

Athens, 29-05-2023 Prot. No.: 1365 DECISION 20/2023 (Department) The Personal Data Protection Authority (Authority), convened, at the invitation of its President, in a Department meeting, via teleconference, on Tuesday 14.06. 2022 at 10:00 a.m., in order to examine the case referred to in the present history. The President of the Authority, Konstantinos Menudakos, and the substitute members, Demosthenes Vougioukas, as rapporteur, Maria Psalla and Nikolaos Livos, were present, in place of the regular members, Konstantinos Lambrinoudakis, Charalambos Anthopoulos and Grigorios Tsolias, who, if legally summoned, did not attend due to disability. Present, without the right to vote, were Efrosyne Siougle, specialist scientist - IT auditor, as assistant rapporteur and Irini Papageorgopoulou, employee of the administrative affairs department, as secretary. The Authority took into account the following: Greece Complainant A submitted complaints to the Authority against the company named A.E.V.E., WIND now NOVA TELECOMMUNICATIONS & MEDIA MONOPROSSOPI A.E.1 (complainant) with which he complains for repeatedly receiving unsolicited electronic communication for the purposes of commercial promotion of the complainant's products and services despite his objections and for not satisfying the rights of access, opposition and Telecommunications 1 Nova: Merger with Wind officially completed – The new pricing policy (newsit. gr) Nova's acquisition of Wind completed, what does the new player bring | Business Daily And the name of Wind will be Nova Nova - Wind Greece: Announcement of the new Board of Directors 1 restriction of processing, which it exercised repeatedly. Specifically, the complainant submitted the following complaints: 1. Complaint No. APD C/EIS/5351/15.06.2018 With the above complaint under items 1, the complainant complains that on 14.06.2018 he received an unsolicited promotional short text message (SMS) from the complainant to his telephone number ... although on 31.01.2018 his request with number ... regarding his exclusion from any promotional action as well as his inclusion in the Register of Article 11 of Law 3471/2006 had been satisfied. The content of the message received by the complainant is as follows: Message 1 on 14.06.2018: "Don't run out! 5G ONLY for 5 euros for 30 days! Send 55 to 12410 for activation" Also, the complainant complains that he did not receive a response to the request he sent to the Data Protection Officer (DPO) of the complainant, by email to dpo@wind.gr, on 25.05.2018, after automated phone call received on the same day for a customer satisfaction survey. The complainant's request had the following content: "I would like to make the following complaint. Today on May 25, 2018 at the time of ... I received an automated phone call from the number ... for a January satisfaction survey at 10:39 (Customer manager. Since at the request of ... from the 31st processing of my request: B) my statement was entered in the special directory (Register of no. 11 Law 3471/2006) maintained by your company AND at the same time I have opted out of any promotional action by your

company, I would like you to notify me within the deadline set by the EU General Data Protection Regulation. 2016/679 basis of Article 14, paragraph 3, as to whether you maintain opt-in consent on my part to take part in a customer satisfaction survey. In addition, I request access to eventual consent." After his request of 25.05.2018, the complainant sent two more e-mails to the YPD of the complainant a) on 30.05.2018 in which he stated that, following his previous complaint, he read on this website that he accepts complaints through physical stores or by post' and quoted the third paragraph of article 15(3) GDPR and b) on 04.06.2018 with which he complained that he had, on the same day, received another telephone call from a consumer inquiry and reminded that his request to the DPO is pending from 25.05.2018. 2 In addition, the complainant complains that his requests were not met, but he received an e-mail message on 14.06.2018 from the Complainant's Office of the Ombudsman, informing him that a) exclusively for reasons of ensuring the protection of his personal data, he should call 13800 in order to carry out the required identification of his details and to be immediately included in the list of persons who do not wish to receive communication for commercial promotion of products and b) in order to exercise his rights under the GDPR he must go to a store of the company necessarily with his police ID card or other public document proving his identity. In very exceptional cases and if he does not have access to a WIND store, he may submit the application a) a person with his own authorization (with an original signature from KEP/AT) and in this case copies of both identifications should be attached in addition to the authorization, of the authorizer and the authorized person, or b) by registered letter which bears the original signature from KEP/Police and to which a copy-photocopy of the applicant's identity card is attached. After the above message of 14.06.2018 from the YPD of the complainant, the complainant complained to him again, with an e-mail message that he also sent on 14.06.2018 and stated in particular: a) that he was asked to take actions that he has already taken (joining the Register of article 11 and exemption from promotional actions), b) that he has requested access to his data which was not provided to him and requested to be sent a copy stating that he has been excluded from any promotional action as well as that he is included in Register of Article 11 as well as the date of its inclusion in it, c) that according to Article 15 (3) GDPR the controller has an obligation "(...) If the data subject submits the request by electronic means and unless the subject of the data requests something different, the update is provided in a commonly used electronic format" and d) that "Since my request has not received the required attention and in the meantime I continue to receive promotional messages from you (attached sms 14/6/ 18), I inform you that if I do not have an answer to all my questions I will appeal to the supervisory authority for a complaint". The Authority, with its document No. Prot. APD C/EX/5351-1/06.07.2018, forwarded to the complainant the above

related complaint under items 1 and invited her to submit her views on it. 3 Under No. APD C/EIS/7316/11.09.2018, the complainant's response to the above complaint under items 1: The complainant replied to the Authority as follows: The telephone number of the complainant, who is her subscriber, has been added to the Article 11 register and has been excluded from the promotion of its products and services since 24.01.2018, following his request. In March 2018, a system malfunction occurred with respect to the listing in question, which caused a mismatch of information and systems, resulting in the complainant not appearing in its systems as an opt-out from advertising campaigns. Although there was an indication that the issue was resolved, the promotions system was required to be patched and updated again by entering its number in the exception log, which took place on 06/15/2018. Since then, the complainant has not been invited again for the commercial promotion of the products of the complainant, nor does it appear from its systems that the sending of promotional SMS, while the relevant update of the Article 11 Register has been carried out and his number has been registered in its systems in a list where the numbers with which the complainant is not contacted for these purposes are indicated. Regarding the exercise of the rights deriving from the GDPR, the complainant stated that the complainant was informed via e-mail by the Complainant's Office of the Ombudsman that "the reason why we do not give you an answer in electronic form to your requests is solely to ensure the personal of your data, which requires the correct identification of each customer's personal information. Identification cannot be carried out by e-mail, but only, for some requests by telephone and for some others including requests to exercise rights arising from the GDPR either by physical presence in a store, yourself or a person legally authorized by you, or by registered letter. The process in question is described in detail in our letter of 14.6.2018, and once you follow it, your request to exercise the right of access based on the GDPR will be granted within the deadline provided by the said Regulation. The procedure followed by the complainant for the exercise of GDPR rights is described in the Personal Data Protection Policy, which is published on its website, in paragraph 10 "Exercising your rights". The reason why it has been decided to refer to a store for the exercise of all 4 rights stemming from the GDPR is solely for reasons of correct identification of the data subjects, with the aim of fully securing them. 2. Complaints No. C/EIS/5652/26.06.2018, C/EIS/5655/26.06.2018, C/EIS/5656/26.06.2018 The complainant submitted to the Authority the above complaints under item 2, with which he complains that on 14.06.2018 he received two more promotional SMS from the complainant even though he had stated his opposition and had already protested. These messages have the following content: Message 2 on 14.06.2018: "Enter the MYF2G APP and activate the More package of your choice. Today is the last day you can activate a more package. From

