,800.00 (four thousand eight hundred euros) - cf. pages 2 to 5 of Annex II of the Report;

B. four for the same number of medium-low severity violations, three of which rise to that level due to the additional recipients

verified, in the amount of €5,400.00 (five thousand four hundred euros) each - cf. pages 6 to 9 of Annex II of the Report; cf. pages 10 to 13 of Annex II of the Report (Russian Orthodox Church); cf. pages 14 to 17 of Annex II of the Report (MNE Office); cf. pages 24 to 27 of Annex II of the Report (Russian Embassy);

ç. one for violation of medium severity, the level of severity to which it rises due to the additional recipients verified, in the amount of €6,000.00 (six thousand euros) - cf. pages 18 to 23 of Annex II of the Report (Assembly of the Republic, Ajuda National Palace, Navy Museum)

d. one for a serious violation, the level of gravity to which it rises due to the additional recipients verified, in the amount of €7,200.00 (seven thousand, two hundred euros) - cf. pages 28 to 31 of Annex II of the Report (Hungarian Embassy)

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257. Regarding shipments that occurred in the period between January 16 and August 7, both 2019. sixteen fines,

The. two for the same number of low-severity violations, in the amount of €5,000.00 (five thousand euros) each - cf. pages 55 to 58 of Annex III of the Report; cf. pages 59 to 64 of Annex III of the Report;

B. four for the same number of medium-low severity violations, due to the additional recipients verified, in the amount of €5,700.00 (five thousand seven hundred euros) each - cf. pages 23 to 26 of Annex III of the Report (Ukrainian Embassy); cf. pages 36 to 39 of Annex III of the Report (Russian Embassy); cf. pages 79 to 84 of Annex III of the Report (Embassy of Italy); cf. pages 85 to 90 of Annex III of the Report (Embassy of the Russian Federation and Ministry of Foreign Affairs of the Russian Federation);

ç. six for the same number of medium-severity violations, three of which rise to that level due to the additional recipients verified, in the amount of €6,300.00 (six thousand three hundred euros) each - cf. pages 32 to 35 of Annex II of the Report (Embassy of Brazil); cf. pages 40 to 43 of Annex III of the Report (Embassy of China) cf. pages 70 to 78 of Annex III of the Report (Lisbon Coliseum, Palestinian Diplomatic Mission, Israeli Embassy); cf. pages 27 to 31 of Annex III of the Report; cf. pages 65 to 69 of Annex III of the Report; pages 91 to 95 of Annex III of the Report;

d. two for the same number of medium-high severity violations, the level of severity to which they rise due to the additional recipients verified, in the amount of €7,000.00 (seven thousand euros) each - cf. pages 48 to 54 of Annex III of the Report (Embassy of Brazil); cf. pages 4 to 11 of Annex IV of the Report (Assembly of the Republic, Social Services of the Embassy of India);

and. two for the same number of high-severity violations, a level of severity to which two of them rise due to the additional recipients verified, in the amount of €7,500.00 (seven thousand five hundred euros) each - cf. pages 16 to 22 of Annex III of the Report (Embassy of Venezuela); cf. pages 44 to 47 of Annex III of the Report (Consulate General of Brazil);

258. As for shipments that took place in the period between August 8, 2019 and April 24, 2020. twenty-seven fines,

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The. two for the same number of minor violations, in the amount of €5,250.00 (five thousand two hundred and fifty euros) each - cf. pages 180 to 184 of Annex III of the Report; cf. pages 210 to 216 of Annex III of the Report;

B. eight for the same number of medium-low severity violations, a level of severity to which three of them rise due to the additional recipients verified, in the amount of €5,000.00 (six thousand euros) each - cf. pages 190 to 194 of Annex IIid Report; cf. pages 205 to 209 of Annex III of the Report; cf. pages 245 to 258 of Annex III of the Report; cf. pages 16 to 20 of Annex IV of the Report; cf. pages 45 to 60 of Annex IV of the Report; cf. pages 12 to 15 of Annex IV of the Report (Embassy of the Russian Federation and Ministry of Foreign Affairs of the Russian Federation); cf. pages 21 to 25 of Annex IV of the Report (Embassy of the Russian Federation and Ministry of Foreign Affairs of the Russian Federation); cf. pages 26 to 29 of Annex IV of the Report (Russian Embassy);

