

Athens, 4-11-2020

PRINCIPLE OF DATA PROTECTION

Prot. No.: G/EX/7273-2/04-11-2020

OF A PERSONAL CHARACTER

Decision of the President of the Authority no. 1/2020

(article 15 par. 8 of Law 4624/19 in conjunction with article 58 par. 2 f GDPR)

1. Because with the no. prot. G/EIS/7273/22.10.20 their complaint to

the Authority against the Ministry of Education and Religious Affairs

complainants A, B, C, D, E and F, primary school teachers and

secondary education, public school servants and some

of these, board members of recognized trade union bodies, complain

that the processing of personal data that will take place on 7.11.2020

in the context of electronic voting for the election of electors

representatives in the service councils of Primary teachers

and Secondary Education is non-legal and in accordance with the

provisions of the personal data protection legislation. With the

complaint and request the issuance of a temporary injunction in order

to suspend the conduct of the above electronic voting until

issuance of the Authority's relevant decision on the complaint, in view of

risks created by the relevant and ongoing processing

data breach in the Panhellenic School Network.

In particular, the complainants state that electronic voting

is unlawful, as the purpose can be achieved without processing them

of personal data, does not meet the requirements of the law

personal data protection, endangers the right

data protection, as well as fundamental rights and freedoms both

of the voters as well as the electors, does not ensure the requested level of protection, is carried out after notification of a breach data of the Panhellenic School Network (PSD) and distorts it as well undermines a collective and fundamental democratic process which it is an expression of popular sovereignty and the democratic principle.

For these reasons and in particular, as claimed above their reported complaint to the Authority, in view of the high risk caused to data subjects by its process electronic voting, they ask the Authority to ban it conducting electronic voting for the nomination of electors representatives in the service councils of Primary teachers and Secondary Education by issuing a temporary order.

Subsequently, with the attorney's document dated 30.10.2020 of complainants to the Authority, the urgency is highlighted issuance of the temporary injunction.

2. Because a necessary condition for the issuance of a temporary injunction is the strong probability that the intended processing will cause significant risk to the personal data of the affected subjects, for the prevention of which prohibition or restriction is necessary of, a fact which does not occur in the present case of conduct of electronic voting. After all, the collection and processing of personal data of data subjects (voters and of voters) is also carried out with a non-voting procedure automated. Furthermore, it does not follow that with her method of electronic voting may be irreparably harmed from the rights of the data subjects, such as for example

if there is a blow to the confidentiality of the natural vote persons. And this as the method used seems to follows international standards for electronic voting while it has used without known problems in other cases as well (e.g. elections of rectory authorities). Besides, the use of electronic systems voting cannot be considered, in advance, as opposed to legislation for the protection of personal data, such as after all, it follows from the Recommendation CM/Rec(2017)5 of its Council of Europe on electronic voting standards¹ and related guidelines of the French supervisory authority (CNIL)².

3. Because the mentioned in the complaint as an ongoing incident breach of personal data is not an incident violation within the meaning of article 4 par. 12 of the GDPR. The relative announcement of the PSD is a preventive information measure and awareness of its users. Sending emails mails which contain in their body old familiar messages trafficked in user mail, does not assume breach of the PSD e-mail servers, as well it is very likely that third-party servers have been compromised (e.g. message recipients) or individual user accounts. after all, Recently several such incidents have appeared³ which do not are associated with the PSD.

4. Because, further, in view of the above observations, even if an impact assessment study is required, its non-action to date, it is not a reason to prohibit the processing, as it is a violation thereof of article 35 of the GDPR does not imply a violation of the governing principles

the processing of personal data, nor leads as such
to an irreparable injury to any of the rights of their subjects
data.

5. Because, in view of the above, and regardless of the fact that the
data processed in the context of voting for
election of elected representatives to the Teachers' Service Councils,

1 https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=0900001680726f6f

2 <https://www.cnil.fr/fr/securite-des-systemes-de-vote-par-internet-la-cnil-actualise-sa-recommandation-de-2010>

3 See and announcement of the Electronic Crime Prosecution Directorate

[http://www.astynomia.gr/index.php?option=ozo_content&lang=%27..%27&perform=view&id=98203
&Itemid=2524&lang=](http://www.astynomia.gr/index.php?option=ozo_content&lang=%27..%27&perform=view&id=98203&Itemid=2524&lang=)

they are not sensitive data, as they falsely claim

complainants, since the process of nominating elected representatives in
service councils is not a trade union election process

body, given that, according to Chapter B' of P.D/tos1/2003, the

responsibilities of these councils concern official matters

staff situation, however, there is no threat

risk for the personal data of affected subjects, which will

was a reason for issuing a temporary injunction.

FOR THOSE REASONS

THE BEGINNING

Denies the request for a temporary injunction.

The president

Konstantinos Menudakos