Athens, 31-03-2023 Prot. No.: 791 DECISION 9/2023 The Personal Data Protection Authority met, at the invitation of its President, in a regular meeting at its headquarters on 09-02-2023, on 16-02 -2023 and on 24-02-2023 in order to examine the case mentioned in the history of the present. Konstantinos Menudakos, President of the Authority, the regular members Christos Kalloniatis, Konstantinos Lambrinoudakis and the regular members Charalambos Anthopoulos, Spyridon Vlachopoulos, Aikaterini Iliadou and Grigorios Tsolias were present as Speakers. The substitute members Demosthenes Vougioukas, Georgios Kontis, Nikolaos Livos, Christos Papatheodorou, Nikolaos Faldamis and Maria Psalla also attended the meeting after being called by the President, without the right to vote. At the meeting, without the right to vote, the auditors Georgia Panagopoulou, Specialist Informatics Scientist, Haris Symeonidou and Kyriaki Karakasi, Specialist Legal Scientists, attended the meeting, as assistant speakers, and Irini Papageorgopoulou, an employee of the Department of Administrative Affairs, as secretary. . The Authority bearing in mind: 1) The provisions of Regulation (EU) 2016/679 of the European Parliament and of the Council, of April 27, 2016, for the protection of natural persons against the processing of personal data and for the free circulation of such data and the repeal of Directive 95/46/EC (General Data Protection Regulation - GDPR) and Law 4624/2019 (Government Gazette A´ 137/29.08.2019) "Principle of Personal Data Protection 1-3 Kifisias Ave., 11523 Athens T: 210 6475 600 E: contact@dpa.gr www.dpa.gr 1 Character, implementation measures of Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 and other provisions". 2) Article 4 par. 1 of the Authority's Operating Regulations (Decision 9/2022, Official Gazette 879/B/25-2-2022, as amended by Decision 13/2022, Official Gazette 1245/B/17-

03-2022 and valid). 3) The Guidelines 1/2019 of the Authority regarding the Processing of personal data for the purpose of communication of a political nature. 4) The under no. 1343-5/2022 decisions of the Fourth Department of the Council of State, which accepted the following: "[…] To limit the communication of the parliamentary candidate during the pre-election period, necessary for the functioning of the democratic state with the electors of the district in which he is running, a special arrangement is required. Article 11 par. 1 of Law 3471/2006, which was implemented exclusively by the contested decision of the Authority and which regulates unsolicited communications for the purposes of direct marketing of products or services and for any kind of advertising purposes, transposing the corresponding provision of article 13 of Directive 2002/58, on unsolicited calls for direct marketing purposes, as the communication described in the above provisions does not include the communication of the candidate for parliament during the pre-election period. And this in view of the special importance

attributed to this communication by the constitutional provisions referred to in the fourth paragraph. This interpretation does not affect the protection of the personal data of the natural persons involved, […], given that the general provisions of the GDPR still apply, on the basis of which the legality of any processing can be judged". The Authority, after hearing the rapporteurs and the assistant rapporteurs, after a thorough discussion, DECIDED IN ACCORDANCE WITH THE LAW 2 1. Because, from the provisions of articles 51 and 55 of the General Data Protection Regulation (Regulation 2016/679) - hereinafter GDPR - and of Article 9 of Law 4624/2019 (Government Gazette A´ 137) it follows that the Authority has the authority to supervise the implementation of the provisions of the GDPR, this law and other regulations concerning the protection of the individual from the processing of personal data. In particular, from the provisions of articles 57 par.1 item. a', b' and d' of the GDPR and 13 par. 1 item a´ and b´ of Law 4624/2019 it follows that the Authority has ex officio competence to monitor and enforce the implementation of the provisions of the GDPR and Law 4624/2019 and to promote the awareness of the public and the controllers and processors on understanding the risks, rules, guarantees and rights and on their obligations under the GDPR when processing personal data. 2. Following the above-mentioned decisions under no. 1343-5/2022 of the Council of State there is a need to revise the Guidelines of the Authority for the political communication of candidates with voters during the pre-election period in order to define the framework of the legal processing of personal data for this purpose based on the provisions of the GDPR . 3. Because Article 2, paragraph 1 of the GDPR provides: "This regulation applies to the automated processing of personal data, in whole or in part, as well as to the non-automated processing of such data which are included or are to be included in a system archiving". Accordingly, Article 2 of Law 4624/2019 states: "The provisions herein shall apply to, in whole or in part, the automated processing of Personal Data, as well as to the non-automated processing of such data, which are or are to be included in a system archiving by: a) public bodies or b) private bodies, unless the processing is carried out by a natural person in the context of an exclusively personal or domestic activity". Political communication, as an automated 3 processing of personal data, falls primarily within the scope of GDPR and Law 4624/2019. 4. Because Article 5 of the GDPR defines the processing principles that govern the processing of personal data. Specifically, it is defined in paragraph 1 that personal data, among others: "a) are processed lawfully and legitimately in a transparent manner in relation to ("legality, objectivity, transparency"), b) are collected for specified, explicit and legitimate purposes and are not further processed in a manner incompatible with these purposes (…)". of the data the subject 5. Because, in accordance with the provisions of article 5 paragraph 2 of the GDPR, the data controller bears the responsibility and must be able to demonstrate compliance with the