ç. six for the same number of violations of medium severity, the level of severity to which one of them rises due to the additional recipients verified, in the amount of €6,600.00 (six thousand six hundred euros) each - cf. pages 96 to 99 of Annex III of the Report; cf. pages 119 to 125 of Annex IIido Report; cf. pages 185 to 189 of Annex IIid Report; cf. pages 224 to 229 of Annex III to the Report; cf. pages 230 to 235 of Annex III of the Report; cf. pp.37 to 44 of Annex IV of the Report (Embassy of China);

d. four for the same number of medium-high severity violations, the level of severity to which two of them rise due to the

additional recipients verified, in the amount of €7,000.00 (seven thousand euros) each - cf. pages 168 to 179 of Annex II of the Report (Indian Embassy Social Services); cf. pages 217 to 223 of Annex III of the Report (Consulate General of Brazil); cf. pages 142 to 156 of Annex III of the Report; cf. pages 195 to 199 of Annex III to the Report;

and. seven for the same number of high-severity violations, the level of severity to which they rise due to the additional recipients verified, in the amount of €8,000.00 (eight thousand euros) each - cf. pages 100 to 111 of Annex III of the Report (Consular Service of the Embassy of India); cf. pages 112 to 118 of Annex III to the Report (Assembly of the Republic, Consular Service of the Embassy of India); cf. pages 126 to 141 of Annex III of the Report (Indian Embassy Social Services); cf. pages 157 to 167 of Annex III of the Report (Brazilian Embassy); cf. pages 200 to 204 of Annex III of the Report (Consular Service of the Embassy of

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India); cf. pages 236 to 244 of Annex III of the Report (Russian Embassy); cf. pages 30 to 36 of Annex IV of the Report (Embassy of Guinea Bissau)

259. Regarding shipments that took place in the period between May 26, 2020 and June 9, 2021. fifty-seven fines,

The. two for the same number of low-severity violations, in the amount of €5,600.00 (five thousand six hundred euros) each - cf. pages 257 to 262 of Annex IV of the Report; cf. pages 106 to 114 of Annex V of the Report;

B. eight for the same number of medium-low severity violations, a level of severity to which three of them rise due to the additional recipients verified, in the amount of €6,300.00 (six thousand three hundred euros) each - cf. pages 68 to 75 of Annex IV of the Report (Embassy of Italy); cf. pages 354 to 374 of Annex IV of the Report (CPLP, Embassy of Guinea Bissau); cf. pages 160 to 172 of Annex V of the Report (Israel Embassy); cf. pages 245 to 250 of Annex IV of the Report; cf. pages 403 and 404 of Annex IV of the Report; cf. pages 319 to 321 of Annex IV of the Report; cf. pages 62 to 69 of Annex V of the Report; cf. pages 173 to 185 of Annex V of the Report;

ç. thirteen for the same number of medium-severity violations, a level of severity to which five of them rise due to the additional

recipients verified, in the amount of €7,000.00 (seven thousand euros) each - cf. pages 375 to 402 of Annex IV of the Report (Embassy of India (2 addresses) and Embassy of Pakistan); cf. pages 184 to 191 of Annex IV of the Report (Embassy of Angola); cf. pages 206 to 215 of Annex IV of the Report (Embassy of Turkey); cf. pages 54 to 61 of Annex V of the Report (CPLP); cf. pages 86 to 92 of Annex V of the Report (Presidency of the Republic); cf. pages 125 to 132 of Annex IV of the Report; cf. pages 133 to 138 of Annex IV of the Report; cf. pages 263 to 287 of Annex IV of the Report; cf. pages 78 to 85 of Annex V of the Report; cf. pages 125 to 131 of Annex V of the Report; cf. pages 132 to 139 of Annex V of the Report; cf. pages 140 to 151 of Annex V of the Report; cf. pages 195 to 202 of Annex V of the Report;

d. twenty-two for the same number of medium-high severity violations, a level of severity to which six of them rise due to the additional recipients verified, in the amount of €7,400.00 (seven thousand four hundred euros) each - cf. pages 322 to 337 of Annex IV of the Report (US Embassy); cf. pages 338 to 353 of Annex IV of the Report (Consulate

