

(Department) The Personnel Data Protection Authority Character met as a Department composition at its headquarters on Wednesday 31.01.2018 at 10:00 a.m. upon the invitation of its President, in order to examine the case referred to in the present history. The Deputy President, Georgios Batzalexis, who was in the way of the President of the Authority, Konstantinos Menoudakos, was present, the alternate members Panagiotis Rontogiannis, Charalambos Tsiliotis, as rapporteur, and Grigorios Tsolias in place of the regular members Antonios Symvonis, Spyridonos Vlachopoulos and Charalambos Anthopoulos, respectively, who, although they were legally summoned in writing, they did not attend due to obstruction. Present without the right to vote were Evangelia Vassilopoulou, legal auditor, as assistant rapporteur and Irini Papageorgopoulou, employee of the administrative affairs department, as secretary. The Authority took into account the following: With her application from ... (ADDPX C/EIS/8839/07.12.2017) before the Authority, A, for herself individually and as the exerciser of parental care and custody of the minor of her child, B, aged 12 months, requests to be granted by the Regional Directorate of E.O.P.Y.Y. X (hereinafter E.O.P.Y.Y.) "a. copies of the medical and pharmaceutical files of her former in-laws, C and D, b. certificates for the periods and causes of their hospitalization in public or private hospitals or other treatment centers, regarding the problems invoked by them, c. certificates of receiving pharmaceutical treatment, d. medical opinions and any other evidence deemed necessary, in order to prove the actual state of their health", for judicial use, concluding the document no. ... a lawsuit before the Single Member Court of First Instance X, under no. first ... her application to the E.O.P.Y.Y. and under no. 1 primary residence ... negative response from E.O.P.Y.Y. for granting the requested data without prior authorization from the Authority. Then, and after relevant telephone information of the applicant about the procedure followed before the Authority as provided for in article 7 par. 3 of Law 2472/1997 and relevant telephone communication with E.O.P.Y.Y., the E.O.P.Y.Y. with the under no. first... (ADDPH G/EIS/9071/15.12.2017) his document, forwarded us the under no. first ... application of A to the E.O.P.Y.Y. and the related documents and in this way the E.O.P.Y.Y. requests the Authority's permission to process sensitive personal data. Specifically, E.O.P.Y.Y. submits a question to the Authority if the applicant can receive from E.O.P.Y.Y. "a. copies of the medical and pharmaceutical files of her former in-laws, C and D, b. certificates for the periods and causes of their hospitalization in public or private hospitals or other treatment centers, regarding the problems invoked by them, c. certificates of receiving pharmaceutical treatment, d. medical opinions and any other evidence deemed necessary, in order to prove the actual state of their health", for judicial use and in particular in order to refute the action

brought against the action for final regulation of the right of communication of a minor child before of the Single-Member Court of First Instance X (special procedure for family disputes - reg. no. ... - trial ...) brought by her estranged husband E and his ascendants (parents), C and D and with which they request the definitive regulation of the right of communication with their minors (child and grandchild respectively) as specified in her administrative request (child overnight stays and shared vacations with the ascendants of the paternal line), as well as to use their requested data "in any other present need for the defense of the interests of her child". The Authority, after examining the elements of the file, after hearing the rapporteur and the clarifications from the assistant rapporteur, who was present without the right to vote and left after the discussion of the case and before the conference and decision-making, following a thorough discussion , CONSIDERED ACCORDING TO THE LAW 1. Because the provisions of articles 2 par. b', 4 par. 1 and 7 par. 2 item. c' of Law 2472/1997 determine the terms and conditions for the legal processing of sensitive personal data related to health. The provisions of articles 5 par. 3 and 13 par. 3 item. b' of Law 3418/2005 (Code of Medical Ethics) 2 provide for the exceptional granting of medical certificates and opinions to a third party, if he has a legal interest and proves it, as well as the conditions for lifting medical confidentiality. Because, further, article 11 par. 3 of Law 2472/1997 stipulates that if the data is communicated to third parties, the subject is informed of the communication before them. 2. Because article 1520 of the Civil Code provides in paragraph 2 that "Parents do not have the right to prevent the child from communicating with his closest relatives, unless there is a serious reason" and in paragraph 3. "In the cases of the previous paragraphs , the matters relating to communication are specifically arranged by the court". 3. Since, in the case under consideration, A is requesting, in the capacity of a third party (Article 2 item i of Law 2472/1997), for herself and as the exerciser of parental care and custody of her minor child, the provision of sensitive personal data (health data) concerning the most distant ascendants (grandparents from the paternal line), C and D, of her child. From the data in the case file it appears that the purpose of the processing is firstly (1) to refute the final regulation of the right of communication of a minor child brought against the lawsuit before the Single-Member Court of First Instance X (special procedure for family disputes - reg. no. ... - litigable ...) brought by her estranged husband E and his ascendants (parents), C and D and with which they request the definitive regulation of the right of communication with the minor child as specified in her pleading request, and secondly (2) in the use of the requested data "in any other trial where there is a need to defend the interests of her child". And according to what was mentioned in A's application, the plaintiffs - the most distant ascendants (grandparents from the paternal line) of her child are in a state of health and live in conditions that make them "unable and dangerous to take care of

the child for a few minutes of the hour her". Therefore, he requests to receive from E.O.P.Y.Y. "a. copies of the medical and pharmaceutical files of her former in-laws, C and D, b. certificates for the periods and causes of their hospitalization in public or private hospitals or other treatment centers, regarding the problems invoked by them, c. certificates of receiving pharmaceutical treatment, d. medical opinions and any other evidence deemed necessary to prove their actual state of health", in order to use them in the designated competent Court and in any other trial to prove her above claim. 4. The under item. (1) projected purpose of processing is in principle consistent with the aforementioned provision of article 7 par. 2 item c' of Law 2472/1997. However, no 3 follows from the no. first ... application of A to the E.O.P.Y.Y. in what way the requested under item. a-d data are related to the regulation of the communication of the plaintiffs - superiors with the minor child of the applicant in the context of the legal case. It should be noted that the applicant does not specify precisely and definitively how these elements are necessary and appropriate to refute the above against the lawsuit as regards the plaintiff parents of her estranged husband. With reference to the under item. (2) proposed purpose of processing, this is not consistent with the provision of article 7 par. 2 item. c' of Law 2472/1997, since as the Authority and the Council of State have consistently judged, the third party must not only invoke but also prove by presenting the relevant petition to the Authority, the pursuit of the legitimate interest consisting in the exercise of his right to defend himself in court and the necessity and feasibility of granting the requested information. At the same time, it must be specified when the hearing is scheduled or when the deadline for submitting motions expires. Consequently, the requested license cannot be granted. FOR THESE REASONS, the Authority does not grant a license to E.O.P.Y.Y. to grant A the requested under item. a-d personal data of C and D. The Honorable President Georgios Batzalexis The Secretary Irini Papageorgopoulou⁴