

PROTECTION DECISION Operation of Closed-Circuit Video Surveillance in a pediatric clinic and dental clinic I am referring to a complaint submitted to my Office, on July 21, 2020, by Mr. XXX (hereinafter the "complainant") , against Ms. XXX (hereinafter the "Complainant" and "The Complainant"), regarding the installation and operation of Closed Circuit Video Surveillance (hereinafter "C.C.V.P."), in the common waiting area children's clinic and dental clinic that operated respectively.

A. Incidents of the case Positions of the complainant According to the complaint, the complainant claims the following: 2. he is a pediatrician and maintained a medical practice on XXX Street where he 2.1. was the dental office of XXX, i.e. Kathy. Also, the complainant and the Defendant had, until a short time before the complaint was submitted, a common residence at the above address, 2.2. in the building, there were 12 internal and external cameras, some of which were directed towards public areas, while two of them were located in the common waiting area of the pediatric clinic and the dental clinic. The placement of the cameras was done without requesting and giving the complainant's approval, 2.3. on July 20, 2020, found that a new surveillance camera had been installed in the common waiting area, on the side of the nursery, which was aimed to take a picture of the nursery's waiting area, the nursery's play area and the nursery's door examination area of the children's clinic. The placement of the specific camera was done without requesting and giving the complainant's approval, with the relative Closed Installation 2.4. the facility constitutes a violation of the personal data of the complainant, his secretary, patients and/or their companions. 3. On July 24, 2020, I sent a letter to the complainant, in which I included excerpts from the Notice I issued on June 28, 2019, Video Surveillance Circuits (CCV) in areas accessible to the public. Among other things, I mentioned to the complainant that it is not allowed to take an image using K.K.B.P. in a waiting area, as well as that the waiting area of the children's clinic and the dental clinic is a public area to which the public has access and, therefore, it is not allowed to be monitored by K.K.B.P. 3.1. And I submitted questions to the complainant, regarding the K.K.B.P., with a response deadline of August 21, 2020. 4. 2020, stated, among other things, the following: 4.1. submitting the complaint to my Office, 4.2. the cameras were placed in the following areas: four in the interior of the house, two in the facade aimed at the entrances of the house and the clinic (with their field of view including the sidewalk and part of the street in front of the building), two in the back of the house, one on the side of the house (aiming towards the sidewalk and street), one in the dental office room, two in the waiting area (one for each half of the pediatric and dental patient waiting area) and one targeting the nursery door and the play area in the waiting area (which was installed between 19 and 20 July 2020). 4.3. the complainant was not asked, but neither

did he give consent for the C.K.B.P. the K.K.B.P. placed in two phases three to five years before the Complainant, in an e-mail dated July 26. Positions of the Defendant 5. On July 24, 2020, I sent a letter to the Defendant, stating the positions of the complainant, as well as excerpts from the Notice which I issued on June 28, 2019, regarding the Installation of Closed Circuit Video Surveillance (C.C.V.P.) in areas that have access 2 On September 20, 2020, the Court sent an electronic letter, the public. Among other things, I mentioned to her that it is not allowed to take an image using K.K.B.P. in a waiting area, as well as that the waiting area of the children's clinic and the dental clinic is a public area to which the public has access and, therefore, it is not allowed to be monitored by K.K.B.P.. 5.1. I also submitted questions to Ms., regarding the K.K.B.P., with an answer deadline of August 21, 2020. On August 26, 2020, after a telephone conversation that 6. took place on August 25, 2020, between an employee of My office and hers, she requested an extension to submit her positions. 7. On the same day, i.e. August 26, 2020, I informed the Defendant that she was granted an extension to submit her positions, until September 16, 2020. 8. stating, among other things, the following: 8.1. the cameras were installed several years ago with the consent of the complainant and after many break-ins in the area, 8.2. for the safety of herself, her patients and her daughters, since the practice and the home are in the same area, she wishes to know if someone unknown enters the waiting area of the children's clinic and the dental clinic and commits a crime, in July 2020, " again strictly within the framework of our security", 8.3. a camera was installed to cover the sliding door of the waiting room that was not covered by the two existing cameras. The said camera was considered very helpful by many parents of Kathy's patients, since it covers the playground and, therefore, they can control their children who are in the playground, while they are inside the dental office, 8.4. outside the clinics, there is a sign, which informs anyone who enters that it is installed K.K.B.P., 8.5. existence of the cameras, "on the contrary", 8.6. the complainant has indicated a long time ago that he will leave and move his practice to his own premises, 8.7. three weeks before submitting her answer, burglars broke the car window of Kathy / Kathy's family no patient ever expressed any complaints at all about 3 to get some coins, which shows how insecure they feel and how much they are required to have means that contribute to their safety. On October 2, 2020, I sent a letter to Ms. 9. in which, among other things, I cited information about the protection of patients' personal data, in the cases where they are recorded, as well as an excerpt from Directive 1/2011 of the Greek Authority of Data Protection, regarding the use of video surveillance systems for the protection of persons and goods. 9.1. In my letter to Ms. I concluded that the cameras are not allowed to focus on the waiting area, the dental room/office, the door of the complainant's practice and the play area and that it is prohibited to record both