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General of Brazil); cf. pages 88 to 104 of Annex IV of the Report (Consulate General of Brazil); cf. pages 113 to 124 of Annex IV of the Report (Assembly of the Republic, Embassy of Guinea Bissau); cf. pages 147 to 161 of Annex IV of the Report (Brazilian Embassy); cf. pages 212 to 215 of Annex V of the Report (Assembly of the Republic); cf. pages 105 to 112 of Annex IV of the Report; cf. pages 139 to 143 of Annex IV of the Report; cf. pages 162 to 170 of Annex IV of the Report; cf. pages 178 to 183 of Annex IV of the Report; cf. pages 198 to 205 of Annex IV of the Report; cf. pages 6 to 14 of Annex V of the Report; cf. pages 15 to 19 of Annex V of the Report; cf. pages 20 to 26 of Annex V of the Report; cf. pages 37 to 45 of Annex V of the Report; cf. pages 46 to 53 of Annex V of the Report; cf. pages 93 to 99 of Annex V of the Report; cf. pages 93 to 99 of Annex V of the Report; cf. pages 115 to 124 of Annex V of the Report; cf. pages 152 to 159 of Annex V of the Report; cf. pages 186 to 194 of Annex V of the Report; cf. pages 203 to 211 of Annex V of the Report;

and. twelve for the same number of high-severity violations, a level of severity to which eight of them rise due to the additional recipients verified, in the amount of €8,500.00 (eight thousand five hundred euros) each - cf. pages 144 to 146 of Annex IV of the Report (Embassy of Guinea Bissau); cf. pages 171 to 177 of Annex IV of the Report (Embassy of the Russian Federation and Ministry of Foreign Affairs of the Russian Federation); cf. pages 192 to 197 of Annex IV of the Report (Embassy of Cyprus); cf. pages 216 to 238 of Annex IV of the Report (General Staff of the Armed Forces, Lisbon Airport, Consulate General of Guinea Bissau); cf. pages 239 to 244 of Annex IV of the Report (Restaurant That Place That Doesn't Exist, Lda., Embassy Brazil); cf. pages 251 to 256 of Annex IV of the Report (Embassy of Nigeria (4 addresses)); cf. pages 288 to 300 of Annex IV of the Report (Consulate General of Angola); cf. pages 3 to 5 of Annex V of the Report (Embassy of the Russian Federation and Ministry of Foreign Affairs of the Russian Federation); cf. pages 61 to 67 of Annex IV of the Report; cf. pages 76 to 87 of Annex IV of the Report; cf. pages 301 to 318 of Annex IV of the Report; cf. pages 27 to 36 of Annex V of the Report.

260. As for the foreseen and punishable violations under the combined provisions, of subparagraph c) of paragraph 1 of article 5, in conjunction with subparagraph a) of paragraph 5 of article 83 of the GDPR, there are four levels that correspond, in increasing order of severity, to the following chronological intervals:

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The. June 14, 2021;

B. From July 9, 2018 to August 7, 2019;

ç. From August 8, 2019 to April 24, 2020;

d. From May 26, 2020 to June 9, 2021.