tomorrow, in order to have access to the 2.5 euro packages, you will need to activate a basic F2G package" Message 3 on 14.06.2018: "The New talk to all and data package expired tonight. Enter the MYF2G APP and activate it again for minutes of talk to everyone, sms and MB in one move. Also, the complainant complains that he received another promotional SMS on 23.06.2018, about which he complained by sending an e-mail message, on 24.06.2018, to the DPO of the complainant without receiving a response. It is noted that the complainant did not provide the content of the said message. In addition, the complainant complains about the non-satisfaction of the right of access, opposition and restriction of processing which he exercised before the complainant in his message of 25.05.2018 to her DPO. In particular, the Ministry of Foreign Affairs, with the e-mail from 20.06.2018, informed the complainant that the reason why they do not give an answer in electronic form to his requests is exclusively the safeguarding of his personal data, which has as a prerequisite to be carried out properly identification of each customer's personal information. Identification cannot be carried out by e-mail but only for some requests by telephone and for some others including requests for the exercise of rights arising from the GDPR either through the physical presence in a store of the applicant or a person legally authorized by the applicant or by registered mail letter. According to the above e-mail, the process in question is described in detail in the complainant's letter dated 14.6.2018 and once the complainant follows it, his request 5 for exercising the right of access based on the GDPR will be satisfied within the deadline provided by the GDPR. Subsequently, on 21.06.2018 the complainant sent a new e-mail message to the Complainant's DPO, in which a) he reiterated that he has already been excluded from any promotional action and has been included in the Article 11 Register, and requested to be informed if it results from the GDPR the method of identification followed by the complainant, b) requested access to his consent for promotional SMS and automated calls for customer satisfaction survey, in the initial conversation (request...) for his exclusion from promotional actions and his inclusion in the Register of article 11, as in his conversation with an employee of the complainant on 14.6.2018 and time ... and c) requested to be informed and to receive the answers to his requests electronically based on Article 15(3) GDPR. The Authority, with its document No. Prot. APD C/EX/5652-1/02-08-2018, forwarded to the complainant the relevant complaints under items 2 above and invited her to submit her views on them. No. First APD C/EIS/8605/31.10.2018 response of the complainant to the complaints under item 2 above: The complainant replied to the Authority as follows: The provisions mentioned in No. First APD apply to the complaints in question C/EIS/7316/11.09.2018 document with which the complainant responded to the complaint No. C/EIS/5351/15.06.2018 (first) complaint. The complainant points out again that the telephone number of the complainant

was registered in the exception file it maintains on 15.06.2018 and since then it has neither been called for the commercial promotion of its products and services, nor does its systems show the sending of SMS for such purposes. The complainant's number has been included in the Article 11 Registry and has also been registered in its systems in a list of numbers with which the complainant is not contacted for the above purposes. After the above date, i.e. 15.06.2018, all that the complainant mentions is the sending of an SMS on 23.06.2018, the text of which does not attach his complaint. Following an investigation carried out by the company in its systems, it found that SMSs had indeed been sent on the specific date, but with purely informative content due to the termination of services to which the complainant had subscribed. SMS of this nature are sent to all prepaid customers exclusively for the purpose of informing them regarding the expiry of the 6 services (voice, etc.) they have pre-purchased, communication made to protect the interests of consumers. Regarding the non-satisfaction of the rights of access, opposition and restriction of processing, the complainant states that it is clear from the documents that the complainant himself has attached that he was sent by email on 14.06.2018 the procedure for exercising the rights based on its published policy company (going to the applicant's store and in exceptional cases and if he does not have access to a store, submitting the application by an authorized person or by registered letter). However, the complainant did not exercise his rights in any of the ways specified in the above policy so that the complainant would be able to satisfy them. As regards the automated call, which is the subject of complaint no. G/EIS/5656/26.06.2018, this was carried out for a customer satisfaction survey on 25.05.2018. Calls of this nature do not constitute commercial promotion of products and are instead permitted by law for reasons of maintaining the quality of services provided. 3. Complaint No. first APD C/EIS/7868/14.11.2019

Subsequently, the complainant submitted to the Authority the above complaint under item 3 in which he complains that on 19.09.2019 he received a new promotional SMS on his phone number ... even though it has already been registered in the Complainant's record of exemptions from all its promotions and has already repeatedly complained about it. The message he received read: "FREE UP TO 12 MONTHS OF NETFLIX WITH NEW WIND VISION CONNECTION UNTIL 9/30 TO ENJOY YOUR FAVORITE SERIES, MOVIES, DOCUMENTARIES! UPDATE HERE bit.ly/WINDONE_Offer COME TO A WIND STORE! TO NOT RECEIVE OFFERS, GO HERE bit.ly/WIND-de". In particular, the complainant states that on 16.08.2019 he submitted a request (...), through the complainant's contact form, to find out if a phone call he received for promotional purposes is from her or her partner and requested access to his data. Received a response from the complainant on 19.09.2019. Subsequently, on 20.09.2019 he again submitted a request (...) to the complainant, through the contact form,