customers/patients, as well as the complainant's, to the extent that it was done up to that moment. 9.2. I also asked the Defendant to take the appropriate actions and remove the cameras that recorded the points mentioned in the previous paragraph, by October 23, 2020. It was also requested, like the Defendant by the above deadline, to inform the My office. 10. Due to the fact that my Office did not receive any response from her, on November 20, 2020 I sent a letter to her, requesting that by December 8, 2020, she take the actions, which were requested in the Office's letter my letter dated October 2, 2020. 11. Similarly, this time, she did not take the requested actions, including notifying my Office. A new deadline was set, with my letter dated April 14, 2021, until April 23, 2021, in which the Court would have to additionally explain the reasons for not informing my Office. I also mentioned that her failure to respond, in addition to any personal data breach, would result in her being deemed to have failed to cooperate with the Personal Data Protection Commissioner, as provided for under the General Data Protection Regulation (EU) 2016/679 and the of National Law 125(I)/2018. 12. After her telephone communication with an employee of my Office, she submitted, on June 21, 2021, photos of the screen on which the image captured by the cameras was presented. 4 13. On September 15, 2021, I sent a letter to Kath with my findings regarding the photographs that Kath sent on June 21, 2020. Specifically, I found that the cameras were capturing images from inside her home. Kathy (cameras numbered 01, 02, 03 and 07) and from the outside of Kathy's house (04, 05, 06, 08 and 09). Also, camera 10 possibly received an image from the waiting area of the dental clinic and the children's clinic, while it could not be clarified what image was received by camera 13. 13.1. In addition to the above, I found that the cameras which received image from the exterior of Kathy's house, they also received an image from the street and the sidewalk. As I mentioned to the Judge, in these cases, people passing through the public space would not expect to be recorded by the cameras that the Judge has installed. As such, these cameras should not be able to image anything other than Kathy's property. 13.2. Accordingly, the Defendant was requested, as of October 4, 2021: (a) to modify the angle of view of the cameras that received public space, so that they only image from the Defendant's property, (b ) remove camera 10, which was taking an image from the waiting area of Kathy's dental practice (if indeed it was taking such an image), (c) clarify the image captured by camera 13 and state whether there are any other cameras inside her workplace , (d) resends a photo of the screen showing the images it receives from its cameras. 14. However, the Defendant did not respond to the deadline I set this time either. 15. On November 17, 2021, Ms. contacted my Office by phone, and asked an officer of my Office to resend the letter sent to her on October 4, 2021. The officer responded positively and at the same time, forwarded the said letter to her. 16. There was, however, no official information or

