

Athens, 02-03-2021

Prot. No.: 558

DECISION 1/2021

(Department)

Revocation of Decision 47/2020

(Article 11, par.1 Law 3471/06)

The Personal Data Protection Authority met in composition

Department at its headquarters on Wednesday 20-01-2021 at 10:00 a.m., upon invitation of

Its President, in order to examine the case mentioned in its history

present. The Deputy President, Georgios Batzalexis, was present

of the President of the Authority, Constantinos Menoudakou, and the alternate members, Evangelos

Papakonstantinou

tactics

members, Konstantinos Lambrinoudakis and Charalambos Anthopoulos, who, although

were legally summoned in writing, did not attend due to disability. The meeting was attended by

by order of the President, Leonidas Roussos, expert scientist - auditor as assistant

rapporteur. Irini Papageorgopoulou, his employee, attended as Secretary

Administrative Department of the Authority.

Tsolias in replacement

Gregory

of

and

The Authority took into account the following:

The Authority issued the no. 47/2020 Decision, according to what is mentioned therein.

However, summoning the complainant to appear for hearing at its meeting

Department was not received by him, as it had been sent to an invalid address

email. Therefore, the complainant did not have the opportunity to express his views regarding the alleged. For this reason, with the No. first C/EIS/8560/14-12-2020 application, the complainant, A requested the revocation of decision.

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The Authority, after examining all the elements of the file, after hearing the rapporteur and the clarifications of the assistant rapporteur, who then left before the conference and decision-making, and after thorough discussion,

THOUGHT ACCORDING TO THE LAW

1. According to art. 20 par. 2 of the Constitution, the right of the former hearing of the interested party also applies to any administrative action or measure that taken at the expense of his rights or interests.
2. According to article 8 par. 2 of the Regulation of Operation of the Authority, the administrative penalties provided for violation of the processing arrangements personal data are always imposed after hearing him controller or his representative or attorneys their.
3. At the meeting of the Authority, during which the mentioned decision was taken in the operative part of this decision, as is also apparent from the relevant information in practice, the complainant did not participate. This happened as he did not a summons was served on the e-mail address he had declared and from which he had replied to the Authority in his earlier communication, but in wrong address, due to anagram. Considering that the issued decisions have the character of an enforceable administrative act, was deprived,

in the manner described, his right of prior hearing
denounced according to art. 20 par. 2 of the Constitution, but also v
violation of the Regulation of Operation of the Authority, if with the decision in question
sanction was imposed without prior legal summons of the person in charge
processing and listening to it. Therefore, there is a legitimate reason for its revocation
relevant decision, in order for the case to be discussed anew by the Authority with
the presence of the accused after his legal summons.

FOR THOSE REASONS

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The Authority revokes decision 47/2020, in order to summon the complained of
new to attend the meeting of the Department on the date that will
be defined.

The president

The Secretary

George Batzalexis

Irini Papageorgopoulou

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