

/2019 (Department) The Personal Data Protection Authority met in composition Department at its headquarters on Wednesday 15.05.2019 upon the invitation of its President, in order to examine the case referred to in the present history. The Deputy President Georgios Batzalexis, obstructed by the President of the Authority Constantinos Menoudakos, and the alternate members of the Authority Panagiotis Rontogiannis, Grigorios Tsolias and Evangelos Papakonstantinou, as rapporteur, in place of the regular members Antonio Symvonis, Charalambos Anthopoulos and Konstantinos Lambrinoudakis respectively, were present, who , although they were legally summoned in writing, they did not attend due to disability. Present without the right to vote were Kalli Karveli, specialist scientist-lawyer, as assistant rapporteur, who left after the discussion of the case and before the conference and decision-making, and Irini Papageorgopoulou, employee of the Authority's administrative affairs department, as secretary . The Authority took into account the following: With the no. prot. C/EIS/8188/16-10-2018 his complaint to the Authority, A complains that B, owner of an apartment in the apartment building where the complainant also lives and manager of the apartment building for two years, illegally processed his personal data. As, in particular, he mentions in his complaint to the Authority, the complainant on ... submitted to the Directorate 1 of Personnel of the Navy, in which the complainant serves with the rank of Master, the from ... disciplinary report against him, setting out evidence of disputes , which took place in the apartment building where they both live, and by presenting payment receipts for shared expenses of his apartment, bearing the date of payment of each of them with the signature of his wife, C, which the accused had in his possession as manager of the apartment building, thus disclosing to his service his personal data, such as the amount of his debts, the time of payment of common expenses and details of his real estate property, for a purpose unrelated to the purpose of their observance, and without his consent for the disposal them in this way. Following this, the Authority sent, in the context of investigating the complaint, the no. prot. C/EX/8188-1/06.12.2018 document to provide clarifications to the complainant, who in his reply to the Authority dated 18.02.2019 (authority prot. no. C/EIS/396/21.01.2019), stated the following: a) the disputed information had already been posted on the notice board of the apartment building at the request of the co-owners and tenants of the apartment building and according to the established practice, i.e. they had been made public, in plain view of everyone entering the apartment building, b) the complainant , as Captain of the Navy and ..., is subject to the provisions of article 1.410 sec. a' of P.D. 210/1993 and in disciplinary control of his off-duty behavior, which must be impeccable, serious and decent, c) the provision in question granted the complainant the legal right both to submit the specific disciplinary report against the

complainant, and to the proof of the validity of his claims by submitting the disputed evidence, d) in particular with the disciplinary report from ... he requested that the complainant be checked because, although a high-ranking officer, he became overdue regarding the payment to the complainant as manager of the apartment building of proportion of the communal expenses of the months of January, February, March and April 2018 and does not obey his constant appeals and prompts to remove his motorcycle from the common area of the basement garage of the apartment building, even though he himself has a private parking space, e) the complainant provided the disputed receipts to him individually, as 2 staff of the debtor, due to the fact that he discounts the communal expenses from his own money and then collects them from the co-owners and tenants of the apartment building according to their proportion f) consequently, as a creditor of the co-owners and tenants of the apartment building and of the complainant, the disputed proofs were, from the moment they were included in him, elements of his personal file, which he is entitled to use and dispose of for the protection of his legal interest g) these elements were not used for a purpose other than the original purpose compliance, because it was not one of those that according to the regulation of the apartment building he is obliged to comply with as a manager, h) the complainant was warned and consented as his personal debtor to their use to prove his claims, initially through his wife and later through the provision by the complainant of other proofs and even proof of payment of common users for the month of May 2018 with an overdue payment date of 20.7.2018 and i) the complainant on ... brought before the Single Member Court of First Instance of Athens the action against him with the filing number ..., with which he requests recognition of the insult to his personality and professional faith and reputation and to be paid by the complainant the amount of forty thousand Euros, as monetary satisfaction due to moral damage. The Authority, after examining the elements of the file and after hearing the rapporteur and the assistant rapporteur, who withdrew after the discussion of the case and before the conference and decision-making, after a thorough discussion,