because on the same day he received the above written 7 assurance from 19.09.2019 that she has been included in the Article 11 Register on 28.01. 2016, following a request sent on the same day by e-mail, and that he has been excluded from all its promotional actions, he again received the above promotional message. Specifically, with the request dated 20.09.2019, he asked for the following "(...) Please explain to me how my request for not receiving any kind of promotional actions concerning your company's products and services has been granted, when after dozens of reports I have made, the your company and sends promotional sms. I am attaching only the last sms that was sent to me on September 19, 2019 at time ..., i.e. the same day you assured me with your email that my request has been fully satisfied." According to the complaint, the complainant received the complainant's response to his request dated 20.09.2019 after 48 days, on 08.11.2019, without being informed about the use of the one-month extension option and the reason for the delay. With the reply from 08.11.2019 it was updated as follows: "(...) In relation to the information you received via SMS about the WIND VISION service, we inform you that it was an isolated unfortunate incident, as your telephone number leaked the relevant control of lists of telephone numbers of our subscribers, who receive the relevant updates. We confirm that your telephone number ... is registered in the Register of article 11, but also in the Special Register of Objections maintained by our company, which entails its exclusion from any kind of promotional actions carried out by our company". The complainant submitted the said under item. 3 complaint because "(...) despite my long-standing objections in all ways, I continue to be harassed (even on the same day of written assurance that I do not receive company promotions). I cannot accept the company's claim that it is again an unfortunate and isolated incident because it is constantly repeated (...)" 4. Complaint No. APD C/EIS/237/14-01-2020 With the above complaint under item 4, the complainant complains that he received another promotional SMS from the complainant on 27.11.2019 even though he was excluded from all its promotions and had repeatedly stated its opposition and objections to receiving unsolicited promotional communications. The SMS she received from the complainant had the following content: 8 "BLACK FRIDAY AT THE WIND STORES! COME UNTIL 30/11 AND FIND UNIQUE OFFERS ON SMARTPHONES, TABLETS & ACCESSORIES! PLUS EARN 20% OF THE VALUE OF YOUR YELLOWS TRANSACTIONS! SEE HERE http://bit.ly/BF_OFFERS". The complainant, after receiving the above message, sent an email on 27.11.2019 to the YPD of the complainant (dpo@wind.gr) and received, on 13.01.2020, a response (...) from the service team as follows: "(...) Further to the e-mail you sent us from 27.11.2019, we inform you that due to human error, your number was included in the sending list of the short message in question, a fact for which we are extremely sorry. We assure you that we will make every effort to ensure that you do not

receive unwanted communications from now on (...)". The Authority sent the complainant the no. prot. APD C/EX/517/22.01.2020 document in which he forwarded to her the above complaints under items 3 and 4 and asked her to state her views on them and explain the following issues: - - - why they receive country the continuous problems (system malfunction and errors, individual and human) and continues to bother the complainant with unsolicited SMS while he has been excluded from all its promotional actions, whether the company's procedure facilitates the exercise of the rights provided for in the GDPR (article 12 para . 3 of the GDPR) of customers/subscribers since it does not provide the possibility of submitting the relevant requests electronically but submission in person at a store and in exceptional cases by registered letter, why is a photocopy of the police ID and original signature requested for the exercise of the rights of customers/subscribers provided for in the GDPR, - how does it apply the provisions of article 15 par. 3 subsection three of the GDPR, and - regarding the systemic problem a) to describe in detail what this problem was as well as the way and the actions to identify and correct it, b) to explain why, although the problem was resolved, it was required to change the date of exclusion of the complainant from promotional actions (from 24.01.2018 to 15.06.2018), c) to specify the number of 9 persons who have had the same problem as the complainant and provide relevant information. No. first APD C/EIS/2486/06-04-2020 response of the complainant on the complaints 3 and 4 above and the issues raised with the no. prot. APD C/EX/517/22-01-2020 document of the Authority: The telephone connection of the complainant with number ... is included in the Register of article 11 and in the Special Register of Objections that it maintains since 28.01.2016. And while his inclusion in the Article 11 Register was affected, his inclusion in the Special Objections Register has been uninterrupted since 28.01.2016. The two spam SMS of the last two complaints were received due to human error and not due to alteration of the relevant entry. The promotional campaigns carried out by the Complainant's Prepaid Marketing Department are divided into two categories: those that concern the entire subscription base of prepaid users and ad hoc campaigns, which concern subsets of said base. For the first category of campaigns, the exclusion of subscribers registered in the Special Register of Objections is done systematically, while for the second, with the intervention of an authorized employee. The two SMS received by the complainant were forwarded as part of ad hoc campaigns. The officer in charge "filters" the list of telephone numbers involved in the campaign with the Special Objection Register to remove from it persons who have exercised the right to object to receiving commercial communications. As an additional measure, the filtering of the list, already cleared of the numbers of the Special Register of Objections, is applied from the individual register of subscribers, which includes the persons who have submitted a complaint to the Authority complaining

about improper fulfillment of the right to object. The mobile number of the complainant has been registered in this separate register. On 19.09.2019, the responsible employee successfully applied the first filter, resulting in the exclusion of the complainant, but due to a mishandling, he applied the second filter in reverse, resulting in the complainant's telephone number being included in the list of the relevant campaign. The same error was reproduced on 27.11.2019 in the context of a campaign for which the same list was used. Necessary recommendations were made to the concerned officer. 10 The complainant notes that apart from the above two cases, the complainant has never received promotional messages since 28.01.2016, when he was added to the Special Register of Objections. The messages he received on 23.06.2018 were of a purely informative nature and concerned the expiration of service packages to which the subscriber had subscribed. According to the complainant, given the huge volume of commercial campaigns she conducts every day, it is understood that the two SMS were truly unfortunate incidents. It is indicated that between 01/01/2019 and 12/31/2019, 50,000 campaigns were carried out to prepaid subscribers and 300,000,000 SMS were forwarded. During this period no other subscriber other than the complainant submitted a relevant complaint or complaint. The complainant is redesigning the process and now the filtering of lists for ad hoc campaigns will be done systematically and not by an employee. In relation to the process of satisfying the rights deriving from the GDPR, the complainant states the following: The reason that the exercise of the rights has been qualified either by submitting a request to the stores or by letter lies on the one hand in the need to correctly identify the data subjects, on the other hand in mandate that only authorized employees gain access to subscriber personal data. Furthermore, the complainant considered that the decentralized structure of its stores, which operate under a franchise regime, is not appropriate to be involved in the satisfaction of the relevant requests, but these should, after being collected from the stores, be transmitted centrally for investigation and satisfaction to appropriately trained staff, with the involvement, where deemed necessary, of the specialized Data Protection Department, which is under the supervision of the Ministry of Foreign Affairs. The attachment of the police identification card and the originals of the signature are required only when the relevant request is submitted by letter or by a third party authorized for this purpose. There are exceptions to the procedure, which tend to facilitate the subjects. Thus certain rights, such as the right to object to processing for promotional purposes, inclusion in Register 11 as well as opting out of the Unified Telephone Directory can also be satisfied by phone by calling the Customer Service Department. 11 The complainant informs the Authority that after almost two years of implementation of the GDPR, it is radically redesigning the existing rights satisfaction process with a view to utilizing electronic means of communication. In

