

Decision on appeal with registration № PPN-01-1057 / 28.12.2018 DECISION» PPN-01-1057 / 2018 Sofia, June 18, 2019

Personal Data Protection Commission (CPDP) composed of: Chairman: Ventsislav Karadzhov and members: Tsanko Tsolov, Tsvetelin Sofroniev, Maria Mateva and Veselin Tselkov at a meeting held on 29.05.2019, on the grounds of Art. 10, para. 1 of the Personal Data Protection Act in connection with Art. 57, § 1, letter “e” of Regulation (EU) 2016/679, considered on the merits a complaint Reg. № PPN-01-1057 / 28.12.2018, filed by T.A. The administrative proceedings are by the order of art. 38 of the Personal Data Protection Act (PDPA). The Commission for Personal Data Protection was seised with a complaint filed by TA, with the subject of illegal processing of his personal data by a postal operator (PO). The complainant informed that the company without legal grounds requires from its customers an ID card when receiving cash on delivery items, and there is no register for this collection of personal data. He claims that on December 18, 2018, an employee of the company from the VS office once again asked for his ID card when receiving a cash-on-delivery shipment and specified that he had not received or signed a transport contract. Considers the requirement of the identity document to be illegal. He finds that the rights granted to him by the LPPD have been violated and claims that the company is not able to prepare a report on the procedural collection of personal data. No evidence was attached to the complaint. In the conditions of the official principle laid down in the administrative process and the obligation of the administrative body for official collection of evidence and clarification of the actual facts relevant to the case, by P.O. a written statement is required. In response, an opinion was filed that the complaint was unfounded. The company informs that on 15.12.2018, at 11:49, Mr. T.A. has visited the office of P.O. in Varna to receive a shipment, where an employee has identified him by means of an identity document, such as the company's standards. They add that the same evening the client went to the counseling center of P.O. Inquiry by e-mail on what legal grounds employees of the company require an ID card of the clients. It is alleged that in response to the inquiry, Mr T.A. was informed that the identification of the client by means of an identity document was obligatory and described in the general conditions, but dissatisfied with the answer the complainant continued his correspondence with the data protection officer of the company. They point out that on December 18, 2018, Mr. T.A. He again visited the office of the company to accept another shipment with cash on delivery in the amount of BGN 316.70. but given the fact that Mr. T.A. has refused to provide his ID card, the shipment has not been handed over to him. Inform that after about 2 hours Mr. T.A. returned and provided his ID card for reference, and the employee only looked at the document without touching it and handed the shipment to Mr. T.A. The company informs that

the identity document is required to identify the complainant as a party to a transport contract and recipient of a specific shipment according to the company's approved procedure for identification of the customer by requesting an identity document without entering data in the customer card . The Commission for Personal Data Protection is an independent state body that protects individuals in the processing of personal data and in accessing such data, as well as monitoring compliance with the LPPD and Regulation (EU) 2016/679 of the European Parliament and 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. In order to exercise its powers, the Commission must be properly seised. The appeal shall contain the obligatory requisites, specified in the provision of art. 30, para. 1 of the Rules of Procedure of the Commission for Personal Data Protection and its administration, namely: there are data about the complainant, the nature of the request, date and signature, in view of which it is regular. The appeal is procedurally admissible, filed within the term under § 44, para. 2 of the Transitional and Final Provisions of the LPPD, by a natural person with a legal interest against a competent party - a legal entity controllers of personal data within the meaning of Art. 4, para. 7 of EU Regulation 2016/679. The complaint was referred to a competent body - the CPDP, which considers complaints against acts and actions of personal data controllers, which violate the rights of individuals related to the processing of personal data, and there are no exceptions under Art. 2, § 2, letter "c" and Art. 55, § 3 of Regulation (EU) 2016/679 given the fact that the case does not concern processing activities performed by a natural person in the course of purely personal or domestic activities and / or activities performed by courts in the performance of their judicial functions. For the stated reasons and in view of the lack of prerequisites from the category of negative under Art. 27, para. 2 of the APC, at a meeting of the Commission held on 27.03.2019 the complaint was accepted as admissible and as parties in the administrative proceedings were constituted: complainant - T.A. and the respondent - P.O. At a meeting of the CPDP held on May 29, 2019, the complaint was considered on the merits. The parties - regularly notified, do not appear, do not represent themselves. In his capacity of administrative body and in connection with the need to establish the truth of the case, as a basic principle in administrative proceedings, according to Art. 7 of the Code of Administrative Procedure, requiring the existence of established facts, given the written evidence gathered and the allegations made by the parties, the Commission considers that considered on the merits of the complaint № PPN-01-1057 / 28.12.2018 is unfounded. The subject of the complaint are the allegations of Mr. T.A. for illegal processing of his personal data by P.O. in the case of requiring an identity document upon receipt of cash on delivery items and subsequent processing of the data contained in the document. It is not disputed between the parties that the

applicant is a client of the company - the recipient of a cash-on-delivery consignment sent to the office of the company "V.S. ".

The sender of the shipment, as evidenced by a document submitted by the company with № \*\*\*\*, is "A.S. "EOD, the same indicated data about the recipient Mr. T.A. in a volume of three names, contact phone number and email address. It is also undisputed that on December 18, 2018, upon receipt of the shipment, an employee of the company requested from Mr. T.A. providing an ID card to identify him without recording data from it, after which the card is returned and the shipment is handed over. No evidence has been involved, and there are no allegations that an employee of the company has processed within the meaning of Art. 4, § 2 of EU Regulation 2016/679 the personal data contained in the identity document of the complainant.

According to that provision, "processing" means any operation or set of operations carried out with personal data or a set of personal data by automatic or other means such as collecting, recording, organizing, structuring, storing, adapting, or modifying, retrieving, consulting, using, disclosure by transmission, dissemination or other means of making the data available, arranging or combining, limiting, deleting or destroying it. ' with regard to the data contained in the presented identity card, which should be classified as "processing" within the meaning of the law. is a measure introduced by the administrator to protect the sub data, in order to verify the identity of the recipient and ensure the legality of the processing of his personal data, in response to the obligations of the controller to introduce appropriate technical and organizational measures within the meaning of Art. 24 and 25 of the Regulation. A measure for which the data subjects, including the complainant, were informed, given the fact that in Art. 30 of the General Terms and Conditions of the company, adopted by Decision 348 / 29.06.2017 of the Commission for Regulation of Communications, the same published on the company's website and freely available, explicitly states that courier shipments addressed "on request" are delivered of the recipients срещу., against an identity document '. Guided by the above and on the grounds of Art. 38, para. 3 of LPPD, the Commission for Personal Data Protection, HAS DECIDED: Dismisses the complaint PPN-01-1057 / 28.12.2018, filed by T.A. against a postal operator, as unfounded and unproven. The decision is subject to appeal within 14 days of its service, through the Commission for Personal Data Protection before an administrative court under Art. 133 of the APC. CHAIRMAN: MEMBERS: Ventsislav Karadzhov / Tsanko Tzolov / Tsvetelin Sofroniev / Maria Mateva / Vesselin Tselkov / Files for download Decision on appeal with registration № PPN-01-1057 / 28.12.2018 print