UGHT IN ACCORDANCE WITH THE LAW 1. The General Regulation (EU) 2016/679 (General Data Protection Regulation - hereinafter GDPR), which replaced Directive 95/56 EC, has been in force since May 25, 2018. According to the provisions of article 5, paragraph 1 of the GDPR, the personal data must be processed lawfully and legitimately and in a transparent manner for the data subject, collected for clear, defined, explicit and lawful purposes and not further processed in a manner incompatible with them, be relevant, convenient and no more than is required each time in view of the 3 processing purposes, as well as being accurate and if necessary updated. Therefore, data which are not necessary for the purpose of the processing are not lawfully processed. Even in accordance with the provisions of article 6 par. 1 of the GDPR, the processing of personal

data is lawful, only if and as long as at least one of the six conditions provided for in the article is met, such as the satisfaction of the legitimate interest of the data controller (art. f ). Also when the data controller intends to further process the data for a purpose other than that for which he collected them, he must inform the data subject of said further processing (Articles 13 and 14 para. 3 GDPR). Finally, according to article 58 par. 2 item b' of the GDPR, the supervisory authority is, among other things, competent to address reprimands to the controller, when processing operations have violated provisions of the regulation. 2.

From the information in the file, the following emerged: The complainant on ... submitted to the Directorate of Personnel of the Navy, in which the complainant serves with the rank of Captain, the disciplinary report against him from ..., requesting that he be subject to disciplinary control for his behavior consisting a) in his refusal despite his constant calls and prompts as the manager of the apartment building to remove his motorcycle from the common area of the basement garage of the apartment building, even though he himself has a private parking space, and b) in overdue payment of the monthly common expenses that are borne by him as the owner of an apartment in the apartment building, exposing evidence of disputes that took place in the apartment building where both of them live, and providing payment receipts for the shared expenses of his apartment, bearing the date of payment of each of them with the signature of of his wife, C, which the defendant had in his possession talking The Department of Administrative Control of the Directorate of Command & Career of Military Personnel responded with its letter dated ... to the complainant that a) the Navy is not obliged to examine complaints concerning the private life of Navy personnel, where competent, to 4 judge , are the civil courts, b) despite this, he proceeded to transmit the full report to the allegedly denounced officer of the Navy, with the prompting to undertake, any required actions on his part and c) the undertaking of further actions on the part of the Navy of the present has been completed. Following this, the complainant brought the ... before the Single Member

of the Court of First Instance of Athens, the action against him with the filing number ...

which requests recognition of the insult to personality against him and

of professional credit and reputation and to be paid to him by the complainant the

an amount of forty thousand Euros, as monetary satisfaction due to moral damage.

Also, the complainant submitted to the Athens Misdemeanor Prosecutor's Office the

... his complaint requesting the criminal prosecution of the accused.

3. Because, in the case under consideration, according to the aforementioned, h

presented and submitted to the Navy Personnel Directorate by complainant of copies of the payment receipts for shared expenses of the complainant's apartment, which he had in his possession as manager of the apartment building, was legally made for the support of ... of his disciplinary report against the complainant, according to aforementioned provisions of article 6 par. 2 item. of the GDPR, without the consent of the complainant was required for this processing. But the accused did not inform the complainant, as he should have, of infringement of the aforementioned provisions of article 13 par. 3 of the GDPR, that it intends to further process the complainant's personal data for a purpose other than that for which he collected them, and in particular that it is to use the payment receipts of his communal expenses complainant, which he had collected as manager of the apartment building, for the support of his disciplinary report against the complainant.

4. In view of the violation of this failure to inform the complainant by complained about the further processing of his personal data for purpose other than the one for which he collected them, and more specifically for their use and submission as evidence in the by ... disciplinary report against the complainant, the Authority unanimously decides that it should

5 exercise the right provided for in article 58 par. 2 sec. II GDPR authority, such as referred to in the operative part of the present, and which is judged to be similar to gravity of the found violation.

FOR THOSE REASONS

The Authority taking into account the above:

Addresses based on article 58 par. 2 b' of Regulation (EU) 2016/679 a reprimand

to B for the violation of the provisions of article 13 par. 3 of the Regulation

(EU) 2016/679.

The Deputy President

The Secretary

George Batzalexis

Irini Papageorgopoulou