processing principles established in paragraph 1 of article 5. As the Authority1 has judged, a new model of compliance was adopted with the GDPR, a central element of which is the principle of accountability in the context of which the data controller is obliged to design, implement and generally take the necessary measures and policies, in order for the processing of the data to be in accordance with the relevant legislative provisions. The importance of the controller's internal compliance with GDPR requirements is highlighted by the provisions of Article 24 para. 1 and 2 GDPR, according to which the application of appropriate technical and organizational measures is required, which includes the preparation and implementation of appropriate policies and procedures. 6. In addition, the data controller is burdened with the further duty to demonstrate at all times his compliance with the principles of article 5 par. 1 GDPR. Compliance with the requirements of the GDPR and national legislation is an ongoing process that begins even before the collection and processing of the data with the design of the relevant procedures and ends only with the final deletion of the data. 1 See Authority decision 26/2019, paragraph 8, available on its website 4 7. Because, according to the provision of article 6 par. 1 GDPR "the processing is lawful only if and as long as at least one of the following conditions applies: a) the subject of the data has consented to the processing of his personal data for one or more specific purposes, [...] f) the processing is necessary for the purposes of the legal 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 which require the protection of personal data, in particular if the data subject is a child'. Furthermore, according to the provision of paragraph 4 of the same article, "When the processing for a purpose other than that for which the personal data have been collected is not based on the consent of the data subject or on the law of the Union or the law of a Member State which is a necessary and proportionate measure in a democratic society to ensure the purposes referred to in Article 23(1), the controller, in order to ascertain whether the processing for another purpose is compatible with the purpose for which the data are initially collected of a personal nature, takes into account, among others: a) any relationship between the purposes for which the personal data have been collected and the purposes of the intended further processing, b) the context in which the personal data were collected, in particular with regard to the relationship between the data subjects and the controller, c) the nature of the personal data, in particular for the special categories of personal data processed, in accordance with Article 9, or whether personal data related to criminal convictions and offenses are processed, in accordance with article 10, d) the possible consequences of the intended further processing for the data subjects, e) the existence of appropriate guarantees, which may include encryption or pseudonymisation". 5 FOR THESE REASONS, the Authority unanimously

