

PRINCIPLE OF DATA PROTECTION

OF A PERSONAL CHARACTER

Athens, 14-06-2018

Prot. No.: G/EX/5327/14-06-2018

A P O F A S H 49 /2018

(Department)

The Personal Data Protection Authority met after

invitation of its President to a composition of the Department at its headquarters on Wednesday

31-01-2018 at 10:00 a.m., in order to examine the case mentioned

in the present history. The Deputy President, George, was present

Batzalexis, obstructing the President of the Authority, Constantinos Menoudakos,

and the alternate members Panagiotis Rontogiannis, Charalambos Tsiliotis and

Grigorios Tsolias, as rapporteur, replacing the regular members of Antonio

Symvoni, Spyridon Vlachopoulos and Charalambos Anthopoulos, respectively, the

who, although legally summoned in writing, did not attend due to disability.

Present without the right to vote was Fereniki Panagopoulou, legal auditor

- lawyer, as assistant rapporteur and Irini Papageorgopoulou, employee of

department of administrative and financial affairs, as secretary.

The Authority took into account the following:

With documents no. C/EIS/5844/29-3-2016 and C/EIS/6441/14-10-2016, A

complains that General Hospital (region) X forwarded to its reporter

her newspaper

(region) X "... names of rheumatic patients of

Hospital, including herself. According to

allegations of the applicant, the evidence in his possession

journalist are identical to the rheumatologist's file which

monitors 98 rheumatic patients of the hospital.

In the from ... memorandum of clarification of journalist B before him

Guilt (region) X o B lists names of rheumatic patients and

their phones and asks the criminal judge to order their production

patient records from Hospital (area) X, in order to ascertain

if their treatment has been interrupted.

In no. prot. C/EX/5844-1/3.11.2016 document providing clarifications that

the Authority sent to the Hospital, the Hospital replied with the

C/EIS.7864/30.11.2016 reply document to the Authority that, after conducting

preliminary examination and sworn administrative examination, "did not arise

indications of guilt (responsibility) for anyone involved". All examinees

stated that they do not know how the transfer of patient data to

newspaper reporter.

The Authority then invited the representatives of the Hospital to a hearing

before the Authority on Wednesday 13.9.2017 at 10 a.m. The Hospital came

to the Authority represented by his legal advisor Irini Stergiopoulou and

expressed his views through G/EIS.6744/20.9.2017 and G/EIS/6757/20.9.2017

his memos. Its representative was also invited before the Authority

Hellenic Society of Antirheumatic Struggle-Prefecture (region) Branch X, C, n

which represents the applicant A, but also A herself.

From the elements of the case file and according to their correct assessment

it appears that the Criminal Court (region) X D requested with the no. first...

his document from the Hospital to send him an updated copy

specific rheumatic patients – including A. As

therefore, the Hospital was obliged, according to his claims, to

grant the requested data, without prior authorization from the Authority. Further,

the Hospital argues that the hypothetical possession of information by a journalist when not confirmed by any document does not constitute a violation of the law on personal data protection. The complainant attended photocopy presented as written explanations of the journalist in criminal case in which he was involved. However, to export a copy from criminal case special permission of the prosecutor is required during the case pending which is provided only to the parties and is confirmed by relevant document signed by the competent judicial officer. The document that presented the complainant does not have any of the above elements, but recommends simple photocopy. Also, the complainant was not an involved party to the above process and did not have the right of legal access to the related information documents. The Hospital concludes that there is no indication that sensitive personal data of the complainant were illegally transmitted by the Hospital. The documents submitted by the complainant have none probative value, but demonstrate that she herself has committed a criminal offence. The Hospital also carried out all the prescribed procedures for the investigation into the alleged leak but there was no evidence of this one. Finally, according to the Hospital's claims, the Hospital respected the obligation to protect personal data that is processed.

According to C/EIS/6717/19.9.2017 memorandum of C to the Authority, in rheumatological doctor's office of the Hospital, where 3,300 are monitored rheumatology patients, 100 patients are submitted every four or eight weeks on intravenous treatments and 28 of them were found in his possession

journalist. According to her claims, on the computer

of the Hospital, Mrs. A's phone number is recorded incorrectly and the

the journalist has this phone on his list. According to the allegations

of the same, the list of names held by the journalist recommends according to the main

part of the Hospital names state subset.

The Authority, after examining all the elements of the file, after hearing him

rapporteur and the assistant rapporteur, who was present without the right to vote and

withdrew after the discussion of the case and before the conference and the

decision making, and after thorough discussion,

THOUGHT ACCORDING TO THE LAW

1. Because, according to article 10 of Law 2472/1997, The responsible

processing must receive the appropriate organizational and technical

measures to secure data and protect it from accidental or

wrongful destruction, accidental loss, alteration, prohibited dissemination or

access and any other form of unfair processing. These measures

must ensure a level of security commensurate with the risks that

implies the processing and the nature of the data that is the object

of processing. Subject to other provisions, the Authority provides

instructions or issues regulatory acts in accordance with article 19 par. 1 j' for

the regulation of matters concerning the degree of security of the data and the

computing and communication infrastructures, the security measures that are

necessary to be obtained for each category and data processing,

as well as for the use of privacy-enhancing technologies.

2. From the information in the case file, no security gap emerged

when processing patient data of the General Hospital

(area) X. Further it did not emerge how and if the data

of rheumatic patients, mentioned in the history, included in possession of the journalist and especially if it took place illegally processing of the existing list of those in the Hospital patients by providing the journalist with the names of these patients including that of the applicant. What is invoked by applicant to base her appeal are speculations and unsafe logical processes and do not constitute a secure means of evidence on which the judgment on the validity of the could be based her claims.

Consequently, the validity of the content of the appeal does not proved and must be dismissed, according to the operative part.

For those reasons

The Authority rejects A's appeal against Hospital (region) X.

The Deputy President

The Secretary

George Batzalexis

Irini Papageorgopoulou