particular, it is planning the possibility of submitting the relevant requests through the MyWIND electronic platform, where subscribers are securely authenticated by setting their personal codes, and at the same time, the implementation of a wide-scale use of OTP is imminent, so that the satisfaction of the relevant requests can also be secured by telephone. In relation to the systemic dysfunction, the complainant states the following: In the disputed case, no such problem was detected in any of its information systems, as with the term systemic dysfunction it tried unsuccessfully to attribute the influence of the human factor to the information system. In particular, a failure of the operator operator caused a discrepancy between the complainant's declaration for inclusion in the Article 11 Register and the display of this declaration in the corresponding information system. The complainant had called the Customer Service Department several times to request that his number be entered on the Section 11 Register as well as to opt out of receiving all types of communications for promotional purposes. In the context of said communications, the complainant was served by different employees, who, upon receiving his insistence, which was due to him mistakenly believing that his relevant request had not been routed, de-selected and then re-selected the relevant field on his record which regarding his inclusion in the Registry, in order to make sure that his selection has been correctly entered. The last employee who served the complainant de-selected the relevant field and forgot to select it again, resulting in his removal from the Registry on 31.03.2018 and correction of the situation on 12.06.2018 following the complainant's request to the Ministry of Foreign Affairs. Operator failure is partly justified by the stress of telephone service due to workload and fatigue. Subsequently, the Authority sent the complainant the document No. C/EX/237-1/01-10-2020 with which she requested to be informed about the following: - What is the total number of persons, which are included in its separate register of subscribers, which includes subscribers who have previously filed a complaint with the Authority complaining about improper satisfaction of the right to object. 12 - - If the above register also includes persons who have been included in the Register of Article 11 of Law 3471/2006 or in the Special Register of Objections maintained by the complainant and, in the affirmative, for the number of such persons. For the number and content of the messages that were sent to the persons in the above register due to the reverse application of the second control filter which resulted in the inclusion of their telephone numbers in the campaign lists on 19.09.2019 and 27.11.2019. No. APD C/EIS/7726/11-11-2020 response of the complainant to the Authority's document No. APD C/EX/237-1/01-10-2020: The complainant replied that the Special Register of Subscribers contains seven (7) telephone numbers, of which three (3) are landline connections and four (4) are mobile. The numbers in question are all included in the Special Objections Register and six (6) of them are included in the Article 11

Register. WIND VISION and one on 27.11.2019 for BLACK FRIDAY). The company believes that the inconvenience to the specific subscribers was not significant and was more informational rather than aggressive since the SMS were sent to existing subscribers in order to benefit if they wished from offers that were beneficial to them. The complainant informed the Authority that it has already implemented the necessary changes so that the filtering of the lists for the ad hoc campaigns is done systematically in order to completely eliminate the margin of human error. Subsequently, the Authority invited both parties to a hearing, via video conference, before the meeting of its Department on 19/01/2022 (call with prot. no. C/EXE/72/12-01-2022 to the complainant and call with original number G/EXE/73/12-01-2022 to the complainant) in order to discuss the above complaints. At the meeting of 19/01/2022, the complainant and on behalf of the complainant were attended by lawyers Athina Hatzipavlis with AMDSA ... and Chrysi Tsatha with AMDSA The complainant submitted within the deadline the memorandum No. G/EIS/2173/11-02-2022 after the hearing before the Authority in which she mentions, in addition to the above, the following, briefly stated: 13 The subject of the complaints in question is the due satisfaction of the complainant's rights of objection and access, as well as his inclusion in the Article 11 Registry. The complainant clarifies that despite the fact that multiple consecutive requests were submitted by the complainant for the satisfaction of the right of objection, in essence these concerned exclusively the more specific manifestation of the right, which concerns its exclusion from its advertising campaigns. Regarding the telephone harassment to the complainant: During the time period when the complainant's telephone number was removed from the Article 11 Registry (from 03-31-2018 to 06-12-2018) due to incorrect action by a customer service employee, two calls from the complainant (on 25-05-2018 from the number ... and on 04-06-2018 from the number ...), which, according to the reported facts, had the purpose of researching the consumer public and not the promotion of products and services and therefore as such could also be addressed to telephone numbers, which are included in the Article 11 Registry. Furthermore, some time after the reinstatement of the complainant's telephone number in the Article 11 Registry, the latter states in his complaints that he received a promotional call (on 23-07-2019 at the number ...), which was however carried out by a third company with which the complainant is not related, as explained to the complainant in her letter dated 09-19-2019 . The complainant provided a) a record sheet produced by the Data Storage Department systems showing the history of the inclusion of the complainant's telephone number in the Article 11 Registry and the Special Objections Register and b) the email from 01-31-2018 to the complainant, where he assures him of his inclusion in the Register of Article 11 Regarding unsolicited SMS: The relative Directive of the complainant for the systemic

exception through a special tool of the Special Objection Register for the conduct of advertising campaigns via SMS to prepaid subscribers , after the identification by the involved departments of the relevant unfortunate incident concerning the complainant, took place on 05-10-2022. The need to separately exclude the list of numbers of subscribers, who in the past have filed complaints for improper satisfaction of the right to object, as an incremental protective filter, no longer exists. And this is because the automatic systemic exclusion of the Special Register of 14 Objections eliminated the risk of making a mistake in the relevant procedure. In the complaints attached to the Authority's document No. C/EX/5652-1/02-08-2018, the complainant states that he received, apart from the two messages on 09-19-

2019 and on 27-11-2019, three more spam SMS. Of these three SMS, one is purely informative in nature and was intended to inform the user about the exhaustion of the prepaid service package. The other two SMS are, at first, of a promotional nature, but the complainant clarifies that they were sent at a time when the subscriber had used up the built-in usage of his connection and were intended to motivate him to buy a new package, in order to avoid using up of the available balance on the card. The complainant notes that it now excludes its subscribers who have exercised the right to object from any promotional message, even those aimed at promoting a package to avoid using up the available balance on the card, and apologizes for sending both of these to the complainant messages, even though they were intended to protect him from excessive charges.

