

PRINCIPLE OF DATA PROTECTION

OF A PERSONAL CHARACTER

Athens, 10-07-2019

Prot. No.: G/EX/4872/10-07-2019

A P O F A S H 24 /2019

(Department)

The Personal Data Protection Authority met in

composition of the Department at its headquarters on Wednesday 03.07.2019 upon his invitation

of its President, in order to examine the case mentioned in the history

of the present. They were attended by Deputy President Georgios Batzalexis,

obstruction of the President of the Authority Constantinos Menoudakos, and the

alternate members of the Authority Panagiotis Rontogiannis and Grigorios Tsolias

as rapporteur, replacing the regular members Antonio Simvonis and

Charalambos Anthopoulos, respectively, who, although they were legally summoned

in writing, they did not attend due to disability. The regular member of the Authority

Konstantinos Lambrinoudakis and his alternate member Evangelos

Papakonstantinou, although they were legally summoned in writing, they did not appear

obstacle. Kalli Karveli, specialist, was present without the right to vote

scientist-lawyer, as assistant rapporteur, who left after the debate

of the case and before the conference and decision making and the Peace

Papageorgopoulou, employee of the Authority's administrative affairs department, as

secretary.

The Authority took into account the following:

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With the no. prot. C/EIS/9664/03-12-2018 his complaint to the Authority, o **A**

complains that despite his repeated communication with the company ONLINE

DELIVERY S.A. (e-food) and the sending of corresponding electronic letters

on 01.11.2018 and 01.12.2018, with which he requested the deletion of his profile,

the company did not comply with his request for erasure within 30 days and did not

informed about a possible delay in his satisfaction, in violation of it

provision of article 12 par. 4 of the GDPR.

Following these, the Authority sent, as part of investigating the complaint, the

no. prot. C/EX/622/25-1-2019 document to provide clarifications to

Online Delivery S.A. (e-food), which from 08.02.2019 and with no

of the protocol ... its response to the Authority (Authority's protocol no. C/EIS/1052/08-02-

2019), stated the following: a) A first requested through her from 21.10.2018

electronic letter of the change of the e-mail, which was connected to the

his account, b) secondly, A applied with the electronic from 1.11.2018

letter to him deleting his personal data, coming back with news

letter on 1.12.2018 in order to provide explanations on behalf of the company

for the absence of action to satisfy his request, c) in both as

above cases the company recommended to A to follow the appropriate one

procedure for exercising his right, by sending an email to

address privacy@e-food.gr, d) already from the sending of the initial electronic

A's message, the company carried out an internal audit, from which it emerged

the fact that the latter is not a user of its services, and as

therefore his details are not kept in its personal data file

company and there is no registered profile, so there is no question

deletion of his personal data. In conclusion, from 08.02.2019

and with protocol number C/EIS/1052/08-02-2019 its response to the Authority, the

Online Delivery S.A. (e-food) maintains that his complaint is unfounded and

there is no violation by the company of article 12 par. 4 thereof

GDPR, but also of any other provision of the GDPR.

The Authority, after examining the elements of the file and after hearing him
rapporteur and the assistant rapporteur, who left after her debate
case and before the conference and decision making, after thorough
discussion

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THOUGHT ACCORDING TO THE LAW

1. With article 94 of the General Data Protection Regulation (GDPR) under
No. 679/2016 repealed Directive 95/46/EC from 25.5.2018, when
in application the GDPR no. 99 par. 2 thereof from May 25, 2018.

2.

According to the provisions of article 17 par. 1 GDPR is provided to
data subject the right to delete personal data
character that concern it without undue delay and the person in charge
processing is obliged to delete the personal data without
unjustified delay, if one of the reasons provided for in
paragraphs a to f of the same paragraph.

The exercise of the right to erasure must be reviewed by
the data controller and receive a response within a month, otherwise o
the latter informs the data subject of any extension of art
due to a period of time, as well as for the reasons for the delay (article 12
par. 3 GDPR). If the controller does not act on his request
subject of the data, informs within one month of its receipt
request the data subject for the reasons why not
also acted on the possibility of filing a complaint with a supervisory authority and
of legal action (article 12 par. 4 GDPR).

From the information in the file, the following emerged:

Complainant A with the 01.11.2018 and 1.12.2018 electronic

3.

letters to the e-food company, requested confirmation of its deletion

account, due to the deactivation of his old e-mail, as well as the

justification of the delay of the specific action. The e-food company with

her electronic letters of 1.11.2018 and 3.12.2018 recommended to

complainant to follow the company policy

process, addressing his request to the email address

privacy@e-food.gr. As it appears in particular from the provision document

clarifications of Online Delivery S.A. (e-food), no. 1052/08-02-2019, to

the Authority, the company carried out an internal audit, from which it emerged that the

complainant is not a user of its services, and that the personal

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his data is not registered in the personal data file

held by the company.

4.. Because in this particular case the complainant did not follow the

deletion procedure provided by the relevant company policy.

Because according to the aforementioned, data retention was not proven

personal data of the complainant in its filing system

of the denounced company Online Delivery S.A. (e-food), as well as the use of

part of its services as it did not provide relevant evidence.

Because, consequently, there is no violation of the right to erasure

personal data and the right to information on

of the deletion request in case they are not included

personal data of the subject in its filing system

controller.

FOR THOSE REASONS

The Authority rejects the complaint as essentially unfounded.

The Deputy President

The Secretary

George Batzalexis

Irini Papageorgopoulou