

No. Fax.: 11.17.001.009.237 No. Tel.: 22818456 No. Fax: 22304565 DUPLICATED February 03, 2022 Subject: Complaint for breach of personal data Mr XXXXX DECISION Facts of the case Based on the duties and powers conferred on me by Articles 33(5) and 55(1) of the General Data Protection Regulation (EU) 2016/679, hereinafter "the Regulation", I issue the following decision: A. 2.1. A complaint was submitted to my Office on October 7, 2021, which concerns Mr. XXXXXX (hereinafter the "complainant") against the Voroklini Community Council (hereinafter the "Council"). 2.2. As stated in the complaint, the owner of the apartment at the address XXXXX, Voroklini. He received the correspondence concerning the Community Council of Boroklini at the aforementioned address from the date of purchase of the apartment in question until 23/01/2017. The complainant alleges that the Council made an "arbitrary and/or illegal and/or without his consent" change of the mailing address of the mail concerning the apartment in question. of complainants is 2.3. On October 15, 2021, based on my duty to examine complaints/complaints, pursuant to Article 57(1)(f) of the Regulation, an electronic message was sent on my behalf to the Council, in which I informed it about the complaint in question and called upon to inform me, by October 29, 2021, of the positions on the complainant's allegations, as well as the procedure followed and the conditions under which a change of mailing address of a property can be made. 2.4. On October 26, 2021, the Data Protection Officers of the Communities of Larnaca Province (hereinafter the "DPO") responded by email, inter alia, the following: (a) There is a legal development between the complainant and the Community Council, regarding the enforcement Community taxes. (b) Mail (water bills, property taxes and fees) was sent until 12/27/2016 to the address of the complainant's privately owned apartment. (c) The DPO claims that, on the above date, the complainant himself came to the offices of the Voroklini Community Council and paid his due taxes and at the same time verbally requested a change of the mailing address to the address of his permanent residence, which is located in XXXXX. In proof of this, there is testimony from an employee of the Community Council. Thus, from 23/01/2017, the bills of the apartment in question were sent to the address of the permanent residence of the complainant in XXXXXX. (d) Also, the DPO notes that there was no reason to change the mailing address of the complainant, given that he paid all his due bills, since he is not a permanent resident of the community of Boroklini and the Community Council of Boroklini he did not know the address of his permanent residence. The change of the mailing address of his mail would only be done if he himself requested it. (e) The DPO emphasizes that correspondence is always sent in the owner's name in an enclosed envelope. (f) In general, the change of address can only be done when the citizen concerned requests it, either verbally if his identity is verified, or in writing by filling in the new details of the change of address of his mail, which are found

on the back of each fee bill and taxes, and signing that, delivers it personally or sends it by post to the Community Council of Boroklini. (g) Before the implementation of the General Regulation on the Protection of Personal Data (EU) 2016/679, the oral requests of citizens to change their mailing address were not recorded. After the implementation of the Regulation and the informative presentations made by the DPO, as well as their written instructions, the Community takes all the appropriate technical and organizational measures to protect the personal data of its residents and citizens. (h) The DPO reports that they have prepared a new form to be used by the Voroklini Community Council, as an additional measure of protection, regarding the change of address of the correspondence of the concerned residents/citizens of the Community. 2.5. On 29 October 2021, my Office sent a letter to the complainant, quoting the Council's positions. 2.6. The Complainant responded by letter dated 10/11/2021, inter alia, the following: (a) The Complainant considers the Council's allegations unfounded and rejects them. (b) He categorically declares that no legal development exists between himself and the Council, regarding the imposition of Community taxes. His debts to the Council are always paid and repaid on time. (c) Complainant denies having verbally requested a change of mailing address for said apartment. 2.7. On November 22, 2021, an email was sent to the DPO, in which questions were raised again. More specifically, it was requested, as by December 03, 2021: "(a) provide our Office with evidence proving the legal development that exists between the complainant and the Community Council of Boroklini, regarding the imposition of Community Taxes, 2 (b) provide to our Office evidence of testimony and the details of the Community Council employee who you claim can prove that the complainant verbally requested a change of mailing address, (c) our Office is informed of the reasons for the change of mailing address it was done orally, and not by filling in an appropriate form." 2.8. On November 29, the DPO requested an extension until December 13, 2021, to allow them to visit the Council's premises, for an on-site examination of the case in question. Accordingly, the request for an extension of time was granted. 2.9. On December 07, 2021, the DPO replied by email, inter alia, the following: (a) On December 03, 2021, the DPO made an on-site visit to the Council offices and an effort was made with the input of the Secretary of the Community, with the aim of fully investigation of the case in question. (b) The DPO emphasizes that there was no deliberate and/or prejudicial action against the complainant. (c) After a thorough investigation of all procedures and possible causes, it was found that the change of mailing address was due to the electronic notification made by the Land Registry as part of its usual annual practice of informing the Community Councils, regarding property changes of property owners, due to transfers from purchases and sales that take place. (d) More specifically, according to the electronic records sent by the Land Registry to the Council, it