decides to issue the following Guidelines, as listed in the Appendix of this decision. The President Konstantinos Menudakos The Secretary Irini Papageorgopoulou 6 APPENDIX ADDRESSES LINES 1/2023 Processing of personal data for the purpose of communication of a political nature 1. Introduction Political communication is the communication carried out by political parties, MPs, MEPs, factions and holders of elected positions in local government or candidates in parliamentary elections, European Parliament elections and local government elections in any period of time, pre-election or not, to promote political ideas, action programs or other activities with the aim of supporting them and shaping political behaviour. Political communication can be carried out in a variety of ways, such as directly presenting political ideas or including them in a newsletter, inviting them to read them on a website or inviting them to participate in an event or activity. According to the democratic principle, the activity of political communication is protected by the Constitution, especially in the context of the general right to participate in the political life of the country (article 5 par. 1 of the Constitution), the right of citizens to information (article 5A par. 1 Comp.), and the fulfillment of the constitutional mission of political parties (article 29 par. 1 Comp.). However, when methods are used that require or consist in the processing of personal data, such as names, postal addresses, telephone numbers, e-mail addresses of natural persons, etc., the political communication is required to be made in a way to ensure respect for Article 9A Comp. . and the national and European legislation for the protection of personal data, as confirmed by recent jurisprudence, (ad hoc CoE 1343-5/2022, sc. 14). 7 In the above cases, the entities and persons who carry out political communication become data controllers, in accordance with the definition of article 4 par. 7 of the General Data Protection Regulation (hereinafter "GDPR"), to the extent that they define the purpose and the way of processing personal data. For example, when the Member of Parliament or candidate for Member of Parliament receives data from the political party to which he is a member and processes it for his personal political communication, he himself becomes a data controller. In this capacity, in accordance with the fundamental principle of accountability in the GDPR (Article 5 para. 2), the above persons must be able to demonstrate compliance with the basic principles of data processing, as provided for in Article 5 para. 1 GDPR , namely: a) the principle of legality, objectivity and transparency of processing, b) the principle of purpose limitation, c) the principle of data minimization, d) the principle of data accuracy, e) the principle of limitation of storage period and f) the principle of data integrity and confidentiality. In addition, when part of the processing is assigned to processors (Article 4 para. 8 GDPR), such as e.g. in a company that undertakes the sending of the letters or SMS or email electronic messages, the processor also has the obligations provided for by the GDPR. More detailed information on GDPR compliance

is available on the Authority's website: https://www.dpa.gr/el/foreis/odigos_gkpd. It is clarified that this text of Guidelines does not concern the communication carried out by other social or professional bodies, such as chambers, professional associations and trade unions. 2. General principles 2.1 Legality 8 In order for the processing of the data of the recipients of political communication to be legal, it is required to be based on one of the legal bases defined in Article 6 GDPR. In particular, the determination of the legal basis for the processing of personal data must take place before the start of the processing, and the controller is obliged based on the principle of accountability (see art. 5 par. 2 in conjunction with 24 and 32 GDPR) to choose the appropriate legal basis from those provided by article 6 para. 1 GDPR, as well as to be able to demonstrate in the context of internal compliance the observance of the principles of article 5 para. 1 GDPR, including of course and the documentation on the basis of which it arrived at the relevant legal basis (see Decisions APD 12/2022 Sk. 6, APD 26/2019, sc. 6-7). The processing of personal data for the purpose of political communication can be based either on the prior consent of the data subjects (Article 6, par. 1, para. a GDPR) or on an overriding legal interest that arises from time to time (Article 6, par. 1, para. . in the GDPR). It is clarified in this regard that, when the personal data have been legally collected initially for another purpose and their further use for the purpose of political communication is not based on the consent of the data subject, the processing is legal if the controller documents that the processing for the purpose of the communication policy is compatible with the purpose for which the personal data was initially collected and the conditions of article 6 par. 4 GDPR are met. Indicative cases for the application of the above legality conditions are included in this text in par. 2.1.2. 2.1.1 Consent of the subject Political communication can be based on the consent of the subjects (article 6 par. 1 a' GDPR). Consent must be provided by a clear positive action which constitutes a free, specific, explicit and fully informed indication of the data subject's agreement in favor of the processing of the data concerning him/her for the specific purpose, and is required to meet all the conditions legality of article 7 GDPR. The declaration of consent can be provided indicatively as follows: (a) The written declaration of consent can be made by filling in a special form, e.g. during events or in the context of the operation of the political offices of parliamentary candidates during the pre-election period: the data subject fills in the form and delivers it on site or sends the relevant form by post. (b) The electronic declaration of consent can be made by registering the data subjects on a website maintained by the data controller, by filling in a special electronic form and sending it by e-mail or in other similar ways. The declaration of consent by electronic means to receive electronic communication can be provided in accordance with the specifications of Directive 2/2011 of the Authority2, or in any other legal way that ensures that the provided contact information belongs to the