261. Also here apply, within each of these time gaps, the set of 5 additional levels of severity attributable to the violations specifically found and arising from the existence of a different set of data and subjects affected by each of the data submissions that correspond to the aforementioned violations, which are:

The. Minimal - sharing of a single promoter's personal data;

B. Low average - sharing of personal data relating to more than one promoter, up to a limit of 3 promoters, or a set of two

personal data relating to one, or a set of two or three promoters;

ç. Medium - sharing of three personal data relating to a promoter or relating to at least one promoter and a maximum of 3 out of a set of 2 or 3 promoters for whom personal data is shared;

d. Medium high - sharing of one or two personal data relating to more than 3 promoters, or sharing of more than three personal data relating to a promoter or to at least one promoter from a set of two or three promoters whose personal data be treated;

and. Maximum - sharing of three or more personal data relating to more than three promoters, or to at least one, two or three promoters from a set of more than three promoters.

262. Assessing the facts found in the light of the above mentioned criteria, the CNPD, under the terms of article 58, no. internal data (Office of the Mayor of Lisbon) of June 14, 2021. two fines,

The. one for medium serious violation, in the amount of €4,000.00 (four thousand euros) - cf. pages 216 to 219 of Annex V of the Report,

B. and another for a serious violation, in the amount of €5,200.00 (five thousand two hundred euros) - cf. pages 220 to 226 of Annex V of the Report;

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263. Regarding shipments that took place in the period between July 9 and August 7, both 2019. twenty-four fines,

The. ten for the same number of low-severity violations, in the amount of €4,000.00 (four thousand euros), each - cf. pages 2 to 5 of Annex II of the Report; cf. pages 10 to 13 of Annex II of the Report; cf. pages 14 to 17 of Annex II of the Report; cf.

pages 24 to 27 of Annex II of the Report; cf. pages 23 to 26 of Annex III of the Report; cf. pages 36 to 39 of Annex III of the

Report; cf. pages 55 to 58 of Annex III of the Report; cf. pages 59 to 64 of Annex III of the Report; cf. pages 79 to 84 of Annex III of the Report; cf. pages 85 to 90 of Annex III of the Report;

B. five for the same number of medium-low severity violations, in the amount of €4,800.00 (four thousand eight hundred euros) each - cf. pages 6 to 9 of Annex II of the Report; cf. pages 18 to 23 of Annex II of the Report; cf. pages 32 to 35 of Annex III of the Report; cf. pages 40 to 43 of Annex III of the Report; cf. pages 70 to 78 of Annex III of the Report;

ç. five for the same number of medium-severity violations, in the amount of €5,400.00 (five thousand four hundred euros) each - cf. pages cf. pages 27 to 31 of Annex III of the Report; cf. pages 48 to 54 of Annex III of the Report; cf. pages 65 to 69 of Annex III of the Report; cf. pages 91 to 95 of Annex III of the Report; cf. pages 4 to 11 of Annex IV of the Report;

d. three for the same number of medium-high severity violations, in the amount of €6,000.00 (six thousand euros) each - cf. pages 28 to 31 of Annex II of the Report; cf. pages 16 to 22 of Annex III of the Report; cf. pages 44 to 47 of Annex III of the Report;

and. one of serious violation, in the amount of €6,500.00 (six thousand five hundred euros) - cf. pages 3 to 15 of Annex III of the Report.

264. As for shipments that took place in the period between August 8, 2019 and April 24, 2020, twenty-seven fines,

The. five for the same number of low-severity violations, in the amount of €4,500.00 (four thousand five hundred euros) each - cf. pages 180 to 184 of Annex III to the Report; cf. pages 210 to 216 of Annex II of the Report; cf. pages 12 to 15 of Annex IV of the Report; cf. pages 21 to 25 of Annex IV of the Report; cf. pages 26 to 29 of Annex IV of the Report;

B. six for the same number of medium-low severity violations, each worth €5,200.00 (five thousand two hundred euros) each - cf. pages 190 to 194 of Annex III of the Report; cf. pages 205 to 209 of Annex III of the Report; cf. pages 245 to 258 of Annex III of the

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Report; cf. pages 16 to 20 of Annex IV of the Report; cf. pages 37 to 44 of Annex IV of the Report; cf. pages 45 to 60 of Annex IV of the Report;

ç. seven for the same number of medium-severity violations, in the amount of €6.0 00.00 (six thousand euros) each - cf. pages 96 to 99 of Annex III of the Report; cf. pages 119 to 125 of the Annex