Regarding the satisfaction of the request for inclusion in the Article 11 Registry and the complainant's right to object: According to the history of the complaints under consideration, the complainant submitted multiple requests to be included in the Article 11 Registry. However, some of them submitted them to the e-mail address of the DPO of the complainant, which was not intended at that time for the satisfaction of the relevant requests, as the employees who managed this e-mail address did not have access to the subscribers' records. As regards the requests for the registration of the telephone number of the complainant in the Special Register of Objections, these have been dismissed, given that the inclusion has already taken place on 01-28-2016. The complainant points out that every time the complainant re-submitted the request for an exemption through the telephone service, it was properly satisfied, in the sense that his inclusion was re-checked and confirmed by the employee who served him. The fact that some of the complainant's emails to the DPO email address referred to a store for the submission of a GDPR right exercise form was due to the inability to adequately identify the complainant through the DPO email. However, the error identified by the complainant and for which she apologizes, lies in the fact that there was no reason to refer the 15 complainant to a WIND store, but it was enough to prompt him to call the telephone service, since the right to

object to the processing for promotional purposes and the inclusion in the Register of article 11, could also be satisfied by telephone by calling the Service Department. Regarding the satisfaction of the complainant's right of access: The complainant's right of access was admittedly submitted by the complainant on 08-16-2019 through the online customer service form and was satisfied with the complainant's reply from 09-19-2019, to his email address... , the confirmation of which was made after telephone communication with him. The complainant clarifies, in relation to the complainant's access request, as contained in the dated 21-06-

2018 electronic message to the dpo address, that this was not satisfied, as the channel in question did not offer for the proper identification of its subscribers. Regarding the compliance of the complainant with the instructions of the Authority: Except the modification of the procedure related to the conduct of advertising campaigns through short messages, the complainant carried out a review of the procedure for submitting consumer requests related to the satisfaction of the rights provided for in the GDPR. From 05-28-2021, the possibility to submit such requests through the online contact form has been implemented, to which a special field entitled Exercise of GDPR Rights has been added (available at <https://www.wind.gr/gr/epikoinonia/forma-epikoinonias/>). The complainant submits as proof of the effective date of the new way of submitting said requests, the official notification that was sent internally to its involved departments by the department responsible for consumer service issues. The inclusion of the GDPR rights submission process, in the electronic contact form, was evaluated as the best solution for the following reasons: First, because according to the General License Regulation and article 3.6.1. of this, providers must ensure the existence of a procedure for examining consumer complaints and ensure, inter alia, that they publish in a prominent and easily accessible place on their websites the e-mail address and/or their website address with a special form, which they owe to have for the service of consumers. Since the complainant has chosen the contact form as the most convenient way to submit the requests of its subscribers and concerned consumers in general, it has followed the same practice for 16 requests related to GDPR rights. In addition, especially for this category of requests, the electronic contact form is preferable because it allows the completion of the necessary identification information of the subject concerned, as well as the attachment of an identity document. In addition, the subject's selection of the relevant field greatly facilitates the categorization of said requests and makes it easier to satisfy them. Finally, the complainant's subscribers are familiar with the use of the electronic contact form. The complainant states that by following the recommendations and instructions of the Authority, she fully complied with the requirements of the legislation in the examined cases so that they do not repeat in the

future and the complainant is not disturbed again. There were some errors of inexperience on the part of the complainant, but these have been corrected. The Authority, after examining all the elements of the file and what emerged from the hearing before it and the complainant's memorandum, after hearing the rapporteur and the assistant rapporteur, who was present without the right to vote, after a thorough discussion. CONSIDERED IN ACCORDANCE WITH THE LAW 1. From the provisions of Articles 51 and 55 of the General Data Protection Regulation (EU) 2016/679 (GDPR) and Article 9 of Law 4624/2019 (Official Gazette A' 10 137) it follows that the Authority has authority to supervise the implementation of the provisions of the GDPR, this law and other regulations concerning the protection of the individual from the processing of personal data. 2. The issue of making unsolicited communications by any means of electronic communication, without human intervention, for the purposes of direct commercial promotion of products or services and for any kind of advertising purposes, is regulated by article 11 of Law 3471/2006 on the protection of personal data data in the field of electronic communications, which incorporated Directive 2002/58/EC into the national legal order. According to this article, such communication is permitted only if the subscriber expressly consents in advance. Exceptionally, in accordance with article 11 par. 3 of Law 3471/2006, e-mail contact details obtained legally, in the context of the sale of products or services or other transaction, may be used for the direct promotion of similar products or services of the supplier or to serve similar purposes, even when the recipient of the message has not given his consent in advance, provided that he is provided in a clear and distinct manner with the possibility to object, in an easy way and free of charge, to the collection and use of his electronic data and this during the collection of contact data, as well as in every message, in case the user had not initially objected to this use. 3. According to article 12 par. 2, 3, 4 and 6 GDPR "2. The controller shall facilitate the exercise of the data subjects' rights provided for in Articles 15 to 22. In the cases provided for in Article 11(2), the controller shall not refuse to act at the request of the data subject to exercise his rights under of articles 15 to 22, unless the controller proves that he is unable to ascertain the identity of the data subject. 3. The controller shall provide the data subject with information on the action taken upon request pursuant to articles 15 to 22 without delay and in any case within one month of receipt of the request. This deadline may be extended by a further two months if necessary, taking into account the complexity of the request and the number of requests. The data controller shall inform the data subject of said extension within one month of receipt of the request, as well as of the reasons for the delay. If the data subject makes the request by electronic means, the information shall be provided, if possible, by electronic means, unless the data subject requests otherwise. 4. If the data controller does not act on the data subject's

request, he shall inform the data subject within one month of the receipt of the request of the reasons why he did not act and of the possibility of filing a complaint with a supervisory authority and taking legal action . (...) 6. Without prejudice to Article 11, when the controller has reasonable doubts about the identity of the natural person making the request referred to in Articles 15 to 21, the controller may request the provision of additional information necessary for the confirmation of the identity of the data subject." 4. According to article 15 par. 1 GDPR "1. The data subject has the right to receive from the controller confirmation as to whether or not the 18 personal data concerning him is being processed and, if so, the right to access the personal data and the following information: (...)". 5. According to Article 21 para. 2 of the GDPR "If personal data is processed for direct marketing purposes, the data subject has the right to object at any time to the processing of personal data concerning him for said commercial promotion, including profiling, if related to such direct marketing." In paragraph 3 of the same article it is defined that "When the data subjects object to the processing for direct marketing purposes, the personal data are no longer processed for these purposes". 6. According to article 25 para. 1 of the GDPR "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 from processing, the controller effectively implements, both at the time of determining the means of processing and at the time of processing, appropriate technical and organizational measures, such as pseudonymization, designed to implement data protection principles data, such as the minimization of data, and the incorporation of the necessary safeguards in the processing in such a way as to meet the requirements of this Regulation and to protect the rights of data subjects." 7. In relation to the exercise of the right to object: In this case, the complainant exercised the right to object provided for in article 21 par. 2 GDPR by registering on 28.01.2016, following his request, a) in the Special Register of Objections kept by the complainant, as being excluded from any of its promotional actions and b) in the Register of Article 11 of Law 3471/2016 ("opt-out" register), which is also kept by the complainant, for the exemption from making promotional telephone calls to his mobile phone number. However, after the date of his registration in the Special Register of Objections, the complainant received five (5) unsolicited promotional SMS from the complainant, three on 14.06.2018, one on 19.09.2019 and one on 27.11.2019 (see history of this) . The complainant characterizes one of the three messages sent 19 on 14.06.2018 (with content "New talk to all & data package expires tonight. Enter in the MYF2G APP and activate it again for minutes of talk to all, sms and MB in one movement") as purely informational, which was intended to inform the user about the exhaustion of prepaid service package. From the content of the