position from Ms., regarding the letter of my Office dated October 4, 2021. For this reason, on December 3, 2021, an officer of my Office 5 the impending renovation, and that by phone with Ms. During the conversation, Ms. informed him that she has deactivated the requested cameras, which she would uninstall during the weekend, i.e. between December 4 and 5, 2021, she would inform my Office accordingly, by email. 17. However, the above period passed without any information from my Office. On December 10, 2021, I issued a First Instance Decision against 18. the Complainant, where I found a prima facie violation of Articles 5(1)(c), 6(1) and 31 of the Data Protection Regulation (EU ) 2016/679. The installation and operation of the K.K.B.P. in the waiting area and taking a picture of the street and the sidewalk lack legitimacy and violate the principle of minimization. Furthermore, she did not, as I found, show proper cooperation with my Office. 19. Therefore, I invited the Complainant to state within two weeks of the First Instance Decision the reasons and circumstances which she believes I should take into account in the context and purposes of imposing an administrative sanction, pursuant to of article 43 of the General Principles of the Administrative Law Law of 1999, Law 158(I)/1999. 20. The law firm representing the Plaintiff responded with a letter dated January 28, 2022, including the following: 20.1. The complainant is aware of the established violations and fully accepts their commission. 21. Given her full admission, the Defendant invited me to take into account, in imposing any corrective measure or administrative sanction, various mitigating factors. 21.1. The defendant in the complaint has removed the K.K.B.P. which received an image from the waiting area, the sidewalk and the street. 21.2. It is the position of the Complainant that the identified violations did not cause any damage to the data subjects. No personal data, related to the download of the image from K.K.B.P., was leaked, shared, disclosed by transmission, made available to third parties, published, posted and/or displayed. Also, the K.K.B.P. was limited to automated operation and no further processing and/or analysis was carried out. 21.3. The data subjects were informed about the existence of the K.K.B.P. on the premises, from the warning sign that had been posted, but they had never given their prior consent. 21.4. Taking an image is not considered processing of special categories of personal data. 21.5. The K.K.V.P. facility in question by the Defendant, the complaint did not involve malice, nor was it intended to obtain a financial benefit. As Cathy has mentioned, the frequent burglaries in the area, the fear and insecurity they cause, were the reasons for the installation of the circuit in question. 21.6. For the purposes of the Defendant's compliance with my Preliminary Decision, the former will proceed to take milder measures to strengthen the security of her residence and practice. 21.7. In addition, the Complainant notes that the complainant, XXX, knew and had consented to the installation and operation of the K.K.B.P., and had access to said circuit through his mobile phone. The complainant remains at

the pediatric clinic and continues his professional activity, and as stated by the Court, the filing of the complaint under investigation is due to vindictive purposes. 21.8. The Complainant was not aware of the illegality of her act and did not consider that she was committing anything nefarious as, as she states, she had received relevant assurances from the company that had installed the K.K.B.P., and the Police, in her control boxes, she had looked at the circuit in question and hadn't flagged anything. 21.9. With regard to my finding of the Defendant's non-cooperation, she stated that she is dealing with important personal issues, which are causing her many difficulties, and because of these she has not shown due diligence in my requests. Nevertheless, as she states, her cooperation is evident from the individual actions she has taken and from her communication with my Office. 21.10. No other complaints and/or complaints have been brought before me against the Defendant, and I have not found any previous violations on her part. 22. The law firm representing the Defendant attached a relevant photograph with which it presented the current images taken by the K.K.B.P., as it had been called to do by my First Instance Decision. She also sent her tax return for the year 2020 and her medical certificates 7 of XXX which prove, as she says, the significant personal issues she is dealing with. B. Legal framework 23. According to Article 4 of the General Data Protection Regulation, (EU) 2016/679 (hereinafter the "Regulation"), personal data is interpreted as "any information concerning an identified or identifiable natural person the an identifiable natural person is one whose identity can be ascertained, directly or indirectly, in particular by reference to an identifier such as a name, an identity number, location data, an online identifier or one or more factors that characterize the physical , physical, genetic, psychological, economic, cultural or social identity of the natural person in question". of the data"); ("subject 23.1. Also, a data controller is defined as "the natural or legal person, public authority, agency or other entity that, alone or jointly with others, determines the purposes and manner of data processing of a personal nature; where the purposes and manner of such processing are determined by Union law or the law of a Member State, the controller or the specific criteria for his appointment may be provided for by Union law or the law of a Member State." 24. The personal data that are processed should, in accordance with Article 5(1) of the Regulation, comply with the following principles: "a) they are processed lawfully and legitimately in a transparent manner in relation to the subject of the data (" legality, objectivity and transparency"), b) are collected for specified, explicit and legitimate purposes and are not further processed in a manner incompatible with these purposes; the further processing for archiving purposes in the public interest or for scientific or historical research or statistical purposes is not considered incompatible with the original purposes in accordance with Article 89 paragraph 1 ("purpose limitation"), c) are appropriate, relevant and limited to what is

