

Athens, 9-6-2021 Prot. No.: 1087 DECISION 15/2021 (Department) The Personal Data Protection Authority met as a Department at its headquarters on Wednesday, 02-12-2020, following the invitation of its President, in order to examine the case referred to in the present history. Georgios Batzalexis, Deputy President, due to the disability of the President of the Authority, Constantinos Menoudakos, and the regular member, Charalambos Anthopoulos Evangelos Papakonstantinou, as a regular member of Constantinos Lambrinoudakis, who, although legally summoned in writing, did not attend due to disability, appeared. At the meeting, by order of the President, Leonidas Roussos, expert scientist - auditor, was present as an assistant rapporteur. Irini Papageorgopoulou, an employee of the Administrative Department, attended as Secretary. the alternate member, replacing the rapporteur, and in The Authority took into account the following: With the no. prot. C/EIS/5873/28-08-2019 complaint, A states that in an article on the informative website www.zoosos.gr with the title "... " her name was mentioned, without her having consented to it. The complainant addressed the website in order to inform her about an incident of animal abuse that came to her attention [in the area] X, in ... so that the administrators of the website, which deals with such issues, should contact the relevant authorities and act accordingly. Then, the journalist B (hereinafter, controller), responsible for the website, 1-3 Kifisias Ave., 11523 Athens T: 210 6475 600 E: contact@dpa.gr www.dpa.gr 1 posted a relevant article mentioning the name of complainant. The text that was on the website is as follows: "Following a complaint by www.zoosos.gr to the Police Department F...". The complainant considered that the inclusion of her name in the article in question was unnecessary and exposed her to danger and for this reason she requested on 08-26-2019, following electronic and telephone communication with B, access to her personal data as well as the deletion of her personal data from the specific article and from the data files maintained by the data controller. B refused to delete the personal data as requested and contented herself with removing the full name of the complainant. The text in the relevant article was replaced as follows: "...". The complainant considered the controller's response unsatisfactory and submitted to the Authority the complaint for violation of the right of the data subject (Articles 12 – 22 of the GDPR). The Authority, in the context of examining the complaint in question, sent the complainant the letter No. C/EX/5873-1/08-10-2019 in which he requested her opinions on the complainants. The complainant responded with the letter No. C/EIS/7681/07-11-2019 memorandum. The memorandum states, among other things, that the complainant had been previously informed about the publication of her information in the article that was to be published about the incident due to the nature of the website as informative. The complainant points out that they do not have a database of personal data and that the complainant did not

expressly prohibit the disclosure of her personal information in the initial electronic communication she had with the journalist. Following the complainant's request to delete her name from the article, the data controller proceeded to remove the surname but kept her first name and the initial letter of her surname intact, wanting to "stay true to the issue of ethics and not hiding information from the website readers". 2 Subsequently, the Authority invited B to a hearing, during which the above complaint was discussed, with document No. C/EX/7376/27-10-2020. At the meeting of 11-11-2020, B was legally present, as data controller, who presented her views orally. Subsequently, the complainant was given a deadline and submitted the identity information of the website in question No. G/EIS/7845/13-11-2020. The Authority, after examining the evidence of the file, the hearing process and after hearing the rapporteur and the clarifications of the assistant rapporteur, who then withdrew before the conference and decision, and after thorough discussion, **CONSIDERED ACCORDING TO THE LAW** 1. According to article 4 par. 1 of the General Regulation (EU) 2016/679 for the protection of natural persons against the processing of personal data and for the free circulation of such data (hereinafter, the Regulation), which is in force since May 25, 2018, as personal data character is defined as "any information relating to an identified or identifiable natural person ('data subject'); an identifiable natural person is one whose identity can be ascertained, directly or indirectly, in particular by reference to an identifier such as a name, in identity number, location data, online identifier or one or more factors that characterize the physical, physiological, genetic, psychological, economic, cultural or social identity of the natural person in question" 2. According to article 4 para. 2 of the Regulation as processing means "any act or series of acts carried out with or without the use of automated means, on personal data or sets of personal data, such as the collection, registration, organization, structuring, storage, adaptation or alteration, retrieval, retrieval of information, use, 3 communication by transmission, dissemination or any other form of disposal, association or combination, restriction, deletion or destruction". 3. According to article 4 par. 7 of the Regulation as 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 personal data processing". 4. According to article 5 par. 1 during the processing of personal data "personal data must be collected for specified, explicit and legal purposes and are not further processed in a manner incompatible with these purposes; further processing for archiving purposes in the public interest or for the purposes of scientific or historical research or for statistical purposes is not considered incompatible with the original purposes in accordance with Article 89(1) ("purpose limitation"). They must be appropriate, relevant and limited to what is necessary for the purposes for which they are processed ("data minimization"). Therefore, the principles of the purpose of the processing and