said message, however, it appears that it includes a promotion since it refers to a reactivation of the package. The message from 23.06.2018, the content of which was not provided by either side, was, according to the complainant's response, purely informative in nature. It should be noted that four of the above five promotional messages (the three messages on 14.06.2018 and the message on 27.11.2019) did not include an option to delete the recipient. The complainant did not act to stop sending the promotional messages to the complainant despite his objection, his repeated messages (see history of this), in which he complained about receiving each promotional SMS, repeated that he is registered in the Special Register Objections and is therefore excluded from any promotional action and despite its own assurances about respecting the relevant objection. The complainant did not take any action to stop these promotional messages even after the Authority transmitted to her the complaints considered under items 1 and 2, but sent the last two consecutive messages to the complainant after her response to these complaints (Cf. APD 37 /2015 and 71/2015, especially s. 5. See also APD 26/2021). Regarding the registration of the complainant in the Register of Article 11 of Law 3471/2006, it was interrupted, according to the complainant's answer, for a period of three months, from 31.03.2018 to 12.06.2018, due to human error by her employee and was restored after action of the complainant. During this period, no promotional telephone calls were made by the complainant, nor is there any evidence provided by the complainant that he received promotional telephone calls from other companies. The complainant made two market research telephone calls which do not fall under the purpose of promoting products and services. Also, according to the complainant's response, the promotional telephone call to the complainant from the number ..., which was made after his inclusion in the Article 11 Registry, was carried out by a third company with which he is not related. In her post-hearing memorandum, the complainant states that complainant 20 submitted multiple requests to be included in the Article 11 Registry and submitted some of them to her DPO's email address. Regarding this issue, it is pointed out in principle that it is not necessary to submit multiple requests for inclusion in the Article 11 Register, but the first relevant request of the applicant is sufficient. Secondly, from the e-mail submitted to the Authority by the complainant, it appears that he did not exercise the right to object (to the inclusion either in the Register of Article 11 or in the Special Register of Objections) via the e-mail address of the Ministry of Foreign Affairs, but with the messages he sent complaining about receiving the promotional SMS despite having already objected and despite his repeated protests. Consequently, a violation of Article 21 (3) GDPR is established by sending the five (5) promotional messages to the complainant despite his opposition and repeated protests, as well as by removing his telephone number from the Article 11 Register for a period of time three (3) months without having requested it himself. 8. In

relation to the exercise of the right of access: In this case, the complainant submitted to the complainant the following requests to exercise the right of access: a) the request from 25.05.2018 via message to the e-mail address of the DPO, with which he requested to be informed "if you maintain an opt-in consent for me to take part in a customer satisfaction survey. In addition, I request access to possible consent", b) the request from 14.06.2018 via message to the e-mail address of the Ministry of Foreign Affairs in which he requested to be sent a copy stating that he has been excluded from any promotional action of the complainant as well as that he is included in Register of article 11 and the date of its inclusion in it, c) the request from 21.06.2018 via message to the e-mail address of the Ministry of Foreign Affairs in which he requested access to his possible consent for promotional SMS and automated calls for customer satisfaction survey, in the initial conversation (request ...) for his exclusion from promotional activities and his inclusion in the Register of article 11, as well as his conversation on 14.6.2018 with an employee of the complainant and d) the request dated 16-08-2019, which he submitted through the online customer service form. 21 Based on the facts of the cases under review, the complainant did not satisfy the above requests under items a and b of the complainant because they were not exercised in any of the ways specified in, at that time, published on the website its policy for the exercise of rights deriving from the GDPR (i.e. going to a store and in exceptional cases, and if the subject does not have access to a store, submitting the application by an authorized person or by registered letter). The complainant replied to the complainant that as soon as he follows the above procedure described in his policy and of which he was informed in detail in his letter dated 14.06.2018, his request to exercise the right of access based on the GDPR will be granted within the period provided by said Deadline Regulation. Accordingly, he claimed before the Authority that the complainant did not exercise his rights in any of the ways specified in its policy in order to be able to satisfy them. However, the GDPR does not establish a specific procedural framework for the exercise of a right but provides that the data controller must facilitate the exercise of the data subjects' rights (Article 12(2) GDPR), providing the means for their electronic submission, in particular when data are processed by electronic means (ref. 59 GDPR). According to the guidelines on transparency under Regulation 2016/679 (WP260 rev.01) of the European Data Protection Board, the different ways provided by the controller to exercise the rights of data subjects must be appropriate for the context and the nature of the relationship between them and reflect the different ways in which data subjects interact with it. In particular, a controller, who uses an electronic form on his website and paper forms at his reception, still accepts requests for access submitted by other means (such as by letter or e-mail) and provides a dedicated contact point for this purpose (which can be accessed by e-mail or

telephone) to help data subjects exercise their rights (see example p. 35 of the WP260 rev.01 guidelines). Therefore, the exercise of a right under Articles 15 to 22 of the GDPR does not require 22 to be surrounded by a specific formula or to be exercised in a solemn manner, e.g. by invoking the provisions of the GDPR or with an explicit reference to its exercise (see APD 13/2021, APDPH 26/2021, APD 36/2021). Although the standard forms used in order to exercise the right of access facilitate the recognition of a right of access, its exercise is equally powerful if the subject submits it by letter, e-mail or verbally. Therefore, it is not mandatory to use the standard form and subjects are simply encouraged to use it (see APD 19/2022). In this case, the complainant proceeded to exercise the right of access, in an irrefutable and clear manner, through his written messages under items a and b above to the e-mail address of the DPO of the complainant. In fact, the specific address was listed in its, at that time, publicized policy, while according to Article 38(4) GDPR, the DPO is a point of contact with the data subjects for the exercise of their rights. According to the no. prot. APD C/EIS/2486/06-04-2020 response of the complainant, the specialized Data Protection Department, which is under the supervision of the Ministry of Internal Affairs, is involved, where deemed necessary, in the investigation and satisfaction of requests to exercise rights, which is carried out centrally by appropriately trained staff, while in the stores, which operate under a franchise regime, only the data is collected and transmitted to the headquarters. It should be pointed out that, according to what was written in her response from 19.09.2019 to the complainant's access request under item d above, she satisfied his request for inclusion in the Article 11 Register, which the complainant sent via email, contrary to the content of her reply to the above messages under items a and b.