person providing the consent. 2.1.2 Overriding legitimate interest, further use Furthermore, political communication can be based on the legal basis of the overriding legitimate interest of the controller (Article 6, para. 1 GDPR), if it is proven that the processing is necessary to satisfy the legitimate interest of the data controller in the promotion of his political positions, and over this interest the interest or the fundamental rights and freedoms of the subjects do not prevail, taking into account their legitimate expectations based on their relationship with the data controller (See App. . Art. 47 GDPR). It is pointed out that, according to the provision of article 9 par. 2 item d of the GDPR, the processing carried out is permitted, with appropriate guarantees in the context of the legal activities of political parties, provided that it concerns the members 2 https://www.dpa.gr/sites/default/files/2020-01/2994_2_2011 .PDF 10 them or their former members or persons who have regular communication with it in relation to its purposes and that personal data is not shared outside the specific body without the consent of the data subjects. The processing of personal data for the purpose of political communication is also permitted under article 6 par. 4 GDPR, as long as the purpose of the communication policy is deemed to be compatible with the purposes for which the personal data was originally collected by the data controller. In order to ascertain whether the purpose of the communication policy is compatible with the purpose of the initial collection of the personal data, provided that all the requirements for the lawfulness of the initial processing are met, the controller must take into account, inter alia: Any relationship between the initial purposes and the purposes of the intended further processing; the context in which the personal data have been collected, in particular the reasonable expectations of the data subject based on his relationship with the controller regarding their further use; the nature of the personal data; the consequences of the intended further processing for the data subjects; and the existence of appropriate guarantees for both the initial and the intended acts of further processing (See Petition Sec. 50 GDPR). It is recalled that in case of data collection for use for the purpose of political communication with the legal basis of the overriding legitimate interest (Article 6 para. 1 GDPR), in accordance with the principle of accountability pursuant to Article 5 para. 2 GDPR, the data controller must be able to adequately document the weighting, which he must have carried out before the start of processing, and based on which he assessed that the interest or the fundamental rights and freedoms of the subjects - recipients of the policy do not prevail over his interests communication. 11 Similarly, in the case of further use of the data for the purpose of political communication, the data controller must be able to document the assistance of the criteria of paragraph 4 of article 6 GDPR for the compatibility of the purpose. Indicative examples of cases in which the legality of the processing of personal data for the purpose of political communication can be established, based on

an assessment of the specific circumstances: If the candidate has lawfully collected contact information in the context of the subject's previous participation in an event or action of the person in charge processing, regardless of its political character If the candidate has acquired these data in the context of his personal professional relationship with the citizens (e.g. use of the customer file by a candidate for parliament - lawyer) If the candidate is a member of a party and has legally obtained from his party the details of other members or "friends" of the party. In order to enhance transparency, it is recommended to include a relevant provision in the party's Statutes If the candidate belongs to a club or union and has legally obtained the information of its members. In order to enhance transparency, it is recommended to include a relevant provision in the Statute of the association or association. The relationship of a friend or follower on a candidate's social media profile may justify sending personal messages of political content through the same social media. Conversely, indicative examples of cases in which personal data may not be used for the purpose of political communication: If the candidate has collected e-mail addresses and/or telephone numbers from the internet using a web crawler 12 If the candidate has purchased from a third party a list of contact information of citizens, even if there is consent for their use for the purpose of commercial product/service promotion If the candidate has collected professional contact information from directories or public registries posted online for transparency or professional communication purposes If the candidate who held a public position has collected citizen data that they provided in the context of their dealings with his service. 2.2 Transparency According to the principle of transparency, personal data "a) are processed lawfully and legitimately in a transparent manner in relation to the subject of the data ("legality, objectivity, transparency") (...)" (Article 5 para. 1 a) GDPR). Articles 13 and 14 GDPR specify the information to be provided to the data subject by the controller, both in the case where the data is collected from the data subject (Article 13) and in the case where the data has not been collected from the data subject (article 14), while the information must be concise, transparent, understandable, easily accessible and formulated in simple and clear language (article 12 par. 1 GDPR). According to the Guidelines of the Article 29 Working Party on transparency under Regulation 2016/679 (WP260 rev.01), "The requirement that the provision of information to and communication with data subjects is made in a "concise and transparent » way means that controllers should present the information/communicate effectively and concisely to avoid information fatigue. This information should be clearly differentiated from other relevant non-privacy information, such as contractual provisions or general terms of use. 13 […] 11. The designation "readily accessible" means that the data subject should not have to search for the information; It should be immediately apparent to the data subject where and how this information can be accessed, for example by

