

No. Fax: 11.17.001.009.169 DOUBLE SYSTEMED September 30, 2021 DECISION OF THE COMMISSIONER FOR PROTECTION OF PERSONAL DATA SUBJECT: Complaint for a possible violation of the GDPR I refer to the complaint submitted to my Office by XXXXXX (hereinafter the Complainants), for processing personal data without the their consent from an employee of the Limassol - Amathoundas Sewerage Board (hereafter SALA) and I inform you of the following.

2. The Complainants are co-owners of the parcel with number XXXXX, Tax Code. XXXXX to XXXXX. The owners of block XXXX applied to SALA for additional connection as their own share was without supply.

2.1. With the submission of the application for additional provision by the owners of plot XXXX and in the context of the policy followed, SALA issued invoices/letters for the cost of the additional connection. According to the policy of the SALA Council, the cost of the additional connection is shared equally among the owners of the lots created by the subdivision, and in order for its construction to proceed, the cost of this additional connection must be paid in full.

2.2. The said invoices/letters were issued separately in the names of the owners of plot XXXX and in the name of the owners of plot XXXX. The owners of block XXXX paid the payment cost for both blocks (XXXX), for the additional connection, i.e. €1,708. After the payment of the total amount of €1,708, an employee of SALA handed over to the owners of plot XXXX, the invoices/letters, both of their own plot and of the owners of plot XXXX.

2.3. The invoices/letters in question contained personal data of the owners of plot XXXX and were delivered, apparently without legal basis, to the owners of plot XXXX.

3. Other issues which were raised both in the complaint form submitted and in the letters exchanged between the Complainant and SALA and which do not concern the responsibilities of my Office, were not addressed.

4. My Office informed SALA about the Complainants and asked for his own opinions and positions on the matter. The positions of the SALA:

5. The SALA with a letter dated 30/8/2021, quoted his positions on the complaint, as stated below.

5.1. The SALA did not disclose and communicate the personal data of the Complainants to third parties in violation of the provisions claims of 1 of the General Regulation for the Protection of Personal Data 2016/679 (hereinafter GDPR), as the personal data that was written on the invoices/ letters (name, address and share attributed to them) received by one of the owners of plot XXXX, were already in his knowledge, since before the division of the original plot with no. XXXX, was co-owner with the Complainants. This is also clear from the joint title held by all parties for lot XXXX.

5.2. The submission of the complaint was made by the Complainants for ulterior purposes and with other intentions, due to their differences with the owners of lot XXXX, regarding the sharing of the cost of the additional connection and not because the invoices/letters, which contained personal data, were delivered , which were already known to the owner of lot XXXX, due to the previous

co-ownership status and joint ownership title. 5.3. The disputes in question for the apportionment of costs do not fall under the competences and duties of SALA, as provided by the Law on Sewerage Systems and the relevant Regulations governing the operation of SALA. 5.3.1. In the context of fulfilling its duties in the public interest and/or in the exercise of the public authority assigned to it, the SALA acted in accordance with Regulation 14 of the Limassol – Amathustunas Sewerage Board Regulations (KDP 99/91). 5.4. The original parcel numbered 886, in which the Complainants were co-owners with XXXX, was created by dividing the plots of the Holy Monastery of Agios Nikolaos of the Cats. 5.4.1. The Sewerage Network was constructed during the execution of the work of dividing plots of the Holy Monastery of Agios Nikolaos of the Cats, according to the relevant construction permit issued by SALA. According to the Regulations, SALA imposes a condition for the placement of a single public building sewer connection on each plot and this was also followed in the present case of plot separation. The Sewerage Network of the separation was received by SALA on 22/11/2013. 5.5. At a later time, the co-owners of block XXXX carried out a vertical split and the block was divided into two new blocks numbered XXXX and XXXX. The consequence of this separation is that one of the two new lots, namely XXXXX, does not have a sewer connection. 5.6. The relevant SALA department informed the owners of lot XXX that there is no connection on their lot and explained the procedure to make a new connection. In turn the owners of block XXXX informed that they were waiting for the construction of the new connection to move into their house and asked that their request be considered as very urgent. 5.6.1. In such cases, the cost of constructing the new connection is apportioned to the owners of the two new lots, in accordance with the Council's Regulations and procedures, and in addition to the construction of the new connection, the entire amount must be paid. 2 5.7. The SALA, responding to the request of the owners of lot XXXX, immediately proceeded to measurement and costing of the connection. On 6/12/2018, SALA informed the owner of plot XXXX by phone about the costing amount and at the same time prepared letters/invoices to inform the owners of both plot XXXX and plot XXXX, owned by the Complainants. 5.8. Due to the urgent nature of the issue, one of the owners of plot XXXX visited the offices of SALA on the same day and asked to proceed with the payment of the entire amount so that there would be no delay in the construction of the connection. 5.9. SALA, taking into account the seriousness and urgency of the matter, allowed one of the owners of plot XXXX, to sign and receive all the information letters/invoices that had been prepared and to proceed with the payment of the entire amount. In the context of the said procedure, one of the owners of plot XXXX received in his possession the letters and receipts concerning the Complainants and the owners of plot XXXX. 5.10. The standing policy of the SALA Council, as recorded in the form Process

