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»Practice» Decisions of the CPDP for 2019

»Decision on the appeal with registration № PPN-01-737 / 31.08.2018 Decision on the appeal with registration № PPN-01-737 / 31.08.2018

ANSWER

№ PPN- 01- 737/2018

Sofia, 22.03. 2019

The Commission for Personal Data Protection composed of: Tsanko Tsolov, Tsvetelin Sofroniev and Maria Mateva, at a meeting held on 06.02.2019, objectified in Minutes № 6, pursuant to Art. 10, para. 1, item 7 of the Personal Data Protection Act, considered a complaint with registration № PPN-01-737 / 31.08.2018 filed by Mr. DT

The Commission for Personal Data Protection was seised with a complaint filed by Mr. DT, with allegations of established processing of his personal data by a financial institution, through their representative - Ms. RP.

The complainant expresses an opinion, for lack of consent on his part, for the processing of his personal data by this controller. He believes that his rights under the Personal Data Protection Act have been violated. The complaint was received electronically, but was not signed with an electronic signature. Does not apply evidence.

In the conditions of the official principle laid down in the administrative process and the obligation of the administrative body for official collection of evidence and clarification of the actual facts relevant to the case, the complainant with a letter ref. № PPN-01-737 # 1 / 25.09.2018 instructions were given that according to Art. 30, para. 1 of the Administrative Procedure Code (APC) in connection with Art. 30, para. 1 of the Rules of Procedure of the Commission for Personal Data Protection and its administration (PDKZLDNA) in the complaint must indicate data about the applicant: names, address, contact phone number, e-mail address (if any), nature of the request, date and signature. By the order of art. 30, para. 2 of PDKZLDNA the complainant was informed that his complaint was not signed with his own hand or electronic signature - mandatory details, and the possibility within 3 days to eliminate the irregularity of the complaint, and in case of non-compliance with the instructions the administrative proceedings will be terminated.

The letter was received on October 2, 2018, no reply followed.

According to Art. 10, para. 1, item 7 of LPPD in connection with Art. 57, §1, b "f" of Regulation (EU) 2016/679 when referring it,

the CPDP considers complaints against acts and actions of personal data controllers, which violate the rights of individuals under this law, as well as complaints of third parties in connection with their rights under the law.

In Art. 30, para. 1 of the Rules of Procedure of the Commission for Personal Data Protection and its administration (PDKZLDNA) defines the details that must contain the complaint with which individuals refer to the Commission for violation of their rights under LPPD.

In view of the circumstance that the given instructions have not been fulfilled within the statutory term, the prerequisites of Art. 56, para. 2 of the APC for termination of the administrative proceedings. According to the same, the administrative body should terminate the administrative proceedings instituted before it in the cases of Art. 30, para. 1 of the APC, namely when the written request is not signed, and after a request is not confirmed with a handwritten or electronic signature within three days of notification.

Guided by the above and on the grounds of Art. 10, para. 1, item 7 in connection with Art. 38, para. 2 of the Personal Data Protection Act, the Commission for Personal Data Protection

HAS DECIDED AS FOLLOWS:

Leave without consideration a complaint with registration № PPN-01-737 / 31.08.2018, filed by Mr. DT, terminates the administrative proceedings on the grounds of Art. 56, para. 2 of the APC in connection with Art. 30, para 1 of the APC and art. 30, para. 1, item 4 of PDKZLDNA, due to failure to eliminate irregularities in the request, namely: the complaint is not confirmed by hand or electronic signature.

The decision of the Commission for Personal Data Protection may be appealed before the Administrative Court - B. within 14 days of its announcement.

MEMBERS:

Tsanko Tsolov

Tsvetelin Sofroniev / p /

Maria Mateva / p /

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