appeared that, on 19/11/2015, the complainant transferred the apartment in question to his name and the address on the title deed referred to the address of the permanent of residence in the XXXXXX Community. The electronic notification in question from the Land Registry was made at the beginning of April 2017. On 12/04/2017, a real estate tax was imposed on the complainant, for the first time and was sent to his address of residence in XXXXX, because the mailing address for the apartment in question automatically changed in the Council's electronic system, based on the identity of the complainant, after the electronic update from the Land Registry. (e) For the above events, the DPO submitted evidence to my Office. (f) The said change in mailing address was not noticed and/or checked by any Council employee. (g) On 09/05/2017 the complainant complained about the change of mailing address. The Council immediately proceeded to correct the mailing address to comply with the complainant's request. (h) Regarding the alleged legal development between the Council and the complainant, after the investigation carried out, the DPO admits that there is no legal development against the complainant and the incorrect information to my Office is due to a simple synonymy with a legal development of another citizen. (i) The DPO reiterates that, before the implementation of the Regulation, the practice of changing the mailing address was done verbally or by telephone with the necessary control of its details, without keeping any written or electronic confirmation file. However, after being assigned by the LARNACA DISTRICT COMMUNITIES ASSOCIATION on 07/08/2019 as Personal Data Officers of the Larnaca Communities, through their training meetings, the Officers were informed as they are done in writing by the directly interested parties, after confirmation of their personal information, any changes to their personal data, and further said changes must be archived. For this for this reason, the DPO also prepared a relevant appropriate form, which was delivered for use. (j) The DPO points out that the sending of the immovable property fee of the complainant was sent to his residential address in his name and in an enclosed envelope. 2.10. On 19/01/2022 I issued a prima facie Decision against the Voroklini Community Council, where I found a prima facie violation of Articles 6, 7, 22 and 31 of the Regulation, as contradictory claims were made, as a result of negligence and/or incomplete investigation on the part of the Council. In addition, the DPO was asked to state the reasons why they believe that no corrective measure or administrative sanction should be imposed. 2.11. The DPO in an electronic message dated 01/27/2022 cited, among other things, the following reasons for not imposing any sanctions: (a) There was no deliberate attempt to disorient and/or cover up, at any stage of the investigation of the case in question. The first assessment was hasty and was made on the basis of misrepresentation of the data by simple synonymy, without delving into the real causes. (b) There was and is no reason for prejudice against the complainant. (c) From the first

moment there was full response and cooperation between the Personal Data Processing Manager of the Larnaka District Communities and the Supervisory Authority, for a complete clarification of the case and in no case was there an attempt to disorient and cover up the case in question. (d) The omission in question occurred at the beginning of April 2017, before the implementation of the Regulation, and before the informational meetings and presentations began to inform the Personal Data Processors of the provisions of the Regulation. Specifically, what is a violation, the seriousness of any violation, what are their responsibilities and obligations, as well as their obligation to take the appropriate organizational and technical measures. (e) The aforementioned informational meetings and presentations took place after the appointment of the DPO on 08/07/2019, who have emphasized the seriousness of the matter and have further suggested appropriate protective measures, which must be taken to protect the personal data process, and avoiding any illegal act of leaking them. In addition, a personal data protection policy and activity file were drawn up, as well as all the appropriate forms necessary for the protection of personal data during their processing. (f) The DPOs assure that the Council takes all appropriate measures, organizational and technical, to protect the personal data it processes, after their informative meetings and presentations. (g) The case in question was an "isolated unfortunate event", which occurred before the implementation of the Regulation and before their briefings. (h) The DPO maintains that, from the date of the informative presentations, the Community fully complies with the provisions of the Regulation and takes all appropriate protective measures to protect the personal data it processes. 4 (i) Furthermore, the DPO reiterates that the complainant's file was sealed, it was not sent to an unknown and/or other address of another person, but only to the address of his permanent residence which could also be sent under other circumstances for information to be collected by the Community of the legal real estate fees imposed by the Law. B. Legal Framework 3.1. Article 4(1) of the Regulation defines that "personal data" is "any information concerning an identified or identifiable natural person (data subject)". 3.2. In Article 4(2), processing is defined as "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, the storage, adaptation or alteration, retrieval, retrieval of information, use, disclosure by transmission, dissemination or any other form of disposal, association or combination, limitation, deletion or destruction". 3.3. Further, in Article 4(7), a data controller is defined as anyone (the natural or legal person, public authority, agency or other body) who, "alone or jointly with another, determine the purposes and manner of data processing of a personal nature". 3.4. Article 4(11) provides that consent means "any indication of will, free, specific, explicit and fully informed, by which the data subject expresses that he agrees, by statement or

