

Athens, 30-08-2021 Prot. No.: 1960 DECISION NO. 38/2021 (Department) The Personal Data Protection Authority met as a Department at its headquarters on 30-07-2021 at the invitation of its President, in order to examine the case referred to in the present history. Konstantinos Menudakos, President of the Authority, and members Konstantinos Lambrinoudakis and Spyridon Vlachopoulos, as rapporteur, appeared via video conference. The meeting was attended by order of the President, Haris Symeonidou, specialist scientist - auditor, as assistant rapporteur and Georgia Palaiologou, employee of the Authority's administrative affairs department, as secretary. The Authority took into account the following: With the no. prot. C/EIS/7248/06.09.2019 her complaint and the no. prot. C/EIS/7249/06.09.2018 in her supplementary report to the Authority, A complained to the Committee of ... Schools and the Department of the Directorate of Studies, Programs and Organization of an Education Directorate of the Ministry of Education for illegal processing of her personal data data. Specifically, the complainant complained that the Committee of ... Schools of the Ministry of Education: a) conveyed to third parties as "facts" and "findings" a large number of its own conclusions, which are in complete contradiction to the evidence of 1-3 Kifisias Ave., 11523 Athens T: 210 6475 600 E: contact@dpa.gr www.dpa.gr 1 file of the complainant, which she had at her disposal, b) judged the complainant and in terms of her right to exercise the profession of teacher of ... Courses , thus substituting the Council for the Recognition of Professional Equality (S.A.E.I.), even though he was not aware of the relevant legislation and based on the information he assumed was included (or not included) in the relevant file of the S.A.E.I. , whom she did not have at her disposal, c) did not comply with the ... decision of the Administrative Appeals Court, which ruled that the judgment of the complainant by the Committee of ... Schools was influenced by the logic of academic parity and not lawful, and determined that a legal judgment it should be in accordance with the applicable legislation, i.e. obey the principles of professional equality and take into account specific elements of the file. Thus, she did not take into account those elements of her file on the basis of which the Administrative Appeals Court had ordered her to form her opinion (alternative ways of certifying knowledge), d) she addressed in writing to internal and external bodies informing them of only part of the elements of the complainant's file (those taken into account for the granting of academic parity) and suppressing the rest, as well as the legislation on professional parity. This resulted in issuing a negative opinion for the complainant, as well as canceling her transfer, e) requested the English Ministry of Education based on these facts as well as other arbitrary conclusions of the Commission (that the English Ministry of Education was misled as to the content of the complainant's university qualifications or that her certificate was granted "over the phone") to revise the certificate on the basis of which the complainant was granted her professional

equivalence, f) the above facts and conclusions, which contradict the current legislation in which had been called upon by virtue of the decision of the Administrative Court of Appeal [region] X to comply, communicated them in the form of a recommendation to the Central Service Council of Secondary Education, which based on them canceled her transfer, g) for four years did not inform the complainant of the above use of its file and the sending of letters and recommendations to institutions of internal and external affairs and finally that h) for a year and a half it did not revoke the above documents and did not grant the complainant the documents referred to in the contested Deed "as an integral part thereof", despite the fact that the complainant had repeatedly submitted relevant applications. 2 He also complained that the Department .. of the Department of Studies, Programs and Organization of an Education Department of the Ministry of Education a) did not promote for 15 months its letter of 27.04.2017 to the members of the Committee of ... Schools, with which it requested the revocation of defamatory documents about her and finally promoted her on 12.07.2018, after she submitted six applications and b) did not grant her all the documents concerning her and which she had repeatedly requested with relevant applications. The Authority, with the no. 27/2019 its decision, after finding that both the Committee of ... Schools and the Department of ... of the Department of Studies, Programs and Organization of Education of the Ministry of Education had not fully satisfied the complainant's right of access to data concerning her , while also the Committee of ... Schools had not informed the complainant about the sending of letters and recommendations to internal and external bodies (English Ministry of Education, Chamber of Greece, ASEP, Department of .. Appointments, Department of .. European Union), as and for the fact that all these bodies (except the English Ministry of Education) provided information or issued documents concerning her, imposed on the Ministry of Education and Religious Affairs, as controller, for not complying with the above obligation to inform the complainant in advance and not satisfaction of her right of access to the data concerning her, the sanction of the warning, pointing out that from now on she should inform inform the data subjects both during the collection and before the transmission of their personal data to third parties, as well as to immediately and without delay satisfy their right of access to the data concerning them, granting them full access to all relevant data. At the same time, with the same decision, the Authority clarified that the review of the decision of the Committee of ... Schools regarding the complainant, as well as the revocation of the issued acts of the Committee, is not the competence of the Authority, but of the administrative courts, to which the complainant to resolve the issue. Subsequently, the complainant with no. prot. C/EIS/5893/31-8-2020 her treatment request to the Authority, protesting what, in her opinion, is the minimum sanction that was imposed, requesting the revocation of the decision