necessary for the purposes for which they are processed ("data minimization"), d) are accurate and, where necessary, updated; all reasonable steps must be taken to immediately delete or correct personal data that is inaccurate, in relation to the purposes of the processing ("accuracy"), 8 of the personal data; e) are kept in a form that allows the identification of the data subjects only for the period required for the purposes of the processing, the personal data may be stored for longer periods, as long as the personal data will be processed only for archiving purposes in the public interest, for the purposes of scientific or historical research or for statistical purposes, in accordance with article 89 paragraph 1 and as long as the appropriate technical and organizational measures required by this regulation are applied to ensure the rights and freedoms of the subject of the data ("restriction of the storage period"), f) are processed in a way that guarantees the appropriate security of personal data, including their protection against unauthorized or illegal processing and accidental loss, destruction or damage, by using appropriate technical or organizational measures ("integrity and confidentiality")." of 25. As provided in Article 6(1) of the Regulation, processing of personal data is lawful, only if one of the following obligations is met: "a) the data subject has consented to the processing of personal data one or more specific purposes, b) the processing is necessary for the performance of a contract to which the data subject is a party or to take measures at the request of the data subject before entering into a contract, c) the processing is necessary to comply with a legal obligation of the controller, d) the processing is necessary to safeguard a vital interest of the data subject or another natural person, e) the processing is necessary for the fulfillment of a task performed in the public interest or in the exercise of a delegated public authority to the controller, f) the processing is necessary for the purposes of n legal interests pursued by the controller or a third party, unless these interests are overridden by the interest or fundamental rights and freedoms of the data subject that require the protection of personal data, in particular if the data subject is a child. Item f) of the first paragraph does not apply to the processing carried out by public authorities in the exercise of their duties." 9 26. Based on Article 9 of the Regulation, "1. The processing of personal data that reveals racial or ethnic origin, political opinions, religious or philosophical beliefs or membership in a trade union is prohibited, as well as the processing of genetic data, biometric data for the purpose of indisputable identification of a person, data concerning the health or data concerning a natural person's sex life or sexual orientation. " 27. Pursuant to Article 31 of the Regulation, "The controller and the processor and, as the case may be, their representatives shall cooperate, upon request, with the supervisory authority for the exercise of its duties." 28. Pursuant to Article 58, paragraph 2 of the Regulation, the Personal Data Protection Commissioner has the following corrective powers: "a) to issue warnings to the controller or

processor that intended processing operations are likely to violate the provisions of this regulation . his rights in accordance with this regulation, d) to instruct the data controller or the processor to make the processing operations comply with the provisions of this 7 regulation, if necessary, in a specific way and within a certain period, e) to give order to responsible expl of work to announce the breach of personal data to the data subject, f) to impose a temporary or definitive restriction, including the prohibition of processing, g) to order the correction or deletion of personal data or restriction of processing pursuant to articles 16, 17 and 18 and an order to notify those actions to recipients to whom the personal data was disclosed pursuant to article 17 paragraph 2 and article 19, 10 h) withdraw the certification or order the certification body to withdraw a certificate issued in accordance with articles 42 and 43 or to order the certification body not to issue certification if the certification requirements are not met or are no longer met, i) to impose an administrative fine under article 83, in addition to or instead of the measures referred to in this paragraph, depending on the circumstances of each individual case, j) to instruct for suspension of the flow of data to a recipient in a third country or an international organization." Regarding the general conditions for imposing administrative fines, in 29. Article 83 of the Regulation, the following are provided: "2. Administrative fines, depending on the circumstances of each individual case, are imposed in addition to or instead of the measures referred to in Article 58(2)(a) to (h) and Article 58(2)(j). When deciding on the imposition of an administrative fine, as well as on the amount of the administrative fine for each individual case, the following shall be duly taken into account: a) the nature, gravity and duration of the infringement, taking into account the nature, extent or purpose of the relevant processing, as well as the number of data subjects affected by the breach and the degree of damage they suffered, b) the fraud or negligence that caused the breach, c) any actions taken by the controller or the processor to mitigate the damage suffered by the data subjects, d) the degree of responsibility of the controller or the processor, taking into account the technical and organizational measures they apply pursuant to articles 25 and 32, e) any relevant previous violations of the controller or processor, f) the degree of cooperation with the control authority to remedy the violation as well as the limitation of its possible adverse effects, g) the categories of personal data affected by the breach, h) the way in which the supervisory authority was informed of the breach, in particular if and to what extent the controller or processor notified the violation, i) in the event that the measures referred to in article 58 paragraph 2 were previously ordered to be taken against the data controller involved or the processor in relation to the same object, the compliance with said measures, j) the adherence to approved codes of conduct in accordance with Article 40 or approved certification mechanisms in accordance with Article 42 and k) any other aggravating or