by a clear positive action, to be the subject of processing personal data relating to it." 3.5. In Article 4(12) a personal data breach is defined as "a breach of security that results in the accidental or unlawful destruction, loss, alteration, unauthorized disclosure or access of personal data transmitted, stored or otherwise processed ». 3.6 In Article 4(21), the supervisory authority is defined as "an independent public authority established by a Member State in accordance with Article 51". 3.7. The Principles governing the processing of personal data are defined in Article 5 of the Regulation. In subsection (1)(a) of this Article it is provided that personal data must be "subject to legal and legitimate processing in a transparent manner in relation to the data subject ("legality, objectivity and transparency)". Also, in subsection 1(f) of the Article it is provided that personal data must be "processed in a way that guarantees the appropriate security of personal data, including their protection from unauthorized or illegal processing and accidental loss, destruction or damage, using appropriate technical or organizational measures ("integrity and confidentiality"). Furthermore, in paragraph (2) of this Article it is stated that, "the data controller bears the responsibility and is able to demonstrate compliance with paragraph 1 ("accountability"). 5 3.8. Article 6(1) of the Regulation, which concerns the legality of the processing, provides that the processing is lawful, "only if and as long as at least one of the following conditions applies: a) the data subject has consented to the processing of personal data of its nature for 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 prior to the conclusion of a contract, c) the processing is necessary for compliance 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 against the exercise of public authority assigned to the controller, f) the processing is necessary for the purposes of the legitimate interests pursued by the controller or a third party, unless these interests are overridden by the interest or the fundamental rights and freedoms of the data subject that require the protection of personal data, in particular if the data subject he 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." 3.9. Article 7 of the Regulation defines the conditions for consent as follows: "1. When the processing is based on consent, the controller is able to prove that the data subject consented to the processing of the personal data 2. If the data subject's consent is provided in the context of a written statement that also concerns other matters, the request for consent is submitted in such a way that it is clearly distinguishable from other matters, in an understandable and easily accessible form, using clear and simple wording. Any part of this statement that constitutes a violation of this regulation is not binding. 3. The

data subject has the right to withdraw his consent at any time. Withdrawal of consent does not affect the lawfulness of processing that was based on consent prior to its withdrawal. Before giving consent, the data subject is informed accordingly. Withdrawing consent is as easy as giving it. 4. In assessing whether consent is freely given, particular consideration is given to whether, inter alia, for the performance of a contract, including provision of a service, consent to the processing of 6 personal data that is not necessary for the execution of the contract in question is a prerequisite." 3.10. Article 31 of the Regulation, regarding cooperation with the supervisory authority, provides that, "the data 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. » By extension of Article 31 of the Regulation, recital 82 of the Preamble states: "In order to be able to demonstrate compliance with this Regulation, the data controller or processor should keep records of the processing activities under their responsibility their. Every controller and every processor should be obliged to cooperate with the supervisory authority and to make available to it, at its request, the files in question, so that it can use them to monitor the specific processing operations." 3.11. In addition, the duties of the data protection officer are defined in Article 39(1) of the Regulation. More specifically, the data protection officer has at least the following tasks: "a) informs and advises the data controller or processor and the processing employees of their obligations deriving from this regulation and from other provisions of the Union or the State Member State on data protection, b) monitor compliance with this Regulation, with other provisions of the Union or Member State on data protection and with the policies of the controller or processor in relation to data protection of a personal nature, including delegation of responsibilities, awareness and training of employees involved in processing operations, and related controls, c) provide advice, when requested, regarding the data protection impact assessment and monitor its implementation according to article 35, d) cooperate with the supervisory authority, e) act as a point of contact for the supervisory authority on issues related to processing, including the prior consultation referred to in Article 36, and carry out consultations, as appropriate, on any other matter." 3.12. In accordance with Article 33(1) of Law 125(I)/2018, the following commits a criminal offence: "(a) A data controller or data processor who does not keep the record of activities provided for in article 30 of the Regulation or does not update the such record or refuses to produce the record to the Commissioner upon his request or provides the Commissioner with false, inaccurate, incomplete or misleading information about such record, 7 (b) a controller or processor who does not co-operate with the Commissioner, in accordance with the provisions of article 31 of the Regulation, (c) data controller who does not notify the Commissioner of a personal data breach, in accordance with the provisions of paragraph (1) of article 33 of

