

Home »Practice» Decisions of the CPDP for 2019 »Decision of the CPDP regarding a request for issuance of a permit for providing personal data to individuals on the grounds of Art. 106, para. 1, item 1 and item 3 of the Civil Registration Act

Decision of the CPDP regarding a request for issuance of a permit for providing personal data to individuals on the grounds of Art. 106, para. 1, item 1 and item 3 of the Civil Registration Act DECISION OF THE COMMISSION FOR PERSONAL DATA PROTECTION Reg. № NDMSPO-01-6 / 03.01.2019, Sofia, 01.02.2019. of permission for provision of personal data to natural persons on the grounds of art. 106, para. 1, item 1 and item 3 of the Civil Registration Act, the Commission for Personal Data Protection (CPDP) composed of: Tsanko Tsolov, Tsvetelin Sofroniev and Veselin Tselkov, on 23.01.2019, considered a request with ent. № NDMSPO-01-6 / 03.01.2019 by Ms. MI, in her capacity as a representative of the company "IBLK" EOOD, UIC \*\*\*\*\*. The request states that the company has a subject of activity / interalia / real estate management and on this occasion a contract was concluded on 01.06.2018 for the assignment of activities for management and maintenance of the common parts of a residential building with administrative address. \*\*\*\*\*. The activity can be descriptively summarized as a "Professional House Manager" service. With the Condominium Management Act (ZUES) this type of activity is legally regulated in Art. 19, para. 8 of ZUES. Mrs. M.I. points out that on the occasion of the fulfillment of the obligations under the contract thus concluded, as a person to whom the powers of the Manager of the condominium (EU) have been assigned and on the grounds of Art. 106, para. 1, item 1 of the Civil Registration Act (CRA), with a request ent. № AO-05-03-6123 / 08.08.2018, a request was made to the municipal administration of the town of R. for providing a third interested person at current and permanent addresses of owners of individual sites in the condominium, entered in the book of condominium. Due to failure to receive a proper response from the municipal administration within the statutory period, the company has appealed the tacit refusal and with Decision № 116 of 07.12.2018 of the Administrative Court of R., the request for information under the Civil Procedure Code was rejected by motive that the request does not fall under the hypothesis of Art. 106, para. 1, item 1 of the same, as legal entities are not within the scope of this norm as "third parties", but should use the legal opportunity provided in item 3 of the same paragraph - disclosure of information on the basis of legal requirement of a court act or a decision of the CPDP. In view of the above, the applicant company submits to the Commission a request for issuance of a decision under Art. 106, para. 1, item 3 of the Civil Procedure Act, for the current addresses of N.B.G. and M.N.G. (possibly three names and current addresses of their heirs), entered in the book of condominiums as owners of a separate site in a block of flats located in the town of \*\*\*\*\*. The request for this information is motivated by the need to contact the said persons or possibly their

