

# THE CHAIRMAN OF PERSONAL DATA PROTECTION

Warsaw, on 18

April

2019

## DECISION

ZSPU.440.153.2019

Based on Article. 105 § 1 of the Act of 14 June 1960 Code of Administrative Procedure (Journal of Laws of 2018, item 2096, as amended) in connection with joke. 160 sec. 1 and 2 of the Act of 10 May 2018 on the protection of personal data (Journal of Laws of 2018, item 1000, as amended) in connection with joke. 22 of the Act of August 29, 1997 on the Protection of Personal Data (Journal of Laws of 2016, item 922, as amended) and Art. 6 sec. 1 lit. c) and f) and art. 57 sec. 1 lit. a) and f) of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46 / EC ( general regulation on data protection) (Journal of Laws UE L 119 of 4 May 2016, p. 1 and Journal of in W., for sharing his personal data in a letter posted on the notice board in the building at [...] in W. by the Housing Cooperative with its seat in W, President of the Office for Personal Data Protection

discontinues the proceedings.

### Justification

The Office of the Inspector General for Personal Data (currently: the Office for Personal Data Protection) received a complaint from Mr. M. T., residing in in W., hereinafter: the Complainant, for disclosing his personal data in the scope of his name and surname, in a letter of [...] March 2014, posted on the notice board in the building at [...] in W. by the House Committee of this building of the Housing Cooperative with its seat in W., hereinafter: the Cooperative. The applicant requested that his personal data posted on the notice board in the block of flats be removed and that a notification of the commission of an offense was sent to the law enforcement authorities.

In the course of the administrative proceedings, the President of the Personal Data Protection Office established the following facts:

The complainant is a member of the Supervisory Board of the Cooperative.

Mr. S. K., a member of the House Committee, which is a governing body of the Cooperative, on [...] March 2014, hung up in a display case in the staircase of the building at [...] in W. an information containing the name and surname of the complainant. Above the information was removed from the notice board on [...] March 2014.

After reviewing the collected evidence, the President of the Personal Data Protection Office considered the following.

First of all, it should be pointed out that as of the date of entry into force of the Act of May 10, 2018 on the protection of personal data (Journal of Laws of 2018, item 1000, as amended), i.e. on May 25, 2018, the Office The Inspector General for Personal Data Protection has become the Office for Personal Data Protection. Based on Article. 160 sec. 2 of the Act of May 10, 2018 on the protection of personal data, proceedings conducted by the Inspector General for Personal Data Protection, initiated and not completed before May 25, 2018, are conducted by the President of the Personal Data Protection Office (also called the President of the Office or the President of the Personal Data Protection Office), on the basis of the Act of August 29, 1997 on the Protection of Personal Data (Journal of Laws of 2016, item 922, as amended) [hereinafter: PDA] in accordance with the principles set out in the Code of Administrative Procedure. All activities undertaken by the Inspector General for Personal Data Protection before May 25, 2018 remain effective.

In light of the above, the provisions 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 the flow of such data and the repeal of Directive 95/46 / EC (General Data Protection Regulation) (Journal of Laws UE L 119 of May 4, 2016, p. 1 and Journal of Laws UE L 127 of May 23, 2018, p. 2) , hereinafter referred to as Regulation 2016/679 or GDPR, and in procedural scope the provisions of the Personal Data Protection Act

In the judgment of May 7, 2008 in the case with reference number Act I OSK 761/07, the Supreme Administrative Court stated that "when examining the legality of the processing of personal data, GIODO is obliged to determine whether the data of a specific entity are processed on the date of issuing the decision on the matter and whether it is done in a legal manner".

Referring the above to the established facts, it should be emphasized that the decisive factor for the decision that must be issued in the present case is the fact that the Complainant's personal data are not currently disclosed on the notice board in the building at [...] The letter containing them was removed, about which the Cooperative informed the President of the Office for Personal Data Protection. In this situation, these proceedings are subject to discontinuation pursuant to Art. 105 § 1 of the Code of Civil Procedure against its objectlessness. "The definition of Art. 105 § 1 of the Code of Civil Procedure "proceeding

for any reason has become redundant" because it includes situations where a party's request is out of date or has expired by operation of law. The proceeding in the case is groundless when there is no party to it or there is no object, i.e. there is no legal and factual basis for considering and settling the case "[Judgment of the Provincial Administrative Court in Kraków of January 30, 2019, I SA / Kr 1289 / 18, LEX no. 2622023]. Due to the fact that the letter containing the complainant's personal data is no longer available on the notice board, these proceedings should be discontinued.

In this factual and legal state, the President of the Personal Data Protection Office resolved as at the beginning.

Based on Article. 127 § 3 of the Code of Administrative Procedure, the party has the right to submit an application for reconsideration of the case within 14 days from the date of delivery of the decision to the party. If a party does not want to exercise the right to submit an application for reconsideration of the case, he has the right to lodge a complaint against the decision with the Provincial Administrative Court in Warsaw within 30 days from the date of its delivery to the party. The complaint is submitted through the President of Personal Data Protection. The fee for the complaint is PLN 200. The party has the right to apply for the right to assistance, including exemption from court costs.

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