providing them directly to it, by linking to it, by clearly indicating them, or in response to a natural language question (for example in a multi-level privacy statement, in FAQs, through pop-ups context windows which are activated when a data subject fills in an electronic form or in an interactive digital environment through an interface with a chatbot, etc.). These mechanisms are discussed further below, including in paragraphs 33 to 40' (§ 9 and 11, WP260 rev.01). When the data controller intends to process the personal data for a purpose other than that for which it was collected, it should provide the data subject, before further processing, with information about this purpose and other necessary information (Article 13 para 3 GDPR). The appropriate way of providing the information may vary, depending on the communication medium used. 2.3 Exercise of data subjects' rights In any case, the data controller must facilitate the exercise of the data subjects' rights (Article 12 para. 2 GDPR), provided for in Articles 15, 16, 17 and 21 of the GDPR and which apply in the processing for the purpose of the communication policy, specifically the rights of access, correction, deletion, restriction and opposition to the processing, under the conditions mentioned there. To this end, it must take the appropriate technical and organizational measures such as, for example, the implementation of appropriate policies and procedures (see article 24 par. 2 GDPR). 14 3. Special issues by means of communication 3.1 Political communication through telephone calls and through electronic media Communication through electronic media includes: a) Short text messages (SMS) and multimedia messages (MMS) (b) Electronic messages (e-mail) (c) Electronic messages sent through messaging applications of "information society" services, e.g. Viber, Whatsapp, Skype, Facebook Messenger, FaceTime, etc. (d) Communication by facsimile (fax) (e) Automatic telephone calls, by which upon acceptance of the call, a recorded message is heard (f) Voice messages that are stored via an answering machine service via "information society" services, e.g. Viber, Whatsapp, Skype, FaceTime, etc. In any case of telephone or electronic communication, during the initial communication and after full information, the recipient of the communication must be given the opportunity to easily exercise the right to object (Article 21 par. 1 GDPR) to receiving further communications. In particular, when making a telephone call for the purpose of political communication, the caller must: inform about the identity of the controller and the identity of the processor, when the call is made by processors, not hide or falsify the caller's number informs the respondent in particular of the source of its data, if this is not the subject itself (Article 14 par. 2 f) and at the same time provides the possibility to the subject to object to the processing, referring it to a detailed information text in accordance with Articles 13 or 14 GDPR.

Accordingly, in any electronic communication for the purpose of the policy

communication required:

• clearly and clearly state the identity of the sender

person for whose benefit the message is sent,

• clarify the source from which the data has been collected

communication of the subject, since it is not the subject itself

(article 14 par. 2 f),

• to refer to full information text according to the articles

13 or 14 GDPR and

• state the way in which the recipient of the message can

exercises its rights, including to request its termination

communication (right to object).

In case of exercising the right to object, the data controller according to

principle must no longer submit the subject's data to

processing for the purpose of political communication (article 21 par. 1 sec. b GDPR).

3.2 Policy Communication via Traditional Mail

Citizens' postal address details for sending policy material

communication via traditional mail may also have been received from

the electoral rolls. Electoral rolls are a legal source

in accordance with article 5 par. 5 and 6 of Law 2623/1998 and article 23 of

coding e.d. 96/2007 under the following legal conditions: The parties

receive a full series of electoral rolls, the deputies, MEPs,

holders of elected positions in local government and candidates receive

extract for the electoral district in which they have been or are elected

candidates. The lists are granted exclusively for electoral use, while the

grant and their use for another purpose or by any third party

is prohibited. Consequently, a) the transmission of ballot papers is prohibited

catalogs or their excerpts to third parties and b) is imposed h

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their destruction in a reasonable period of time, which does not exceed them

three months after the end of the pre-election period.

In order to more effectively comply with the principle of transparency, all

required according to articles 13 and 14 GDPR information to

subject should be included either in a separate form within it

folder or in a posted text on the controller's website,

to which the recipient will be referred, in an appropriate format3.

3 See regarding the Guidelines of the Article 29 Working Group on transparency (§ 38

seq. WP 260 rev. 01).

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