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»Decision on appeal with registration № PPN-01-431 / 02.05.2019 Decision on appeal with registration № PPN-01-431 / 02.05.2019

ANSWER

№ PPN-01-431 / 2019

Sofia, March 6, 2020

The Commission for Personal Data Protection (CPDP) composed of: Chairman: Ventsislav Karadzhov and members: Tsanko Tsolov and Maria Mateva at a meeting held on 05.02.2020, pursuant to Art. 10, para. 1 of the Personal Data Protection Act in connection with Art. 57, § 1, letter "e" of Regulation (EU) 2016/679, considered on the merits a complaint reg. № PPN-01-431 / 02.05.2019, filed by S.P.

The administrative proceedings are by the order of art. 38 of the Personal Data Protection Act (PDPA).

The Commission for Personal Data Protection was seised with a complaint filed by S.P. against a political party (PP), alleging illegal processing of personal data by including them in the list of persons supporting the registration of the political entity to participate in the elections for members of the European Parliament from the Republic of Bulgaria, held on 26.05.2019 d.

The complainant alleged that she had established the violation after an electronic inquiry had been carried out on 28 April 2019 at the Central Election Commission, a certified copy of which she attached. She stated that she did not sign in support of the registration of the political entity and did not give her consent to the processing of her personal data for the specific purpose. Considers the presence of her personal data in these lists to be a violation of her rights under the LPPD.

P.P. has been informed about the initiated administrative proceedings, has been given the opportunity to express a written opinion on the case, but such is not engaged.

In order to clarify the case from a legal and factual point of view and in the conditions of the official beginning of the administrative process with a letter PPN-01-431 # 3 / 26.08.2019 from the Central Election Commission required relevant evidence, in response to which a letter PPN-01-431 # 3 / 03.09.2019 a certified copy submitted by P.P. application for registration for participation in the specific elections and a certified copy on page \*\*\* of the List of voters supporting the registration of P.P. for participation in the elections of members of the European Parliament from the Republic of Bulgaria on

26.05.2019. and a single civil number, as well as a signature.

The Commission for Personal Data Protection is an independent state body that protects individuals in the processing of personal data and in accessing such data, as well as monitoring compliance with the LPPD and Regulation (EU) 2016/679 of the European Parliament and Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

In order to exercise its powers, the Commission must be properly seised.

The complaint contains the requisites required: there is information about the complainant, the nature of the request, the date and signature, in view of which it is regular.

The appeal is procedurally admissible, filed within the term under Art. 38, para. 1 of LPPD by a natural person with a legal interest against a competent party, a legal entity - administrator of personal data within the meaning of Art. 4, para. 7 of EU Regulation 2016/679 and the Electoral Code. The subject of the complaint are the allegations of illegal processing of personal data of the complainant - names and unique civil number of P.P. by including them in a list provided to the CEC of the persons supporting the registration of the political entity for participation in the elections for members of the European Parliament from the Republic of Bulgaria, held on May 26, 2019.

The appeal was referred to a competent body to rule - the CPDP, which according to its powers under Art. 10, para. 1 of LPPD in connection with Art. 57, § 1, letter "e" of Regulation (EU) 2016/679, deals with complaints against acts and actions of data controllers that violate the rights of data subjects related to the processing of personal data, as there are no the exceptions under Art. 2, § 2, letter "c" and Art. 55, § 3 of the Regulation in view of the fact that the case does not concern processing activities performed by a natural person in the course of purely personal or domestic activities and / or activities performed by courts in the performance of their judicial functions.

For the stated reasons and in view of the lack of prerequisites from the category of negative under Art. 27, para. 2 of the APC, at a meeting of the CPDP held on September 11, 2019, the appeal was accepted as procedurally admissible and as parties in the proceedings were constituted: S.P. and the respondent - P.P.

In order to clarify the case from a legal and factual point of view, a handwritten examination of the signature on page \*\*\*, line \*\*\*\* of the list of voters submitted to the Central Election Commission, supporting the registration of P.P. for participation in the elections of members of the European Parliament from the Republic of Bulgaria on 26.05.2019

By letter PPN-01-431 # 7 / 27.09.2019, received on 03.10.2019 at the physical address indicated in the complaint, the same sent on 11.10.20189 and to the e-mail address indicated in the complaint, Ms. S .Π. was informed about the possibility to present comparative material for the preparation of the expertise, but within the specified 14-day period of receipt of the letter and so far has not taken advantage of it and has not provided comparative material for examination.

With a decision from a meeting of the CPDP held on 11.12.2019, the appeal is scheduled for consideration on the merits and the parties are instructed to distribute the burden of proof in the process.

At an open meeting of the CPDP held on 05.02.2020, the complaint was considered on the merits.

The parties - regularly notified, do not appear, do not represent themselves.

In his capacity of administrative body and in connection with the need to establish the truth of the case, as a basic principle in administrative proceedings, according to Art. 7 of the Code of Administrative Procedure, requiring the existence of established facts, given the evidence gathered and the allegations made by the parties, the Commission considers that considered on the merits of the complaint № PPN-01-431 / 02.05.2019 is unfounded.

There is no dispute between the parties on the facts. It is notorious that on 26.05.2019 elections were held for members of the European Parliament from the Republic of Bulgaria, for participation in which, with decision № 114-EP of 09.04.2019 of the CEC, was registered and PP, on the basis of an application submitted with a list of persons supporting the registration of the political entity to participate in the specific elections.

As can be seen from Decision 114-EP of 09.04.2019 of the CEC, the application for registration of the political party is accompanied by a list containing the three names, the unique civil number and the handwritten signature of 3813 voters supporting the registration of the party.

It is not disputable, but it is evident from the materials submitted by the CEC, that the personal data of the complainant SP, in a volume of three names and a unique civil number, are present on page \*\*\*, line \*\*\*\* from the list of voters. supporting the registration of P.P. for participation in the procedural elections.

The provision of personal data by a political entity of the CEC for registration of the party for participation in the elections is a form of personal data processing and as such should be carried out in compliance with the provisions of EU Regulation 2016/679, in particular those of Art. 6, § 1 of the Regulation, the same applicable as far as data are provided on 09.04.2019.

The applicant's allegations that she did not sign in support of the registration of the political entity and did not consent to the

processing of her personal data for the specific purpose are unsubstantiated, given the lack of evidence of signature and authorship other than that indicated in the procedural list. . The applicant's allegations of unlawful processing of her personal data by P.P. for the registration of the political entity in the elections held on May 26, 2019, are unsubstantiated. There is no evidence to the contrary, and Ms S.P. for misuse of her personal data should be disregarded as unfounded and unsubstantiated, given the lack of procedural activity on her part to prepare the admitted expertise of the signature placed on page \*\*\*, line \*\*\*\* from the list of voters supporting the registration of P.P. for participation in the procedural elections.

Guided by the above and on the grounds of Art. 38, para. 3 of the Personal Data Protection Act, the Commission for Personal Data Protection,

HAS DECIDED AS FOLLOWS:

Dismisses complaint PPN-01-431 / 02.05.2019 as unfounded.

The decision is subject to appeal within 14 days of its service through the Commission for Personal Data Protection before the Administrative Court Sofia - city.

THE CHAIRMAN:

MEMBERS:

Ventsislav Karadzhov

Tsanko Tsolov

Maria Mateva / p /

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