Ilido Report; cf. pages 168 to 179 of Annex III of the Report; cf. pages 185 to 189 of the Annex

III of the Report; cf. pages 217 to 223 of Annex III of the Report; cf. pages 224 to 229 of the Annex

111 of the Report; cf. pages 230 to 235 of Annex III of the Report;

d. nine for the same number of medium-high severity violations, in the amount of €6,500.00 (six thousand five hundred euros) each - cf. pages 100 to 111 of Annex III of the Report; cf. pages

112 to 118 of Annex III of the Report; cf. pages 126 to 141 of Annex III to the Report; cf. pages 142 to 156 of Annex Ilido

Report; cf. pages 157 to 167 of Annex Ilido Report; cf. pages 195 to 199 of Annex III to the Report; cf. pages 200 to 204 of

Annex III of the Report; cf. pages 236 to 244 of Annex III of the Report; cf. pages 30 to 36 of Annex IV of the Report;

265. As for shipments that took place in the period between May 26, 2020 and June 9, 2021, fifty-eight fines,

The. five for the same number of low-severity violations, each worth €5,000.00 (five thousand euros) each - cf. cf. pages 68 to 75 of Annex IV of the Report; cf. pages 354 to 374 of Annex IV of the Report; cf. pages 257 to 262 of Annex IV of the Report;

cf. pages 106 to 114 of Annex V of the Report; cf. pages 160 to 172 of Annex V of the Report;

B. ten for the same number of medium-low severity violations, each worth €5,500.00 (five thousand five hundred euros) each -

cf. pages 375 to 402 of Annex IV of the Report; cf. pages 184 to 191 of Annex IV of the Report; cf. pages 206 to 215 of Annex IV of the Report; cf. pages 245 to 250 of Annex IV of the Report; cf. pages 403 and 404 of Annex IV of the Report; cf. pages

319 to 321 of Annex IV of the Report; cf. pages 54 to 61 of Annex V of the Report; cf. pages 62 to 69 of Annex V of the Report;

cf. pages 86 to 92 of Annex V of the Report; cf. pages 173 to 185 of Annex V of the Report;

ç. fifteen for the same number of medium-severity violations, in the amount of €6,000.00 (six thousand euros) each - cf. pages 322 to 337 of Annex IV of the Report; cf. pages 338 to 353 of Annex IV of the Report; cf. pages 88 to 104 of Annex IV of the

Report; cf. pages 113 to 124 of Annex IV of the Report; cf. pages 125 to 132 of Annex IV of the Report; cf. pages 133 to 138 of Annex IV

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of the Report; cf. pages 147 to 161 of Annex IV of the Report; cf. pages 263 to 287 of Annex IV of the Report; cf. pages 72 to 77 of Annex V of the Report; cf. pages 78 to 85 of Annex V of the Report; cf. pages 125 to 131 of Annex V of the Report; cf. pages 132 to 139 of Annex V of

Report; cf. pages 140 to 151 of Annex V of the Report; cf. pages 195 to 202 of Annex V of

Report; cf. pages 212 to 215 of Annex V of the Report;

d. twenty-four for the same number of medium-high severity violations, in the amount of

€6,500.00 (six thousand five hundred euros) each - cf. pages 105 to 112 of Annex IV of the Report; cf. pages 139 to 143 of

Annex IV of the Report; cf. pages 144 to 146 of Annex IV of

Report; cf. pages 162 to 170 of Annex IV of the Report; cf. pages 171 to 177 of Annex IV of

Report; cf. pages 178 to 183 of Annex IV of the Report; cf. pages 192 to 197 of Annex IV of the Report; cf. pages 198 to 205 of

Annex IV of the Report; cf. pages 216 to 238 of Annex IV of

Report; cf. pages 239 to 244 of Annex IV of the Report; cf. pages 251 to 256 of Annex IV of the

Report; cf. pages 288 to 300 of Annex IV of the Report; cf. pages 288 to 300 of Annex IV of