the Regulation, (d) processor who does not immediately inform the controller of a personal data breach, in accordance with the provisions of paragraph (2) of article 33 of the Regulation, (e) controller who does not notify the data subject of a personal data breach, in accordance with the provisions of article 34 of the Regulation, (f) a controller who does not carry out an impact assessment, in violation of the provisions of paragraph (1) of article 35 of the Regulation or of article 13 of this Law, (g) data controller or processor who prevents the data protection officer from performing his duties, especially those related to cooperation with the Commissioner, (h) certification body that grants or does not revoke certification, in accordance with the provisions of article 42 of the Regulation, (i) controller or processor who transmits personal data to a third country or an international organization in violation of the provisions of Chapter V of the Regulation, (j) controller or processor who transmits personal data to a third country or to an international organization according to violation of the restrictions imposed by the Commissioner pursuant to the provisions of articles 17 or 18 of this Law, (k) a person who without right intervenes in any way in a personal data archiving system or obtains knowledge of such data or removes, alters, damages, destroys it, processes, exploits in any way, transmits, announces, makes them accessible to non-entitled persons or allows such persons to obtain knowledge of said data, for profitable or non-profitable purposes, (l) controller or processor, who obstructs or impedes the exercise of the powers of the Commissioner provided for in article 58 of the Regulation and in article 17 of this Law, (m) data controller or processor, who does not comply with the provisions of the Regulation and this Law when carrying out processing act which does not constitute a crime according to the provisions of this article, (n) public company or public body that combines large-scale filing systems in violation of the provisions of article 10 of this Law" 8 3.13. Based on Article 58(2), the Commissioner has all the following remedial powers: "a) to issue warnings to the controller or processor that intended processing operations are likely to violate the provisions of this regulation, b) to issue reprimands to the controller or the processor when processing operations have violated provisions of this regulation, c) to instruct the controller or the processor to comply with the requests of the data subject for the exercise of 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 regulation, if necessary, in a specific way and within a certain period, e) to instruct the data controller to announce the personal data breach a to the data subject, f) to impose a temporary or permanent restriction, including the prohibition of processing, g) to order the correction or deletion of personal data or the restriction of processing pursuant to articles 16, 17 and 18 and an order to notify these actions to recipients to whom personal data has been disclosed pursuant to Article 17(2) and Article 19, h) withdraw the