mitigating factor resulting from the circumstances of the specific case, such as financial benefits obtained or losses avoided, directly or indirectly, from the violation. 3. In the event that the controller or processor, for the same or related processing operations, violates several provisions of this regulation, the total amount of the administrative fine does not exceed the amount set for the most serious violation. 4. Violations of the following provisions shall attract, in accordance with paragraph 2, administrative fines of up to EUR 10 000 000 or, in the case of undertakings, up to 2 % of the total worldwide annual turnover of the preceding financial year, whichever is higher: a ) the obligations of the controller and the processor in accordance with Articles 8, 11, 25 to 39 and 42 and 43, b) the obligations of the certification body in accordance with Articles 42 and 43, c) the obligations of the monitoring body in accordance with article 41 paragraph 4. 5. Violations of the following provisions shall attract, in accordance with paragraph 2, administrative fines of up to EUR 20 000 000 or, in the case of undertakings, up to 4 % of the total worldwide annual turnover of the previous financial year, whichever is higher: a) the basic principles for the processing, including the conditions applicable to the authorization, in accordance with articles 5, 6, 7 and 9, b) the rights of data subjects in accordance with articles 12 to 22, c) the transmission of personal data to a recipient in a third country or an international organization in accordance with Articles 44 to 49, d) any obligations under the law of the Member State which are established pursuant to Chapter IX, e) non-compliance with an order or with a temporary or permanent restriction of processing or to suspend the circulation of data imposed by the supervisory authority pursuant to Article 58(2) or not to provide access in breach of Article 58(1).'

12 C. Rationale 30. Image and sound data are personal data and, therefore, the provisions of the Regulation must be observed for their processing. Therefore, regarding the operation of cameras and/or K.K.B.P. the provisions of the Regulation must be observed, even if no sound is recorded. 31. First of all, it should be examined whether it is legal, by virtue of Article 6(1) of the Regulation, to take pictures of patients and, in general, of those who enter the area, with the operation of the K.K.B. PI. 31.1. According to the plaintiff's claims, the establishment and operation of the K.K.B.P. it was done for security purposes. This claim cannot be a sufficient legal basis, since in this case the interest, fundamental rights and freedoms of the patients prevail over the interest of the Defendant. 31.2. The passage included in Directive 1/2011 of the Hellenic Data Protection Authority, regarding the use of video surveillance systems for the protection of persons and goods, and which I quoted to you in my letter dated October 2, 2020, is relevant: "The operation of a video surveillance system in hospitals, clinics, clinics and other places where health services are provided for the purpose of the safety of persons and goods must be limited exclusively to the entry and exit points, cash register areas or areas of critical facilities, warehouses of