Report; cf. pages 6 to 14 of Annex V of the Report; cf. pages 15 to 19 of Annex V of the Report; cf. pages 20 to 26 of Annex V

of the Report; cf. pages 37 to 45 of Annex V of the Report; cf. pages 46 to 53 of Annex V of the Report; cf. pages 93 to 99 of

Annex V of the Report; cf. pages 93 to 99 of Annex V of the Report; cf. pages 115 to 124 of Annex V of the Report; cf. pages

152 to 159 of Annex V of the Report; cf. pages 186 to 194 of Annex V of the Report; cf. pages 203 to 211 of Annex V of the

Report;

and. four for the same number of highly serious violations, in the amount of €7,000.00 (seven thousand euros) each - cf. pages

61 to 67 of Annex IV of the Report; cf. pages 76 to 87 of Annex IV of the Report; cf. pages 301 to 318 of Annex IV of the

Report; cf. pages 27 to 36 of Annex V of the Report.

266. Assessing the facts found in the light of the above mentioned criteria, the CNPD, under the terms of article 58, paragraph 2, subparagraph b), of the RGPD, also considers that the application of

The. two fines, one of medium severity, which occurred in the period between May 26, 2020 and June 9, 2021, in the amount

of €6,000.00 (six thousand euros) and another of high severity, which occurred in the period between January and August 7, both 2019, in the amount of €7,000.00 (seven thousand euros), all for violation of paragraph a) of paragraph 1 of article 5 and article 6 in conjunction with paragraph a) Article 83(5) of the GDPR;

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B. a fine in the amount of € 5000.00 (five thousand), for violation of paragraphs 1 and 2 of article 13 in conjunction with subparagraph b) of paragraph 5 of article 83 of the RGPD;

ç. a fine in the amount of € 10,000.00 (ten thousand euros), for violation of paragraph e) of paragraph 1 of article 5 in conjunction with paragraph a) of paragraph 5 of article 83 of the GDPR ;

d. a fine in the amount of 11,000.00 (eleven thousand euros), for violation of paragraph b) of paragraph 3 of article 35 of the RGPD in conjunction with paragraph a) of paragraph 4 of article 83 of the GDPR

267. Added to the 225 fines in installments, the result is a value of €1,423,800.00 (one million, four hundred and twenty-three thousand, eight hundred euros).

268. Once the partial sanctions are framed, it can be seen, in accordance with Article 83, no.

3 of the GDPR, that, "[w]here the controller or processor violates, intentionally or negligently, within the scope of the same processing operations or operations linked to each other, several provisions of this Regulation, the total amount of the fine shall not be may exceed the amount specified for the most serious breach'.

269. In the present case, the amount specified for the most serious breach is €20,000,000.00 (twenty million euros), which is the abstractly applicable maximum limit.

270. Article 19(3) of the RGCO also provides, applicable in the alternative, ex vi Article 45 of Law No. 58/2019, of 8 August, that 'The fine to be imposed cannot be lower than the highest of the fines specifically applied to the various offences.', ie € 11,000.00 (eleven thousand euros).

271. We have, then, that the abstract frame of the single fine to be imposed lies between the minimum of €

11,000.00 (eleven thousand euros) and a maximum of €20,000,000.00 (twenty million euros).

IX. Grounds for the application of the single fine

272. The essential presupposition for the effectuation of the legal accumulation of partial fines is the practice of several infractions by the same Defendant before the conviction for any of them becomes final.

273. In this sense, in order to proceed with the legal overlap, it is necessary to verify the following requirements, of a procedural and material nature, (i) that they are sanctions related to administrative offenses practiced before the final judgment of the conviction by any of them, (ii))

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that have been committed by the same defendant and that the partial sanctions are re-conducted to the same species.

274. This is cumulatively verified in the present case, due to the existence of the effective or pure competition, either in the real or in the ideal competition aspect.