9. Furthermore, the complainant presented as a reason for non-satisfaction under items a and b requests of the complainant to secure his personal data, which has as a prerequisite the correct identification of each customer's personal data. According to the claims of the complainant both to the complainant and to the Authority, identification cannot be carried out by e-mail, but only, for some requests by telephone and for some others including requests for the exercise of rights stemming from the GDPR or through of the physical presence in a store, of the 23 data subject or a person legally authorized by him, or by registered letter. The same reason, i.e. that the channel used to exercise the right of access, i.e. the address of the Ministry of Internal Affairs, was not offered for the proper identification of its subscribers, was put forward by the complainant in her post-hearing memorandum in relation to the above item c request of the complainant (see paragraph 11 hereof). However, the complainant as a telecommunications provider has most convenient ways of correctly identifying data subjects without necessarily requiring that the same channel as that used to submit the request to exercise the right of access or the physical

presence of the subject be used for identification of the data in the store. In addition, for the exercise of one of the rights deriving from the GDPR, namely the right to object to the processing of data for the purposes of direct marketing as well as the right to unsubscribe from the Unified Telephone Directory, provided for in Article 21(2) of the GDPR, the complainant provided the possibility of telephone identification through customer service. She could therefore confirm the complainant's identification details, which she already had on file, using his mobile phone number (see APD 19/2002), which she also already had on file as the provider of that number, or by referring him to customer service for telephone identification. In addition, it follows from the provisions of Article 12(6) of the GDPR that in case the data controller has reasonable doubts about the identity of the natural person submitting the request, the data controller may request the provision of additional information necessary for the confirmation of the identity of the data subject. However, in the present case, the complainant did not explain or substantiate what reasonable doubts she had as to his identity or ask him for such additional information. 10. According to what is mentioned in the above considerations, the non-exclusive use by the complainant of the ways of exercising the right of access described in the policy of the complainant does not constitute a legal reason for his non-satisfaction and, therefore, a violation of Article 15 (1) GDPR is established, while the reported, pretextually invoked impossibility of correctly identifying the complainant in other ways than physical presence in the store or by registered letter made it difficult to exercise the right of access in violation of Article 24 Article 12 (2) GDPR. 11. The complainant did not provide any response to the complainant regarding the satisfaction or otherwise of his request under item c above. However, the complainant, as the data controller, has an obligation to provide a reasoned response to the complainant's right of access, even in the negative (StE 2627/2017), in the event that, in her opinion, there is no legitimate reason to satisfy the request, within one month of receiving it , in accordance with Article 12 (3) GDPR. If the data controller does not act on the data subject's request, it shall inform the data subject within one month of receipt of the request of the reasons for not acting and of the possibility of filing a complaint with a supervisory authority and taking legal action, in accordance with Article 12 (4) GDPR. The controller's failure to respond to the subject's request for access and information about his personal data constitutes an independent violation under Article 15 GDPR. In the present case, the complainant, on the one hand, did not provide an answer to the complainant, even if it was negative in violation of article 12 (3) and (4) GDPR, on the other hand, she did not satisfy his legal request above under point c as it was due in violation of the article 15 (1) GDPR. Although the complainant claims inexperience in the management of the complainant: a) it maintained its policy for the exercise of the rights deriving from the GDPR by physical presence in the store

or by registered letter from 2018 to 2021 (see history of the present), b) during this period applied another policy for specific rights through a telephone call to the Customer Service Department, c) continued to give the same answers to the Authority even with its post-hearing memorandum, d) the complainant had to submit the above under item d access request a year later through customer service for the complainant to consider it admissible and to satisfy it, while in her response from 19.09.2019 to said request she did not include the information requested by the complainant with his previous requests (if his consent for customer satisfaction survey and recorded conversations). 12. Therefore, based on the above data, it is established that the complainant violated the complainant's right of access according to article 15 paragraph 1 in combination with article 12 paragraphs 2, 3 and 4 GDPR. 13. Regarding the procedures followed by the complainant: In this 25 case, the complainant replied to the Authority that the complainant was registered in the Special Register of Objections and in the Register of Article 11 on 24.01.2018², then on 15.06.2018³ and finally on 28.01. .2016⁴. Furthermore, the complainant informed the Authority that the exclusion of the complainant's telephone number from the Article 11 Registry for a period of three (3) months, from 31.03.2018 to 12.06.2018, was caused by a systemic malfunction. Afterwards, however, he informed the Authority that with this answer he tried unsuccessfully to attribute the influence of the human factor to the information system as the exclusion in question was due to a failure of the employee operator, who de-selected the relevant field on the complainant's record, in order to made sure his selection was entered correctly, and forgot to reselect it. Furthermore, the complainant informed the Authority that it has the option of systematically excluding its subscribers registered in the Special Register of Objections, which it applied, however, only to the category of promotional campaigns that concerned the entire subscription base of prepaid users. On the contrary, in the ad hoc campaigns concerning a subset of this base, it applied a manual process with the intervention of an authorized employee, which included the application of two filters, the first regarding the exclusion of the Special Register of Objections and the second regarding the exclusion of the Individual Register of Subscribers , which includes subscribers who have in the past submitted a complaint to the Authority complaining about improper fulfillment of the right to object. However, by applying the second filter, the complainant excluded persons who had already been excluded by applying the first, as the seven (7) persons included in the Individual Register of Subscribers are all registered in the Special Register of Objections. The mishandling of the officer in charge, who reversed the second filter, resulted in the four (4) mobile subscribers registered in both the above Registries receiving two promotional SMSes in each of the two ad hoc promotional campaigns in WIND VISION and BLACK FRIDAY. Consequently, the complainant chose to use the manual process in question for the ad hoc