medical equipment, etc.) where, in principle, it cannot be accessed by a visitor or patient. Cameras are not permitted under any circumstances to monitor traffic in waiting rooms, canteens and dining areas, hospital corridors, patient wards, examination or medical procedure rooms, toilets and bathrooms, doctors' offices and areas work of the other medical and nursing staff". electromechanical installations, (e.g. 31.3. From the above, it follows that the operation of the K.K.B.P. in the waiting area of the children's clinic and the dental clinic lacks legitimacy, thus violating Article 6(1) of the Regulation, as none of its conditions are met. The above also applies to taking images from the street and the 32. sidewalk, since the people who are in a public place do not expect to be recorded by the cameras installed by Prof. That is, neither 13 and in this case there is a valid legal basis for the processing in question, in violation of Article 6(1) of the Regulation. Therefore, in no case the taking of an image of a public space by Ms. is legalized. 33. In the event that there was a legal basis for the processing under investigation, the principle of data minimization could be considered, pursuant to Article 5(1)(c) of the Regulation. Based on this principle, it follows that the " image capture using K.K.B.P. is allowed only if there is no less intrusive way to achieve the purpose", as stated in the Announcement I issued on June 28, 2019, regarding the installation of K.K.B.P. in places that the public has access to, which I quoted to Kathy. 33.1. As contained in the above Notice, I decided that it is not allowed to download the K.K.B.P. image. in waiting areas, an element which I mentioned to Kathy. As I mentioned in my letter dated October 2, 2020 to Ms. Her, there are other means that are equally effective, but less burdensome for the individual and which ensure the intended purpose, such as "the constant control of the premises, possibly with the presence of a secretary in the reception area, the various alarm systems, the smoke detectors, the control - with a camera - of the entrance/exit". 34. Taking a picture from the street and the sidewalk violates the personal data of those passing through these areas. Taking this image for security purposes cannot be justified in this case, since, again, less intrusive measures could be found, such as alarm systems, locks, etc. 35. In her reply letter, the Defendant stated that none of her actions related to the complaint under investigation have caused damage to the data subjects and that no complaint has been filed for leakage, notification, disclosure by transmission, distribution to third parties persons, publication, posting and/or display of their personal data. 35.1. The non-submission of a complaint to my Office, by an affected data subject, does not prove, in any case, that this was in accordance with the position of the K.K.B.P. However, I acknowledge the fact that no complaint has been submitted to my Office by a data subject regarding the processing in question, nor about the leakage, disclosure, disclosure by transmission, distribution to third parties, publication, posting and/or display of his personal data . 14 In relation to the position of the

Defendant, that taking an image does not constitute 36. processing of a special category of personal data, as defined in Article 9 of the Regulation, I must note that the installation of the K.K.B.P. in the waiting area of the doctor's office and taking pictures of patients, constitutes health data processing, since the data subjects visit the specific area to receive medical services. 37. The Defendant, in her reply letter, reiterated that the purpose of installing the circuit in question was to safeguard her and her family's safety. As it has become clear, during the investigation of the case, as I have mentioned above, there were milder measures that could have been taken that would have achieved the same goal. So this position is not correct and does not in any way justify the placement of the cameras, which received an image from the waiting area of the clinics, the sidewalk and the street. 38. Based on the information that has been brought to my attention, the practice and the residence are located in the same building and, as stated by the complainant, are joint property of the complainant and the Defendant. The cameras were installed in two phases, 3 to 5 years before the complaint was filed, and both the complainant and the Defendant were aware of it. 39. After submitting the complaint, my Office requested the positions of the Defendant and after examining the images collected by the cameras, the removal of those that violated the Regulation. The defendant never raised any refusal of the complainant as an obstacle to the removal of the cameras. She also never indicated that anyone other than her was making decisions about the K.K.B.P. under investigation after the complaint was filed with my Office. Despite the fact that the K.K.V.P. was receiving images from the common areas of the clinics, I took into account that the complaint was submitted by the complainant, who was using the common areas of the clinics, so my Office's requests to remove the K.K.B.P. they were addressed only to Kathy. However, in no case did I rule out the possible responsibility of the complainant, which will be examined in the context of a separate investigation, as long as it is substantiated. 39.1. From what has become clear through the investigation of the incident, any omission and/or delay in removing the cameras, which was requested in my letter dated October 2, 2020, is due to the Complainant and not the complainant. In addition, I take into account that the complainant notified the possible violations of Regulation 15 to my Office, through his complaint, and requested through it that measures be taken by my Office, thereby declaring his inability to take any action of his own side, and his willingness to follow any of my requests. Besides, as I mentioned, the Defendant never presented any refusal of the complainant as an obstacle to the removal of the cameras. 40. It is the position of the Defendant against the complainant that the complaint under investigation was made for vindictive purposes. According to the complainant's positions, the Accused had no intention of removing the cameras and that is why she made the relevant complaint. However, the reasons for filing the complaint do not affect or