heirs regarding the fulfillment of the obligations under the condominium management contract, including the organization of EU General Meetings and the implementation of EU decisions already taken. . The following documents are attached: - Minutes of the EU General Assembly held on 21.05.2018; - List of those present at the General Assembly of the EU from 21.05.2018; - Contract for assignment of the EU management from 01.06.2018. ; - Correspondence with the administration of the municipality of R.; - Decision of the AC R. №116 of 07.12.2018. Legal analysis According to Art. 19, para. 8 of the Condominium Management Act, within the term of the contract, the natural or legal person elected to perform the activity of “Professional House Manager” has the rights, obligations and responsibilities of the Management Board (manager) for the respective condominium. The actions for administrative management generally include: implementation of the decisions of the General Assembly; preparation and proposal of draft budget; collection of contributions for budget implementation, collection of contributions for repairs and improvements; payment of all costs of the condominium; record keeping; keeping archives and correspondence; convening and conducting General Meetings and meetings of Management Boards; providing offers for construction and installation works; control and organization of repair activities; representation before municipal and state bodies, as well as before third parties, etc. The contract for assignment of management and maintenance activities is concluded between the Condominium and the Contractor Company, after such a decision is made by the General Meeting. The person for whom permission to provide personal data is requested is a party to the contract (the party is the condominium as a set of persons - Assignor, represented by the Manager / Chairman of the Board), even if he did not participate in the General Meeting. which the specific decision was taken to outsource the activities. This person - as a condominium owner, has the right to participate or not to participate in the general meeting of owners, together with all the ensuing consequences. The condominium owner, although he did not participate in the general meeting, is bound by his decisions. The arguments for this interpretation can be derived from the obligatory practice of the Supreme Court of Cassation according to: Decision № 39 of 19.02.2013 on the case file № 657/2012, GK, I GO of the SCC, ruled by the order of art. 290 of the Civil Procedure Code. The decision stipulates that after their entry into force, the decisions of condominium owners are binding on all condominium owners, including those who voted against, those who did not participate in their claim and those who will later become condominium owners or occupants. At the same time, they are no longer mandatory for persons who are no longer condominium owners or occupants, even if they have voted for them. Undoubtedly, the persons for whom data are requested, in order to fulfill the contract with the condominium owners, are a party to this contract. Their commitment derives (1) from their

capacity as condominium owners - holders of the right of ownership or use of a separate object in a building. They are also (2) bound by a decision of the General Assembly to delegate the powers of management and maintenance to a specialized company. The conclusion of the Management and Maintenance Contract is the implementation of the decision of the General Meeting to outsource the activities. There are a number of statutory obligations for the contractor company, in its capacity of manager (Article 23 of the LSMA). The contractual delegation in question fully transfers the responsibility for the management and maintenance of the common parts to the company, as the non-performance is also fixed by a respective property sanction imposed by administrative order. There is a statutory obligation of the controller provided by law in order to allow the processing of personal data. Pursuant to Art. 195 of the Spatial Planning Act, the owners of buildings should maintain them in technical condition, meeting the basic requirements of construction legislation, as well as prevent deterioration of design levels in accordance with the requirements for construction and its characteristics. An owner who has distanced himself from caring for the common areas adjacent to his property is much more likely to allow deterioration of the structural characteristics of the building or its individual elements, thereby endangering the lives and health of an unlimited number of people. The timely implementation of urgent repairs, as well as major repairs and major renovations, are a guarantee of compliance with construction legislation and related safety of residents in and around buildings. The case is similar with the measures and prescriptions of the technical passport of the building, for which not only the floor owners are responsible, but also the management and maintenance company, which is entrusted with the functions of the Management Board. The Civil Registration Act regulates the terms and conditions for the civil registration of natural persons in the Republic of Bulgaria. Civil registration is the entry of the events of birth, marriage and death in the civil status registers and the entry of persons in the population registers. A personal registration card and an entry in the National Population Database shall be drawn up for all persons subject to civil registration. The Population Register of the Republic of Bulgaria consists of all municipal registers and its computer equivalent is the National Population Database. According to Art. 106, para. 1, item 1 of the Civil Registration Act, the data from ESGRAON shall be provided to Bulgarian and foreign citizens, as well as to the stateless persons to whom they relate, as well as to third parties, when these data are relevant for occurrence. , the existence, amendment or termination of their legal rights and interests. The condominium owners - natural persons, currently living in a building in condominium regime within the meaning of the Property Act and ZUES - owners, occupants and users, are precisely such third parties. Their rights and legitimate interests, which arise, develop, exist, change and terminate by virtue of ZUES - regulating public relations

related to the management and maintenance of condominiums, are endangered, hindered and violated. Based on the cited legal norm, the condominium owners, as interested third parties, have a legal interest in obtaining personal data about the owner of an uninhabited residential property, namely names, permanent and current address. Such a volume of identification data would be sufficient to establish contact with the person and to be informed about his rights and obligations under ZUES. Any other personal data other than those listed (eg PIN, identity documents, etc.) would be excessive. In this regard, it is necessary to point out that the Civil Procedure Code provides an opportunity to initiate a civil case, in the course of which to require the issuance of a certificate under Art. 186 of the Civil Procedure Code, on the basis of which the party to obtain a document for circumstances related to the respondent party. However, filing a civil lawsuit is a last resort to protect the rights of condominium owners.