275. It was found that the defendant acted freely, deliberately and consciously, in sending notices of the manifestations containing the personal data of the promoters, either to entities external to the Municipality, or to various internal services, and even to advisors to the President of the City Council and for a councilor, without having a legal basis for that.

276. And with the same free, deliberate and conscientious character, it acted by not informing the holders of the personal data that filled in and submitted the notices of the requirements provided for in article 13 of the RGPD, by not defining a policy for the conservation of the personal data collected in this way. and for not having carried out an impact assessment on data protection, as it was required to do.

277. The duration of the breaches and the number of data subjects affected serve as factors that aggravate the conduct that cannot be neglected, as they reveal a reprehensible and persistent lack of commitment to the legal obligations that the

accused was supposed to fulfill.

278. The fact that there was an attempt to adapt the internal procedures and all aspects related to the processing of personal data to the new regime provided for in the RGPD cannot be overlooked. However, this initiative appeared out of time, given the delay of (practically) two years in relation to the entry into force of the European regulation.

279. Given the conduct expressed by the vast and serious set of infractions practiced, it is understood that a sanction is due that reflects the high censorship of this behavior, which will always translate into a concrete fine whose value is close to the maximum allowed, even if at that maximum the pandemic situation we are going through is already considered.

280. In the consideration carried out to decide on the single fine to be imposed, and without prejudice to the high degree of censorship of the defendant's conduct, the CNPD considers relevant the fact that the

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defendant does not have a history of application of administrative offenses for violation of rules of data protection.

281. However, given the legal interests protected by the administrative offenses in question, which he committed, the application to the defendant appears to be effective, proportionate and dissuasive:

282. In legal terms, under the combined provisions of Article 83(3) of the GDPR and 19(3) of the RGCO, a single fine of €1,250,000.00 (one million two hundred and fifty thousand euros).

X. Conclusion

283. In view of the above, the CNPD decides to impose a single fine on the accused Municipality of Lisbon, in compliance with the provisions of paragraph 3 of article 83 of the GDPR, in the amount of € 1,250,000 (one million two hundred and fifty thousand euros) due to the violation of the principle of legality, loyalty and transparency; violation of the principle of data minimization, in terms of "need to know" (need to know); breach of the duty to provide the information provided for in article 13 of the GDPR; breach of the principle of limitation of retention and breach of the obligation to carry out a data protection impact assessment.

284. Pursuant to the provisions of articles 58, paragraphs 2 and 3, of the General Regime for Administrative Offenses, inform the defendant that:

a) The conviction becomes final and enforceable if it is not judicially challenged, under the terms of article 59 of the same diploma;

b) In the event of a judicial challenge, the Court may decide by means of a hearing or, if the defendant and the Public Prosecutor do not object, by means of a simple order.

285. The defendant must pay the fine within a maximum period of 10 days after its final nature, sending the respective payment slips to the CNPD. In case of impossibility of the respective timely payment, the accused must communicate this fact, in writing, to the CNPD.

part B

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286. The defendant came to request, under paragraph 2 of article 44 of Law no. 58/2019, of 8 August, the exemption from the application of the fine, advancing, as a justification for such request, the difficulties caused by the advent of the pandemic that we are still going through, which implies the worsening of the economic context and the collection of revenue by the Municipality.

287. Without prejudice to admitting and recognizing the reason that assists the defendant in the argument about the impact that the pandemic situation has on his activity, it should, however, be noted that the CNPD already took these elements into account when it proceeded the determination of the partial value of the applicable fines. In fact, if the financial situation were different and the effects of the pandemic were outdated or non-existent, the severity of the fines imposed would certainly be

much higher, since the degree of censorship of the conduct and the risks for data subjects would justify a level of much higher penalty.

288. In view of the foregoing, it is understood that the single fine imposed does not impede the activities or financial viability of the defendant, at the same time that it reflects the minimum admissible degree of censorship for the ascertained fact and taking into account the multiple proven infractions.

Approved at the meeting of December 21, 2021

Luis Barroso *

Maria Candida Guedes de Oliveira

Ana Paula Lourenço

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Filipa Calvão (President)

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