

Athens, 17-01-2018

AP: C/EX/9120-1/17-01-2018

GREEK REPUBLIC

PRINCIPLE OF DATA PROTECTION

OF A PERSONAL CHARACTER

Tach. Address: KIFISIAS 1-3

115 23 ATHENS

TEL.:

FAX:

210-6475600

210-6475628

A P O F A S H 04/2018

(Department)

The Personal Data Protection Authority met in composition

Department at its headquarters on Wednesday 17.01.2018 at 10:00 a.m. after

invitation of its President, in order to examine the case which

refers to the history of the present. They were attended by the Deputy President,

Georgios Batzalexis, obstructing the President of the Constantine Authority

Menoudakou and the alternate members Panagiotis Rontogiannis, Charalambos

Tsiliotis, as rapporteur and Grigorios Tsolias, in place of regulars

members Antonios Symvonis, Spyridon Vlachopoulos and Charalambos Anthopoulos,

respectively, who, although they were legally summoned in writing, did not appear for the reason

obstruction. Present without the right to vote was Chariklia Latsiu, lawyer

auditor - lawyer, as assistant rapporteur and Irini Papageorgopoulou,

employee of the administrative affairs department, as secretary.

The Authority took into account the following:

With the no. 54095/14.12.2017 (ADDPH C/EIS/9120/18.12.2017)

document of the General Hospital of Thessaloniki Papageorgiou forwards the from

... application by A and requests the Authority's permission for the processing of sensitive data

2

personal data. Specifically, A requests to receive from the above

Hospital medical opinion of the Psychiatric Clinic concerning the mother

of B, in order to support before the Single Member Court of First Instance

Thessaloniki (Voluntary Jurisdiction Procedure) the application he has filed

for submitting the mother to a regime of full judicial support and

the appointment of a three-member supervisory board (petition filing no....). THE

discussion of the aforementioned application for B's position as a judge

defense before the Single Member Court of First Instance of Thessaloniki has been set

for

The Authority, after examining the elements of the file, after hearing him

rapporteur and the clarifications from the assistant rapporteur, who attended without

right to vote and withdrew after the discussion of the case and before

the conference and decision-making, after thorough discussion,

THOUGHT ACCORDING TO THE LAW

1. Because the provisions of articles 2 par. b', 4 par. 1 and 7 par. 2 item. c

of Law 2472/1997 determine the terms and conditions for the legal

processing of sensitive personal data concerning health, in

combination with the provisions of articles 5 par. 3 and 13 par. 3 item b' of n.

3418/2005 (Code of Medical Ethics) which provide for the exceptional

granting medical certificates to a third party, as long as it has a legal interest

and proves it and the conditions for lifting the medical confidentiality. Because,

further, article 11 par. 3 of Law 2472/1997 stipulates that if the data

are announced to third parties, the subject is informed of the announcement before from them.

2. Because article 1666 of the Civil Code provides that in judicial support the adult is submitted, among other things, when due to mental or intellectual reasons disorder or due to physical disability is unable to provide care in whole or in part alone in his affairs. Furthermore, article 1667 of the Civil Code states that the submission in legal aid is decided by the court after an application, among others, the child of the sufferer.

3. Because, in the considered case, A is requesting as a third party (Article 2 item i of Law 2472/1997) the provision of sensitive data

3

(health data) relating to B's mother and kept in his records

Papageorgiou General Hospital, as data controller (article 2 letter g)

of Law 2472/1997). From the data in the case file, it appears that Mr

purpose of processing is to support the application for judicial

defense filed by A before the Single Member Court of First Instance

Thessaloniki (Voluntary Jurisdiction Procedure) for the submission of B to

legal assistance and her appointment as a legal assistant

of her mother (no. 1666 ff. A.K. and 801 ff. KPolD).

4. The intended processing purpose is consistent with the aforementioned provision of article 7 par. 2 item c' of Law 2472/1997, while at the same time it is fulfilled and the principle of data proportionality (article 4 par. 1 letter b) of

Law 2472/1997). The General Hospital of Papageorgiou, owes, as responsible processing, to inform, in accordance with the provisions of article 11

par. 3 of Law 2472/1997, to B for the transmission of his personal data to

A, to the extent that, at the discretion of the treating physicians of the Hospital,

is able to understand the meaning and content of this update.

FOR THOSE REASONS

The Authority grants the license to Papageorgiou General Hospital, as responsible processing, to grant A the requested medical certificate concerning in B, namely a medical opinion on the nature, type and severity of the situation, the evolution of the disease and the present in general state of health, in the context of the above legal case, since previously the Hospital informs B, to the extent that she, during judgment of the treating doctors of the Hospital, is able to perceive it meaning and content of this update.

4

The Deputy President

The Secretary

George Batzalexis

Irini Papageorgopoulou