for the Construction of an Additional Domestic Connection to an Existing Sewer Network, is to inform in writing and separately all owners/co-owners about connection issues. 5.10.1. In the present case, SALA, in its effort to serve and respond directly to citizens' requests and after taking into account that the persons were previously co-owners, allowed one of the owners of lot 904 to pay the entire amount of the new connection and receive the information letters/receipts. 5.10.2. The presentation of the letters/receipts of payment was made in the effort of SALA to serve an urgent situation with the view and given that with said presentation, no disclosure of personal data took place since the specific information was already known to the owner of lot XXXX, as previous co-owner of lot XXXX. 5.11. SALA's position is that the presentation of all proofs to the owner of parcel XXXX does not constitute a disclosure of personal data to third parties in violation of the legal framework for the protection of personal data, since this information was already in the possession of the owner of parcel XXXX, in frame of joint title held by all parties for lot XXXX. 5.11.1. The personal data of the Complainants was already known to the owner of the plot XXXX, therefore no personal data was disclosed to a third party and the letters/receipts were given by the SALA official, in an effort to immediately serve the request, individually, with the exception of the usual process and with good intention. 5.12. SALA considers that the fundamental rights and fundamental freedoms of the Complainants were not affected and did not suffer any damage, and in particular their right to the protection of their personal data. 5.13. Finally, SALA notes that regardless of the good intention to immediately serve the owner of lot XXXX, the letters/receipts that 3 referred to the Complainants, should not have been given to him even if the personal data written in them were already known in him. 5.13.1. It is SALA's opinion that personal data may not have been disclosed, but the relevant updates should have been sent separately to each person, regardless of the urgency of the matter. 5.14. Because of this complaint, SALA has already sent another related one information to the staff on how to handle the process and will again take all measures to avoid similar issues in the future. 6. On 9/21/2021, SALA sent a supplementary letter on technical and organizational measures it took and is taking, regarding the protection of personal data, as follows. 6.1. SALA as a Public Law Organization operates by faithfully applying the provisions of the Sewerage Systems Legislation (Law 1/1971 until 2020) as well as the Limassol Sewerage Board - Amathust Regulations (KDP 99/91). 6.2. With the aim of the correct application of the Legislation and the best service to the public, the plenary session of the SALA Council periodically approves internal procedures, which are communicated to the relevant officials. 6.2.1. Regarding the cases in which an additional domestic connection to an already existing sewerage network should be built in a piece of land, the procedure is followed as recorded in circulars 18/1996, 46/2013 and 33/2017. 6.3. The procedures and

