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» Decision on appeal with reg. No. PPN-02-483/08.10.2021 Decision on appeal with reg. No. PPN-02-483/08.10.2021

ANSWER

No. PPN-02-483/2021

Sofia, 04/07/2022

The Commission for the Protection of Personal Data (CPDP) in composition: in composition: Chairman: Ventsislav Karadjov and members: Maria Mateva and Veselin Tselkov at a meeting held on 16.03.2022, on the basis of Art. 10, para. 1 of the Personal Data Protection Act, respectively Art. 57, § 1, letter "f" of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (Regulation /GDPR), submitted for consideration complaint No. PPN-02-483/08.10.2021.

Administrative proceedings are in accordance with Art. 38 of the Personal Data Protection Act (PAPA).

The Commission for the Protection of Personal Data has been referred to a complaint filed with entry no. No.

PPN-02-483/08.10.2021 containing allegations of unlawful processing of personal data of the applicant in the election process, by including them in a list of persons supporting the registration of the political party "Bulgarian National Union" for participation in the elections held on 14.11.2021 d. elections for President and Vice President of the Republic of Bulgaria and National Assembly.

No evidence was attached to the complaint, no names of the complainant were mentioned.

The complaint was submitted electronically from the email address ***** and does not bear the signature of the sender, nor the names of the person who referred the commission. In this regard, in fulfillment of the provision of Art. 30, para. 1 of the Administrative Procedure Code (APC) and the provision of Art. 28, para. 2 of the Rules of Procedure of the Commission for the Protection of Personal Data and its Administration, a letter No. ППН-02-483-#1/17.11.2021 was sent to the complainant with instructions that the complaint does not contain the legally defined details, in view of which is irregular and should be confirmed within 3 days of receiving the notification. In addition, the submitter is informed that he should indicate his three names, correspondence address and permanent address, as well as his unique social security number, in view of the subject of the complaint and attach evidence to support his claims, including the results of the indicated check the CEC website. It is

specified that in the event of failure to comply with the given instructions in time, the initiated proceedings will be terminated.

On November 29, 2021, the letter was sent to the email address from which the complaint was submitted - *****, but its receipt was not confirmed by the addressee. In this regard, and to the extent that no other address for correspondence with the sender or telephone number for contacting him is specified in the complaint, the instructions were communicated in accordance with Art. 18a, para. 10 of the APC, through a message published on 28.02.2022 on the website of the CPLD, which, by argument from the cited provision, is considered to have been served after the expiration of a 7-day period from its publication, i.e. on 08.03.2022. Within the statutory 3-day period and up to now, no actions have been taken to confirm the complaint, or to implement the instructions given by the CPLD.

The Commission for the Protection of Personal Data is an independent state body that protects individuals in the processing of their personal data and access to such data, as well as control of compliance with the GDPR and Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016

In order to exercise its powers, the Commission should be validly referred.

In Art. 28, para. 1 of the PDKLDNA, the mandatory requisites, which should be contained in the request with which the CPLD was referred, are indicated. The requester's data: names, address for correspondence and permanent address, as well as a signature are mandatory details of the request, and it should be noted that according to Art. 30, para. 1 of the APC when the written request is not signed and in case of doubt that it originates from the citizen named in it, the administrative body should request its confirmation with a handwritten or electronic signature within three days of receiving the notification to this effect.

The legislator has indicated that in case of non-confirmation within the deadline, the proceedings should be terminated.

Complaint No. PPN-02-483/08.10.2021 was submitted electronically and was not signed with a qualified electronic signature, therefore it does not contain all the legally defined and mandatory details, and there is also no data that indisputably identifies the applicant - his three names , and the EGN in view of the subject of the complaint.

In view of the detected irregularities of the request, the complainant is informed that he should confirm the complaint by duly signing it with his own hand or a qualified electronic signature and submitting it to the CPLD, in addition indicating his three names, correspondence address and permanent address, as well as your unique civil number, in view of the subject of the complaint.

The instructions given by the commission have not been implemented, within the specified statutory period, and up to now.

The complaint was not confirmed, which according to the argument of Art. 38 a of the Labor Code and Art. 29, para. 1, item 1 of the PDKLDNA is an obstacle to its consideration by the CPLD. The prerequisites under Art. 56, para. 2 of the APC, in connection with Art. 30, para. 1 and 2 of the APC and Art. 38a of the Labor Code for the termination of the proceedings insofar as the complaint does not contain information about the complainant and is not signed, and after instructions given by the authority to eliminate the deficiencies in the request, it has not been confirmed.

Based on the above and based on Art. 56, para. 2, in connection with Art. 30, para. 1 of the APC and Art. 38 a of the Labor Code, Art. 28, para. 3 and Art. 29, para. 1, item 1 of the PDKZLDNA, the Commission for the Protection of Personal Data,
RESOLVE:

Leave appeal No. PPN-02-483/08.10.2021 out of consideration as irregular and terminate the initiated administrative proceedings.

The decision is subject to appeal within 14 days of its delivery, through the Commission for the Protection of Personal Data before the Administrative Court of Sofia - city.

CHAIRMAN:

MEMBERS:

Vencislav Karadjov /p/

Maria Mateva /p/

Veselin Tselkov /p/

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