and the re-examination of the case in order to impose sanctions in addition to the warning , to set a deadline for the removal of the violation of the non-granting of the documents referred to on pages 9 and 10 of the 3rd decision and to impose the withdrawal or correction of the documents sent by the Committee of ... Schools ... to the Chamber of Greece ..., on English Ministry of Education and the Central Service Council for Secondary Education (K.Y.S.D.E.) and to inform the recipients of these documents. In the aforementioned request for treatment, the applicant claims that the Authority did not take into account all the facts, which she summarizes again, and that, in her opinion, the provisions referring to "bad processing (use, transmission, dissemination) were not properly applied) of personal data or transmission of data that is incomplete or inaccurate". As additional evidence to better document her claims, the applicant submits with the treatment request the data from the file that the Commission had in its hands.... and in particular, the application form where a summary of the points to be filled in, her Curriculum Vitae, which includes information on the professional level and on the elements that are taken into account, as well as a number of photographs (with samples of the complainant's visual works) that were submitted both in physical form as well as on CD together with its application to the Commission. The applicant claims that from these data "the distortion of the data in [the complainant's] file clearly emerges, since the Commission chooses to keep silent on the very things on the basis of which the Court of Appeal ordered it to judge [her] and which it had in its hands" . Furthermore, the complainant claims that the object of her complaint was not the judgment of the Commission, as stated in the decision, but the misinformation of third parties in relation to the content of her file, namely the fact that the Commission.... with her letters to the Chamber..., the K.Y.S.D.E. and the English Ministry of Education, fraudulently presented only part of the information in her file, concealing others, in a way that distorts its content and may lead to misleading or misunderstanding, which, according to the applicant, constitutes "bad processing" of her personal data data. As examples, the applicant presents in her request for treatment various allegations of the Commission.... about the content of her studies (such as, what kind of courses the applicant has been taught, what was taken into account for her degrees, if she is active etc.), about the applicable legislation on the recognition of professional equivalence and regarding the decision ... of the Administrative Court of Appeal [region] X, allegations which the applicant characterizes as inaccuracies and lies. Furthermore, the applicant with no. prot. C/EIS/850/03-02-2021 supplementary document states the following: a) that the warning imposed by the Authority with 4contested decision was not effective and deterrent, as it did not her right of access was still satisfied by the Ministry of Education and b) that h

E.K.S. processed her personal data for a different purpose, without having relevant right. c) By the way, the applicant requests the deletion further identifying elements from the text of the contested decision that it has be published on the Authority's website, so that it cannot be identified, request which has already been settled, with notification of the Communication Department and finally, d) the applicant requests that her application be considered together with her pending complaint before the Authority (G/EIS/6348/27-09-2011) against the Directorate of Secondary Education [region] Ps.