actions taken and carried out by SALA, in the context of GDPR and national legislation are as follows: 6.3.1. Tender announcement in March 2018 for the provision of services with the object of preparing a study for the purpose of compliance with the GDPR, the training of its staff, in relation to the object of each department, as well as the provision of Data Protection Officer services. 6.3.2. The compliance study included, among others: a) the preparation of a report of findings (recording and evaluation of the then existing state of the SALA, mapping of personal data, identification of gaps and weaknesses, control of computerized and non-computerized document management and filing systems, carrying out a possible risk assessment regarding in the security of said data, etc., b) the preparation of a report of recommendations to cover the gaps and weaknesses (designing a strategy and plan regarding the changes that had to be made in the data keeping systems and especially in the SALA computerization systems, the drafting of instructions , circulars, agreements and other documents, etc.), c) the preparation of policies and procedures for compliance with the Regulation and domestic legislation, as well as the instructions of the Commissioner (privacy policy, information, consent forms, preparation of written complaints, notification violations, preparation and updating of Action File areas, etc.), and d) the preparation of an impact assessment for individual processing carried out by SALA. 4 compliance 6.4. The Ministry of Internal Affairs carried out special and personalized trainings for each Department (Administrative, Archives, Technical and Financial), which were directly based on the object of each department regarding the protection of the data of the employees at SALA, as well as the public it serves. The in-service trainings were conducted on 27/11/2018 and 5, 13, 14 and 18 December 2018. 6.5. In addition, each staff member received the SALA Staff Guide for Safeguarding the Security and Confidentiality of Personal Data, which records the principles and rules that the staff is obliged to follow for the purposes of the security and confidentiality of personal data when exercising their duties their work duties (both online and non-electronic). 6.5.1. Also, the actions to be taken in the event of detection of a possible breach of said security are recorded. The objective of the seminars, the guide and the respective policies communicated to staff is to create and maintain a culture at SALA, both at staff and management level, through which any processing of personal data will take place in accordance with the principles of the GDPR. 6.6. SALA staff members attended specialized extra-service training seminars organized by the Cyprus Academy of Public Administration, the law firm Tassos Papadopoulos & Associates DEPE, the Larnaca Sewerage Board and other organizations, in most of which the presenter/keynote speaker was the Commissioner Protection of Personal Data. Legal aspect: 7. According to the provisions of Article 6 para. 1 of the GDPR "Processing is lawful only if and as long as at least one of the following conditions applies: a) the

data subject has consented to the processing of his personal data for one or more specific purposes, b) the processing is necessary for the performance of a contract to which the data subject is a party or to take measures at the request of the data subject prior to the conclusion of a contract, c) the processing is necessary for the compliance with a legal obligation of the controller, d) the processing is necessary to safeguard the vital interest of the data subject or another natural person, e) the processing is necessary for the fulfillment of a duty performed in the public interest or in the exercise of public authority assigned to the controller, f) the processing is necessary for the purposes of the legitimate interests pursued by the controller or a third party, unless these interests are overridden by the interest or the fundamental rights and freedoms of the data subject that require the protection of personal data, in particular if the data subject is a child. Point f) of the first paragraph does not apply to the processing carried out by public authorities in the exercise of their duties"... 8. Article 24 paragraph 1 of the GDPR refers to the responsibility of the data controller to "implement appropriate technical and organizational measures in order to ensure and be able to demonstrate that the processing is carried out in accordance with this regulation. These measures are reviewed and updated when 5 the appropriate regular test, safety level assessment and evaluation is deemed necessary." and par. 2 of the same Article states that "2. Where justified in relation to the processing activities, the measures referred to in paragraph 1 shall include the implementation of appropriate data protection policies by the controller.' 9. In the provisions of article 32 of the GDPR, the following are expressly defined: "1. Taking into account the latest developments, the cost of implementation and the nature, scope, context and purposes of the processing, as well as the risks of different probability of occurrence and severity for the rights and freedoms of natural persons, the controller and the executor the processing implement appropriate technical and organizational measures in order to ensure risks, including, among others, as the case may be: a) the pseudonymization and encryption of personal data, b) the ability to ensure the confidentiality, integrity, availability and reliability of the systems and processing services on an ongoing basis, c) the possibility of restoring the availability and access to personal data in a timely manner in the event of a physical or technical event, d) procedure for the effectiveness of technical and organizational measures to ensure the security of expl work... 4. The controller and the processor shall take measures to ensure that any natural person acting under the supervision of the controller or the processor who has access to personal data processes it only on the instructions of the controller processing, unless required to do so by the law of the Union or the Member State". 9.1. In addition, References 74 and 83 of the Preamble of the GDPR state, inter alia, that the controller should be required to implement appropriate and effective measures and be able to demonstrate the