certification or order the certification body to withdraw a certificate issued in accordance with Articles 42 and 43 or order the certification body not to issue a certification, if the certification requirements are not met or no longer met, i) to impose an administrative fine pursuant to 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 give order to suspend the circulation of data to a recipient in a third country or internationally organization." 3.14. Furthermore, Article 83 of the Regulation, which concerns the general conditions for imposing administrative fines, provides that, "1. Each supervisory authority shall ensure that the imposition of administrative fines in accordance with this article against violations of this regulation referred to in paragraphs 4, 5 and 6 is effective, proportionate and dissuasive in each individual case. 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 paragraph 2 points a) to h) and Article 58 paragraph 2 point 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 violation, taking into account the nature, the 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 data controller or processor, taking into account the technical and organizational measures they apply pursuant to articles 25 and 32, e) any relevant previous violations of the data controller or processor, f) the degree of cooperation with the supervisory authority to remedy the breach and limit its possible adverse effects, g) the categories of personal data affected by the breach, h) the way in which the supervisory authority was informed the breach, in particular whether and to what extent the data controller or processor notified the breach, i) in case the measures referred to in Article 58 paragraph 2 were previously ordered against the data controller or processor involved in relation to the same object, the compliance with the measures in question, j) the observance of 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 element resulting from the circumstances of the specific case , such as the financial benefits obtained or losses avoided, directly or indirectly, by 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 previous 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. 10 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 enterprises, up to 4 % of the total global 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 the subjects including the data 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 of chapter IX, e) non-compliance with an order or temporary or permanent restriction of processing or suspension of data circulation imposed by the supervisory authority pursuant to article 58 paragraph 2 or failure to provide access in violation of article 58 paragraph 1. 6. The failure to comply with an order of the supervisory authority as referred to in Article 58 paragraph 2 shall attract, in accordance with paragraph 2 of this Article, 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 preceding financial year, whichever is higher. 7. Without prejudice to the corrective powers of the supervisory authorities in accordance with Article 58(2), each Member State may determine the rules on whether and to what extent administrative fines may be imposed on public authorities and bodies established in that member state. 8. The exercise by a supervisory authority of its powers under this Article shall be subject to due process safeguards in accordance with Union and Member State law, including effective judicial review and due process. 9. Where the legal system of the Member State does not provide for the imposition of administrative fines, this article may be applied in such a way that the enforcement procedure is initiated by the competent supervisory authority and enforced by the competent national courts, while ensuring that the because legal remedies are effective and have an equivalent effect to the administrative fines imposed by the supervisory authorities. In any event, the fines imposed are effective, proportionate and dissuasive. Those Member States shall notify to the Commission the provisions of their laws which they adopt in accordance with this paragraph by 25 May 2018 and, without delay, any subsequent amending law or amendment thereof.' 3.15. According to article 32(3) of Law 125(I)/2018, "an administrative fine imposed on a public authority or public body and related to non-profit activities may not exceed two hundred thousand euros (€200,000)." 11 C. Rationale 4.1.1. First, Article 21A of the Immovable

Property (Possession, Registration and Valuation) Law (Cap. 224), which deals with the imposition of fees on immovable property held in private ideal portions provides that: "(1) Regardless of the provisions of this Law, for the purposes of imposing fees pursuant to the provisions of the Law on Municipalities, the Law on Communities and the Law on Sewerage Systems, as they are amended or replaced, in the event that immovable property is held in undivided ideal shares, it is considered that belongs to its owners according to their physical shares of ownership in it. each time (2) For the purposes of subsection (1) - (a) any co-owner may submit a written application to the Director for the determination of the general assessment value of the share attributable to him. (b) the Director shall enter in a special register kept at the Provincial Land Office the particulars in relation to the general assessment value of all shares for which an application has been submitted pursuant to paragraph (a). (3) The special register provided for in subsection (2) is notified to the authorities responsible for the imposition of fees on immovable property, pursuant to the provisions of the Law on Municipalities, the Law on Communities and the Law on Sewerage Systems, as they are amended or replaced from time to time, so that the prescribed fees imposed on the contemporaries are determined according to their physical ownership shares in the immovable property. (4) The provisions of subsections (1), (2) and (3) are applied until separate title deeds are issued in relation to the shares provided for in subsection (1). 4.1.2. Therefore, in accordance with paragraph 3 of article 21A of the Law on Real Estate, the Council is to be informed by the Land Registry, in the context of the transfer of the property in question in the name of the complainant. 4.1.3. Of essential importance is the fact that the property tax for the apartment in question was first levied on 12/04/2017 and sent to the permanent residence of the complainant on XXXXXX, while on 09/05/2017 the Council immediately corrected the mailing address correspondence, following a complaint by the complainant. Therefore, the change in the mailing address for the apartment in question is not due to a deliberate and/or malicious action, but to the electronic update of the Land Registry. 4.1.4. Furthermore, it is important to mention that, according to the evidence provided by the Council to our Office, it appeared that, during the purchase and sale of the apartment in question, the complainant himself declared to the Land Registry his permanent residential address of XXXXXX. 4.1.5. Based on the above and based on what has been put before me, there is no violation of the provisions of the Regulation, as far as the change of address 12 for sending mail and the sending of the real estate fee of the apartment in question. The change of mailing address was due to the annual electronic update of the Land Registry and further, the sending of the real estate fee of the apartment in question was sent to the name of the complainant and in an enclosed envelope. 4.2.1. However, as I had mentioned in my prima facie Decision dated January 19, 2022 and

which I repeat, is that, despite the fact that, in the Council's letter dated 26/10/2021 states that: (a) There is a legal development between the complainant and the Council, regarding the imposition of Community taxes. (b) On 27/12/2016 the complainant himself came to the offices of the Community Council of Voroklini and paid his due taxes and at the same time verbally requested a change of the mailing address to the address of his permanent residence, which is located at XXXXXX. To prove this, there is testimony from a Council employee. Thus, from 23/01/2017, the bills of the apartment in question were sent to the address of the permanent residence of the complainant in XXXXX. 4.2.2. However, following the request of my Office on 22/11/2021, for the presentation of evidence to prove the above positions, the Council by letter dated 07/12/2021 states that:

(a) The alleged legal development between the Board and the complainant does not exist and the wrong information to my Office is due to simple synonymous with legal development of another citizen.

(b) The change of mailing address was due to electronic update made by the Land Registry within the usual annual practice of informing the Community Councils, regarding ownership changes property owners, due to transfers from sales that take place.

4.2.3. Therefore, there is no legal development between the complainant and Council and the complainant never came to the Council's offices to personally request a change of mailing address, which pertains to art due to apartment. Therefore, the Council's position that there is an employee who can to testify and prove the above allegation is baseless. As the above, the Council failed to demonstrate that the subject consented to the processing of his data, in accordance with Article 7(1) of the Regulation, as he had claimed at first. However, after the on-site visit of the Ministry of Foreign Affairs on 03/12/2021 at his offices Council, it became clear that the change of mailing address was due in the annual electronic update of the Land Registry and the sending of the fee of immovable property was sent to the complainant's permanent address at

XXXXX, which he declared in the Land Registry, during the purchase and sale of
due to apartment.

4.3.1. Furthermore, it is established that there are contradictory positions of the Council.

I accept the DPA's claim that the Council did not act in bad faith and did not
any deliberate attempt to disorient the Supervisory Authority was made.

However, there is an admission by the Council that, "the first assessment was
hurried and made on the basis of misrepresentation of the elements by simple synonymy,
without delving into the real causes". Therefore not enough research was done

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on his behalf, to answer the questions raised by my Office, in the context
of investigating the complaint.

4.3.2. The DPO, and by extension the Data Controller, in this case
case the Community Council of Boroklini, did not do a proper investigation, according to
investigation of the said complaint, so that all the necessary ones are given
information for the exercise of their duties, in accordance with Articles 31 and 39(1)(d)
of the Regulation. Even though the Council responded to all the letters on time
of my Office, however failed to inform the Supervisory Authority in the first place and to
provides thorough information of the facts, due to incomplete research and/or
negligence.

4.3.3. From the Law, article 33(1)(b) provides that, the data controller who
does not cooperate with the Commissioner for Personal Data Protection,
in accordance with the provisions of Article 31 of the Regulation, commits a criminal offence.

D. Conclusion

5.1. Bearing in mind the above and based on the powers granted to me by
Articles 58 and 83 of Regulation (EU) 2016/679 and article 24(b) of Law 125(I)/2018,
I repeat my initial finding of a breach, on the part of the Council,

of Article 31 of the Regulation, since the proper research was not done, so that they are given thorough information in my Office, in the context of the exercise of of his duties as controller.

5.2. Based on the provisions of Article 83 of the Regulation, insofar as they apply in this particular case, I consider them below mitigating (1-4) and aggravating (5) factors:

(1) Lack of intent to infringe.

(2) The lack of intention to disorient the Supervisory Authority.

(3) The taking of corrective measures by the Data Protection Officers of the Communities of the Province of Larnaca, both with informative meetings and presentations to controllers, as well as by creating an expert form for changing the mailing address, which is done after identification of the data subject.

(4) The sending of the real estate fee of the apartment in question to the name of the complainant and in an enclosed file.

(5) The fact that, the Council did not conduct a proper investigation, projecting contradictory claims, as a result of which the work of my Office is difficult the investigation of the complaint.

5.3. Having considered and considered –

(a) The applicable legislative basis regarding the prescribed administrative sanctions in provisions of Article 58(2) and Article 83 of the Regulation,

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(b) All the circumstances and factors which the Board placed before me with based on all existing correspondence,

(c) The above mitigating and aggravating factors,

I decided as I impose on the Boroklini Community Council administrative

a fine of €2,000.

Irini Loizidou Nikolaidou

Data Protection Commissioner

Personal Character

/A.D.

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