change the violations I have identified. 41. From what has been mentioned by the Defendant in her letter, in response to what I have brought to her attention with my First Instance Decision, the illegality of her actions was due to ignorance of the law. However, ignorance of the law does not constitute defense of citizens. Every citizen must be aware of the legislative framework that defines their actions, especially when processing personal data relating to health or children's data. 42. Despite the fact that I have asked the Court to take action, and more specifically to remove cameras, on October 2, 2020, November 20, 2020 and April 14, 2021, with deadlines of October 23, 2020, December 8, 2020 and April 23, 2021 respectively , she did not officially inform my Office, nor did she provide proof of the implementation of the actions of these. I pointed out, in my letter dated April 14, 2021, that no its response beyond any personal data breach character, would result in unanticipated cooperation. THE Ms.'s letter, on June 21, 2021 was outside the deadline that I raised.

42.1. Nor, of course, did she respond to my dated letter 15 September 2021, with a deadline of 4 October 2021. However, that she herself requested by phone on November 17, 2021, her re-sending of my letter dated September 15, 2021, again he did not respond it took an employee of my Office to contact her by phone, on December 3, 2021, to inform him that he has deactivated them requested cameras, which he would uninstall during the upcoming renovation. However, the Attorney did not officially inform the Office me, as she said she would do between December 4 and 5, 2021.

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42.2. I consider it important to mention that, any personal difficulties Ms. the complaint is being taken very seriously by the My office. That is why the requested extensions of deadlines were always accepted. However, they should not under any circumstances

Ms personal difficulties, including any health problems of her family, as they have been brought before me under the health certificates sent to me, be considered as justification for the repeated, untimely response to the issues raised by the Office my.

42.3. Based on the information I have provided above, it appears that the Defendant did not has demonstrated due cooperation, as required, by virtue of Article 31 thereof Regulation.

43. The lawyer of the Client in his letter dated January 28, 2022, with referred to my previous decision, in which for the violations of Articles 5(1)(a), 6(1), 9(1) and 31 of the Regulation were reprimanded and Warning to the complained legal person. At this point, you will I wanted to emphasize that previous decisions are taken into account, but each case is judged on its own particular circumstances and conditions.

I should also mention that in cases of infringement, among others, and Article 31 of the Regulation, in other cases, have been imposed administrative penalties of €10,000.

44. On the assessment of the information before me, based on the of their analysis which is listed above, I find that there is violation of Articles 6(1) and 31 of Regulation (EU) 2016/679 by According to the complaint.

D.

Conclusion

45.

On the basis of the above findings and on the basis of the powers given to me provided by Articles 58 and 83 of Regulation (EU) 2016/679 and article

24(b) of Law 125(I)/2018, I find a violation of Articles 6(1) and 31

of the Regulation.

46. Based on the provisions of Article 83 of the Regulation, insofar as

apply in this particular case, I consider them below

mitigating (1)-(6) and aggravating (7)-(8) factors:

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(1)

(2)

(3)

(4)

(5)

(6)

(7)

(8)

the absence of malice or intent to violate on the part of the Defendant

the complaint,

the uninstallation of the K.K.B.P. which was receiving image from

waiting area, the sidewalk and the street, even with

delay,

the existence of a warning sign for the C.K.B.P.,

the absence of prior infringement,

the non-submission of any other complaint by a subject

of the data,

the demonstration of full remorse for the non-immediate cooperation and the

relevant violations detected,

non-immediate cooperation and compliance with those requested

actions of the supervisory authority, and

the absence of a legal basis for taking an image in the space

waiting and beyond Kathy's property.

47. Having taken into account and considered-

(a) the applicable statutory basis for the proposed remedies

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

(b) all the circumstances and factors which the Court has put before me

based on all existing correspondence,

(c) the above mitigating and aggravating factors.

I decided,

at my discretion and subject to the above provisions:

to file a COMPLAINT against her for the violation of

Articles 6(1) and 31 of Regulation (EU) 2016/679, and additionally

to impose an Administrative Fine of €1,500, for committing an infringement

of its obligation from Article 31 of Regulation (EU) 2016/679.

Irini Loizidou Nikolaidou Nicosia, March 31, 2022

Data Protection Commissioner

Personal Character