The Authority, after examining the elements of the file, after hearing the rapporteur and the assistant rapporteur, who then left, and after a thorough discussion,

THOUGHT ACCORDING TO THE LAW

1. In the current application for treatment, the applicant essentially repeats them allegations of her complaint, which were taken into account and evaluated during examination of the case and after that the Authority issued the contested with the application treatment decision. What is referred to as "new information" in the application for treatment at are in fact documents submitted to the ... Schools Committee at context of issuing an opinion and do not establish new facts related to the processing of the complainant's data in question on his behalf Ministry of Education. In addition, the relevant document attached to the application treatment entitled "the two new documents in relation to the complaint" has been disclosed to the Authority (prot. no. C/EIS/10391/27-12-2018) and was taken into account when issuing the decision (the conference took place on 11/7/2019). The applicant's claim of inaccuracy information of the recipients of its data from the Commission... in it actually refers to the content of the Commission's letters... and the judgment regarding the adequacy of the applicant's studies, for which the Authority is not competent to judge, as stated in the contested decision. And her claim applicant that "bad processing" of her data took place is vague and law

unfounded, as the GDPR does not oblige the controller to carry out

specific acts of ("good") processing, as long as it complies with the principles of article 5.

2. Furthermore, neither with the supplementary document C/EIS/850/03-02-2021 of

applicant are brought to the attention of the Authority new facts that existed at

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issuance of the decision and was not known to the Authority. As for her claims

applicant that are set with the document in question, the following are highlighted: a) The applicant

argues that the warning imposed by the Authority with the respondent

decision at the Ministry of Education was not effective and deterrent, as it did not

her right of access to the documents she requested was still granted. Given the fact that

the applicant does not rely on any new evidence that existed when the decision was issued

and was not taken into account, there is no reason to review the Authority's judgment in this regard

issue of sanction imposed. b) The applicant claims that the Commission...

processed her personal data for a different purpose, without having a relevant one

right. This claim is made vaguely, as the applicant does not specify

for what purpose did the Commission process... its data. In any case, Mr

allegation that the Commission... acted without right and "in excess of legislative

authorization" had also been submitted as part of the examination of the complaint and was received

taken into account for the issuance of the decision. c) The further deletion request

identifying elements of the applicant from the text of the contested decision

which has been published on the Authority's website, so that identification is not possible

of her, has already been settled by informing the Communication Department and does not concern her

correctness of the decision. d) Finally, regarding the request for joint consideration of the application in question

treatment of the applicant's pending complaint against the Secondary Court

Education [region] Ψ, it is observed that it is not possible to jointly examine an application

treatment by complaint, due to a different object in each case.

3. As it appears from the content of the present application, the applicant on the one hand, he complains about the legal correctness of the decision, and therefore in substance introduces rebuttal claims, on the other hand it repeats its claims of her complaint, but which were already taken into account and evaluated during the examination of the case in order for the Authority to issue the contested decision. Therefore, the applicant seeks a review of the legal correctness of the contested decision, without in fact invoking or presenting new evidence, from the assessment of which, under the legal conditions, a different judgment could arise.

Since no new facts are sufficiently shown or proved to justify the revocation or modification of the contested decision, which is justified by the above legal and valid considerations, and those presented as new data do not concern personal data protection legislation, but the substantial judgment on the legality of the Commission's actions and judgment..., h

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which does not fall within the competence of the Authority, the request for treatment is deemed unfounded and disposable.

4. If the applicant considers that her right of access has not been satisfied regarding specific documents that include her personal data, she may report specifically, what are these documents before the Authority in order to deal with him issue within its jurisdiction.

5. Therefore, the Authority adheres to the no. 27/2019 decision of which was communicated to the complainant with no. prot. G/EX/5318/01-08-2019.

FOR THOSE REASONS

The beginning

He rejects it with no. prot. C/EIS/5893/31-8-2020 application for treatment of A against of the Authority's decision 27/2019.

The president

Konstantinos Menudakos

The Secretary

Paleologo Georgia

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