compliance of the processing activities with the GDPR, including the effectiveness of the measures . 9.2. Such measures should take into account the nature, context, scope and purposes of the processing and the risk to the rights and freedoms of natural persons. To maintain security and avoid processing in breach of this Regulation, the controller or processor should assess the risks involved in the processing and implement measures to mitigate those risks, such as through encryption. Such measures should ensure an appropriate level of security, which includes confidentiality, taking into account the latest developments and the cost of implementation in relation to the risks and the nature of the personal data to be protected.

Rationale: 10. In this case, it is examined whether SALA, as responsible processing, followed the security measures, which it seems to already have

determine and derive from the provisions of Article 32 of the GDPR.

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11. The responsible officer of the HALL should ensure that in the absence another condition for legal processing on the basis of Article 6 of the GDPR, that the Complainants were aware of and consented to the act carried out on 6/12/2018.

11.1. The owners of parcel XXXXX had a legal interest to dispose of and to receive a connection to their block, but the HALL should not deliver them letters/receipts of the owners of lot XXXX, even if personal data written on them was already known to its owners of item 904.

11.2. SALA should follow the procedure set by its own Council established, that is to send the letters/receipts directly to their owners of item XXXX, even if the total connection amount was paid by owner of lot XXXXX. The delivery of said letters/receipts to from the owners of the lot XXXX, it is data processing without legal base.

12. The fact that the matter was of an urgent nature and serious, as well as the fact

that the personal data that were listed in the receipts received by Mr of the owners of lot XXXX, was already in his knowledge since before the separation of the original piece with no. XXXX, was co-owner with them

Complainants do not dispute the fact that there should be a legal basis processing, which justifies the delivery of the letters/receipts to the of the owners of lot XXXX.

13. From the evidence before me it appears that SALA took organizational measures and security and proceeded with GDPR compliance procedures, such as:

a) special and personalized trainings for each Department, which were based directly to the object of each section regarding the protection of given the employees at SALA, and the public they serve,

b) SALA Staff Guide for Safeguarding Security and Confidentiality of Personal Data,

c) specialized training seminars organized by the Cypriot Academy of Public Administration, the law firm Tassos Papadopoulos & DEPE Partners, the Larnaca Sewerage Council and other Organizations, and

d) sending updates before the implementation of the GDPR as well as a reminder circular/information with specific guidance on the procedures to be are followed, after the event in question.

14. On the one hand, the identification instructions were not exactly followed, as they follow from the guidelines given by SALA itself,

on the other hand, both the facts as mentioned and which I accept in their entirety them, as well as the admission, the direct reaction and response of SALA, show that the foundations have been laid for GDPR compliance.

15. Additionally, regardless of the good intention and willingness to direct

service of citizens' requests, the HALL should before the implementation of any act to take into account whether the Regulations, Laws are observed and Instructions, so that there is no repetition of a similar event.

16. Article 58 par. 2(b) of the GDPR gives me the authority as Commissioner Personal Data Protection, among others, to address

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reprimands to the controller or processor when processing operations have violated the provisions of this Regulation.

17. Having regard to the above facts, the legal aspect on which based on this decision and the analysis as explained above, under the powers conferred on me by article 58 para. 2(b) of the GDPR, I address Reprimand to the Limassol - Amathos Sewerage Board, as responsible processing, as, in the future, it follows the procedures to comply with the GDPR as well as the security measures in all the departments and services that make it up and are under his command.

17.1. In case it is established that the Limassol Sewerage Board – Unaffected, he commits a similar GDPR violation in the next six (6) months, this Reprimand will be measured against the eventual imposition of administrative sanctions sanction against him.

Irini Loizidou Nikolaidou

Data Protection Commissioner

Personal Character

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