

GREEK EMPIRE

PRINCIPLE OF PROTECTION OF E OMEN

OF A PERSONAL CHARACTER

Athens, 09-11-2018

Prot. No.: G/EX/8035-1/09-11-2018

A P O F A S I NO. 68/ 2018

(Department)

The Personal Data Protection Authority met in composition

Department following an invitation from its President to its headquarters on Wednesday 07-11-2018,

in order to examine the case referred to in the present history.

They were attended by the Deputy President, Georgios Batzalexis, who was in his way

of the President of the Authority, Constantos Menoudakos, Constantos Lambrinoudakis,

regular member, and the alternate members Panagiotis Rontogiannis, as rapporteur, and

Grigorios Tsolias, replacing the regular members Antons Symvonis and

Charalambou Anthopoulos, respectively, those who, although only summoned in writing, did not

attended due to obstruction. The meeting was attended by the order of the President

Georgios Rousopoulos and Constantos Limniotis, expert scientists – auditors, as

assistant lecturer. Irini also attended, by order of the President

Papageorgopoulou, employee of the Administrative Department of the Authority, as secretary.

The Authority took into account the following:

Submitted to the Authority, by the company "Alpha Bank S.A." (hereinafter Alpha Bank

and Bank) the no. prot. C/EIS/8035/11-10-2018 notification of incident

personal data breach, according to art. 33 of the General

of Regulation (EU) 2016/679 (General Data Protection Regulation - hereinafter, GDPR).

According to the notification in question, the incident involved oligarchy and

very limited cases of communication of documents to a different client

the Bank's Private Banking service. The Bank proceeded to investigate and

1-3 Kifis St., 11523 Athens, Tel: 210 6475600, Fax: 210 6475628, contact@dpa.gr / www.dpa.gr

detection of errors and the establishment of control mechanisms and safety barriers for avoiding them in the future.

The Bank states that it became aware of the incident on 05-10-2018, while

submitted the notification on 10/10/2018, without justifying the delay

submission of the notification in relation to what is provided for in article 32 of the GDPR for

the submission deadline (as analyzed below). The affected of course

persons, customers of the Bank, were informed about the incident while in addition,

customers who received a document intended for another were also informed

recipient to ensure that the data will not be used in any way

which were mistakenly forwarded to them even though they concerned him.

The Authority, after examining all the elements of the file, after listening to him

rapporteur and the clarifications of the assistant rapporteurs, who then left

before conference and decision, and after thorough discussion,

THOUGHT ACCORDING TO THE LAW

1. The GDPR, which replaced Directive 95/56/EC, has been in force since 25

May 2018. Article 4 of the GDPR states that "personal data" yes yes

"any information concerning an identified or identifiable natural person

(data subject)". In the same article, it is also defined as processing "everything

or series of actions carried out with or without the use of automated means, in

personal data or in sets of personal data, such as

collecting, recording, organizing, structuring, storing, adapting or

change, retrieval, information search, use, disclosure by transmission, h

dissemination or any other form of disposal, association or combination, limitation, deletion

or destruction". Furthermore, let anyone (the natural

or legal person, the public authority, agency or other body) which, "alone or jointly with another, determine the purposes and manner of processing personnel data character".

In the second article, the breach of personal data is defined as "h breach of security resulting in accidental or unlawful destruction, loss, alteration, unauthorized disclosure or access of transmitted personal data, stored or otherwise processed".

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2. The principles governing the processing of personal data are defined in article 5 par. 1 of the GDPR – among them, as indicated in article 5 par. 1 item in this, personal data are processed way that guarantees the appropriate security of personal data, among others their protection from unauthorized or illegal processing and accidental loss, destruction or damage, using appropriate techniques or organizational measures ("integrity and confidentiality"). Further, in paragraph 2 of the second article, it is stated that the person in charge of processing shall bear the responsibility and yes to position to accept compliance with paragraph 1 ("accountability").

3. With reference to the incident of personal data breach, o GDPR sets specific obligations for data processors. Specifically, in article 33, it is stipulated that in the event of a personal data breach, o controller shall notify us immediately and, if possible, within 72 hours of the moment it becomes aware of the fact of the breach of personnel data character to the competent supervisory authority, unless the breach of personnel data character may not cause a risk to their rights and freedoms natural persons. When the notification to the supervisory authority is not made within 72 hours, accompanied by a justification for the delay.

In paragraph 3 of the aforementioned article, the minimum elements are defined

the notice must contain, while in par. 4 that in case and if not

If it is possible to provide the information at the same time, it can be provided

gradually without undue delay.

4. In this case, as can be seen from the evidence in her file

case, our data controller submitted the data breach notification

of a personal nature with a delay of 2 days from the moment of the first request

time he was informed about the incident, without providing a reason that he mentions for Art

due to delay. Therefore, a delayed activation of the process results

handling personal data breach incidents.

The incident was extremely limited, involving only twelve of her clients

Bank and, from the moment its handling procedures began, it seems to

faced correctly.

5. In view of the violation found, i.e. the delay by two (2)

days of submitting a notification of a personal data breach incident

character, and also taking into account the minor gravity of the incident, the fact

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that the GDPR has just come into force and that our data controller proceeded to

actions to deal with the incident, the Authority unanimously considers that it should take

the one provided for in article 58 par. 2 sec. II GDPR under its authority, as stated in

provision hereof, and the penalty is proportionate to the gravity of the violations.

FOR THOSE REASONS

The Authority taking into account the above:

Addresses based on no. 58 par. 2 b' of Regulation (EU) 679/2016 attack

at Alpha Bank S.A. for the late submission violation

notification of a personal data breach incident.

The Deputy President

The Secretary

George Batzalexis

Irini Papageorgopoulou