promotional campaigns, which entailed a risk of favoritism 2 With her reply document No. APD C/EIS/7316/11.09.2018. 3 With its response document No. APD C/EIS/8605/31.10.2018. 4 With its response document No. APD C/EIS/2486/06-04-2020. 26 errors and included the above unnecessary application of the second filter, although it already had the possibility of automatic systemic exclusion of the Special Objection Register. Its claim that, due to the use of the automatic systemic exemption of the Special Objection Register from 05-10-2022 and for ad hoc campaigns, there is no longer a need for a separate exemption of the Individual Special Subscriber, is not correct because, as mentioned above, it was not necessary in the manual process either. Regarding the allegation of the complainant that no subscriber other than the complainant submitted a relevant complaint or complaint during the period from 01/01/2019 to 31/12/2019, during which 50,000 campaigns were conducted on prepaid subscribers and 300,000,000 were promoted SMS, it is pointed out that at least three (3) other subscribers received promotional messages in the WIND VISION and BLACK FRIDAY ad hoc campaigns even though they had objected and could have complained about it. It cannot be accepted nor the complainant's claim that the nuisance towards the four (4) subscribers who received a total of eight (8) SMS in the above two campaigns do not it was important and more informative rather than offensive since the SMS were sent to existing subscribers in order to benefit, if they wished, from offers that are advantageous for them, as the objection to processing for promotional purposes must be made respected without exceptions and does not depend on the content of the offer.

In addition, according to the complainant's response, the reason for the quarter deregistration of the complainant from the Article 11 Registry against his will and h which was restored after his own action, namely that the operator forgot to reselect the relevant field after deselecting to make sure it has the complainant's choice is correctly registered, it shows the lack of suitable ones technical measures to remind and confirm the relevant action operator considering that the complainant acknowledges fatigue and load work in the context of telephone service.

Based on the above, a violation of Article 25 (1) of the GDPR is established as the

complainant did not have the necessary and appropriate procedures in practice measures in order to ensure the right to object and its termination processing the data for the promotional purpose, in order to meet the requirements of the GDPR and to protect the rights of their subjects data.

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14. The Authority reserves the right to review its new procedure ex officio reported for the exercise of the rights of the data subjects through a form on its website, for which the former was informed by after the hearing of her memorandum and which, however, did not apply at the time to whom the complaints in question concern.

15. According to the GDPR (Ref. Sk. 148) in order to strengthen the enforcement of the rules of this Regulation, sanctions, including administrative ones fines, should be imposed for each violation of this Regulation, in addition to or instead of appropriate measures imposed by the supervisory authority according to this Regulation.

16. Based on the above, the Authority considers that there is a case to exercise the following article 58 para. 2 c) GDPR (right satisfaction order) and 58 para. 2 i) and 83 GDPR (imposition of a fine) its corrective powers with regard to the above established violations. To determine the sanction, the Authority takes into account the criteria measurement of the fine defined in article 83 par. 2 of the GDPR that they have application to the present co-examined cases.

17. In particular, special consideration is given to:

i. The nature, gravity and duration of the infringement: As to the right objection, the complainant continued to send promotions messages to the complainant between July 2018 and November

2019, a total of five (5) in number, despite his opposition as early as 28.01.2016 and his repeated protests. As for the right of access, the complainant, with the complainant's referral to shop and the pretextual invocation of the impossibility of his correct identification made it difficult for him to exercise this right, while he satisfied only the last of the four (4) requests to exercise this right, the submitted by the complainant between May 2018 and August 2019.

ii. The fact that the complainant did not take actions to a) stop the sending of promotional messages and b) to provide the information that the complainant requested with the 25.05.2018 and 21.06.2018 exercise requests of the right of access and which are not included in the response of his fourth request (his consent to promotional SMS and customer satisfaction survey as well as recorded conversations) nor after 28 submitting complaints to the Authority.

iii. The fact that the complainant maintained its policy on the exercise of rights deriving from the GDPR with a physical presence in the store or by registered letter from 2018 to 2021, although it is about provider telecommunication services with the possibility of exploitation electronic means to facilitate the exercise of these rights.

iv. The fact that during the above period another policy was applied, which, according to its response No. APD C/EIS/2486/06-04-2020, tends to facilitate the data subjects, by telephone by calling the Customer Service Department, for specifics only

rights, such as the right to object to processing for promotions

purposes, the inclusion in the Register 11 as well as the withdrawal from the Uniform Telephone Directory.

v. The degree of responsibility of the accused, which emerged that she did not apply in practice in this case the appropriate automatic systemic process, which it already had, and the appropriate technical measures in the context of customer service to ensure the right to object, taking into account its size, the nature of its services and the of the fact that it processes a particularly large number of personal data data subjects.

vi. The fact that in this case the violations found simply concern personal data of a single data subject.

vii. The fact that from the elements brought to the attention of the Authority and based on which found the violations of the GDPR, the complainant, as responsible processing did not obtain a financial benefit, nor did it cause material damage to the complainant.

viii. The fact that the Complainant, as the controller, the Authority, has impose an administrative fine in the past, in two cases, for the purpose the promotion of products and services (decisions 60/2018 and 28/2019).

ix. The fact that the violation of the rights of data subjects falls under, in accordance with the provisions of article 83 par. 5 sec. 2nd GDPR, in higher prescribed category of the administrative grading system fines, while the breach of the controller's obligations according to article 25 GDPR, in accordance with the provisions of article 83 par. 4 sec. a

x. The fact that from the available in GE.MH. details of the complainant

it follows that its turnover during the year 2021 amounted to

552,293,000 euros (<https://publicity.businessportal.gr/company/4127301000>).

FOR THOSE REASONS

THE BEGINNING

A. Gives an order to the complained company under the name of WIND Hellas

Telecommunications SA, now NOVA TELECOMMUNICATIONS & MEDIA MONOPROSPI

S.A., as data controller, based on article 58 par. 2 item 3rd GDPR, such as

immediately satisfy the rights exercised on 25.05.2018 and 21.06.2018

access of the complainant to the party that have not yet been satisfied ie to

any consent to promotional SMS and automated calls for research;

customer satisfaction, in the conversation (request ...) to exclude him from promotions

actions and its inclusion in the Register of article 11, as well as in the from 14.6.2018 and

time ... his conversation with an employee of the complainant.

B. Imposes, on the complained company as responsible for administrative processing

a fine of a) sixty thousand (€60,000) euros for the above established

violation of article 21 (3) GDPR, b) sixty thousand (€60,000) euros for the above

established violations of articles 15 par. 1 in combination with article 12 par.

2, 3 and 4 GDPR based on articles 58 par. 2 item i' and 83 par. 5 item b) GDPR and c)

thirty thousand (€30,000) euros for the above found violation of the article

25 (1) GDPR based on articles 58 par. 2 item. i' and 83 par. 4 item 1 GDPR,

The president

The Secretary

Konstantinos Menudakos

Irini Papageorgopoulou