the proportionality of the data in relation to the purpose of processing are established as fundamental conditions for the legality of any processing of personal data, as well as for the legality of the establishment and operation of each file. Therefore, any processing of personal data, which is done beyond the intended purpose or which is not convenient and necessary for its achievement, is not legal. 5. In order for the processing to be lawful, it is a necessary condition that the data subject has consented to the processing of his personal data for one or more specific purposes, as provided for in article 6 par. 1 item. a of the Regulation. 6. Articles 15 – 22 of the Regulation provide for the exercise of rights of the data subject in relation to the processing of personal data, which must be facilitated by the controller. According to article 13 par. 3 of the Regulation "The controller shall provide the data subject with information on the action taken upon request pursuant to articles 15 to 22 without delay and in any case within one month of receipt of the request". It is pointed out that the data controller, even when he does not keep a file with the subject's data, is not exempted by reason 4 of this from his obligation to respond even negatively to a relevant request for information and access to personal data (StE 2627/2017). 7. Article 85 of the Regulation stipulates that Member States shall by law reconcile the right to the protection of personal data under this Regulation with the right to freedom of expression and information, including processing for journalistic purposes and for university, artistic or literary expression. For processing carried out for journalistic purposes or for the purposes of academic, artistic or literary expression, Member States shall provide for exceptions or derogations from chapter II (principles), chapter III (rights of the data subject), chapter IV (controller and processing), chapter V (transmission of personal data to third countries or international organizations), chapter VI (independent supervisory authorities), chapter VII (cooperation and coherence) and chapter IX (special cases of data processing), since these are necessary to compromise the right to the protection of personal data with its freedom of expression and information.

8. Article 28 on the processing and freedom of expression and information of the law.

4624/19 stipulates that to the extent it is necessary to compromise the right to

protection of personal data with the right to freedom

expression and information, incl

of processing for

journalistic purposes and for academic, artistic or literary purposes

expression, the processing of personal data is allowed when: a) the

data subject has provided his express consent, b) concerns personal data that has been made public by itself subject, c) overrides the right to freedom of expression and the right to information against the right to protect personal data nature of the subject, in particular for matters of general interest or when concerns personal data of public figures and d) when limited to the extent necessary to ensure freedom of expression and right to information, especially when it concerns special categories of data

Personal, as well as criminal prosecutions, convictions and related matters security measures, taking into account the subject's right to privacy and his family life. To the extent necessary to compromise the right to

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protection of personal data with the right to freedom expression and information, incl of processing for journalistic purposes, and for academic, artistic or literary expression does not apply: a) Chapter II of the GDPR "Principles", except Article 5, b) Chapter III of the GDPR "Rights of the Subject", c) Chapter IV of the GDPR "Processor and processor", except for articles 28, 29 and 32, d) Chapter V of the GDPR "Transfers of personal data character to third countries or international organizations", e) Chapter VII of the GDPR "Cooperation and coherence and f) Chapter IX of the GDPR "Provisions which concern special processing cases".

9. In the case under consideration, the information in the file shows in particular the following following: The complainant maintains a journalistic record

site and has

journalist ID/credential. He is entitled to proceed with the dispute

processing ("dissemination") of the complainant's personal data,

because the complainant addressed her complaint to the journalistic site

and gave her consent for the publication of her details in the relevant

report while he had been informed about it. Posting the name of the complainant

in her article

website, i.e. the publication of its data

journalistic research with personal data, was absolutely necessary for her

informing the public of the fact of the complaint. The removal of the complete

of the complainant's name from the website article, after a later one

exercise of her right, is consistent with the principle of necessity and

proportionality, principles that should govern the processing of personal

data.

FOR THOSE REASONS

It considers the reported processing to be lawful.

The Deputy President

George Batzalexis

The Secretary

Irini Papageorgopoulou