Regulation (EU) 2016/679 (General Regulation on Data Protection), which has been directly applicable since 25 May 2018, is the normative act laying down rules relating to the protection of individuals with regard to the processing of personal data and on free movement of this data. The General Regulation builds on the previous data protection regime introduced by Directive 95/46 / EC, transposed into the Bulgarian Personal Data Protection Act of 2002, while taking into account the dynamics of the development of new technologies and data processing activities. personal data.

Within the meaning of Art. 4 (1) of the General Regulation, "personal data" means any information relating to an identified or identifiable natural person ("data subject") directly or indirectly, in particular by means of an identifier such as a name, identification number, location data, online identifier or one or more characteristics specific to the physical, physiological, genetic, mental, intellectual, economic, cultural or social identity of that individual.

According to Art. 4, item 2 of the General Regulation, personal data processing is any operation or set of operations performed with personal data or a set of personal data, such as collection, recording, structuring, storage, use, disclosure, etc. Within the meaning of Art. 6, § 1 of the General Regulation, the processing of personal data is lawful where (b) the processing is necessary for the performance of a contract to which the data subject is a party, (c) the processing is necessary to comply with a legal obligation , which applies to the administrator and ("e") processing is necessary for the purposes of the legitimate interest of the administrator.

In the described case it can be assumed that the conditions of art. 6, § 1, b. "B", "c" and "e" of the General Regulation - processing is necessary for compliance with the contract, as, as mentioned above, the contract for the award of EU

governance is binding on all owners and they parties to it after the entry into force of the decision of the EU General Assembly to conclude the contract, the processing is necessary to comply with legal obligations to protect and maintain the safety and security of the EU, as well as to realize the legitimate interests of the administrator . Last but not least, in this way even the legitimate interests of the data subjects are protected, insofar as the activities are aimed at maintaining in good condition and maintaining the common parts of which the condominium owner owns the respective ideal part, ie. it is undoubtedly in the interest of all apartment owners.

"IBLK" Ltd. - as a person who is entrusted with the powers of the Management Boards of condominiums (according to the Decision of the General Meeting of Owners), and acting as their proxy, has the right to request on their behalf, to provide personal data of owners who have left their properties without indicating another address in the country or e-mail address (obligation under Article 13, paragraph 2 of the LSMA). The provision of the data should be subject to the prior application of sufficient evidence of a justified need for the data to the application. Such evidence are the contract for assignment, the minutes of the relevant decision of the General Meeting, an explicit power of attorney from the Management Board and others. In view of the above and given the existence of a legal basis and an explicit normatively prescribed purpose, pursuant to Art. 58, para. 3 of the General Data Protection Regulation, the Commission for Personal Data Protection adopted the following ANSWER:

Pursuant to Art. 106, para. 1, item 3, proposal three of the Civil Registration Act, allows the municipality of R. to provide the condominium owners, represented by its management boards, through the proxy "I.B.L.K." Ltd., personal data of owners of individual sites in the building of the National Base "Population", as follows: three names, object of management, permanent address and current address. The provision of the data should be subject to the prior application to the application of sufficient evidence of a justified need for the data in question.

Provision of additional data for the owners (or their heirs) may be carried out only in the presence of the relevant court certificate under Art. 186 of the Civil Procedure Code.

MEMBERS:

Tsanko Tsolov

Tsvetelin Sofroniev / p /

Veselin Tselkov / p /

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