

PRINCIPLE FOR DATA PRIVACY

FOR OPIC CHARACTER

Athens, 26-07-2019

Prot. No.: G/EX/5230/26-07-2019

A P O F A S H 26 /2019

(Department)

The Personal Data Protection Authority met in

composition of the Department at its headquarters on Wednesday 15.5.2019 following his invitation

Its President, in order to examine the case mentioned in the history

of the present. They were attended by Deputy President Georgios Batzalexis,

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

alternate members

of the Authority Panagiotis Rontogiannis, Evangelos

Papakonstantinou and Grigorios Tsolias, as rapporteur, in place of

of regular members Antoniou Imbonis, Konstantinos Lambrinoudakis and

Charalampos Anthopoulos respectively, who, although they were summoned legally

in writing, they did not attend due to obstruction. They were present without the right to vote

Kalli Karveli, specialist scientist-lawyer, as assistant rapporteur, who

withdrew after the case was discussed and before the conference and reception

decision and Irini Papageorgopoulou, employee of the administrative department

affairs of the Authority, as secretary.

The Authority took into account the following:

With the no. prot. G/EI /8657/01.12.2017 her complaint to the Authority,

notified to the Ministry of Labour, Social Security & Welfare

as well as to the Labor Inspectorate (hereinafter "EPE"), the Union

of Accountants and Auditors of the Region of Attica (hereafter "ELEPA") denounces it

"PWC" company for illegal processing of personal data of the employees in it. As specifically stated in the complaint, the managers of the complained-about company distributed to its staff a "Statement of acceptance of terms of Personal Data Processing" as well as new individual ones contracts (attached to the complaint), which included paragraphs referring to the processing of personal data, urgently requesting that sign them, in violation of Law 2472/1997, given advantageous position of the employer over the employees, so that indirectly be forced to sign them. As specifically stated in said complaint, a) with the specific statement, the staff was asked to give the his consent and to expressly and unconditionally allow the company to to register and use his personal information, both already registered as well as future ones, in the databases it maintains, although from the nature of the company's business activities does not arise any security reason, which would make such an entry tolerable and processing of employees' personal data b) requested by them employees to consent with their statement to the further channeling of their personal data to third parties and even to its customers of the company, asking for the essentially blank consent of the employees to use and share their personal information with any third party, wherever and in whatever way it deems that its business interests are served interests and c) this is how the further is routed monitoring them in the workplace such as with cameras etc.

the investigation framework of the complaint the Authority sent with no. first

document to provide clarifications to

company

"PRICEWATERHOUSECOOPERS BUSINESS SOLUTIONS NONYMI ET IRI

OF BUSINESS AND ACCOUNTING SERVICES A.E." with

distinctive title "PRICEWATERHOUSECOOPERS BUSINESS SOLUTIONS .E."

... (hereinafter "PwC BS" or "the company" or "the controller"), on which

received a reply from

same company which with no. first

Γ/ΕΙ /6134/11.07.2018 her written response – Memorandum of explanation

denies ELEPA's allegations of illegal processing, declares that the

disputed "Declaration of acceptance of terms of Personal Data Processing" has

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now amended in compliance with the General Protection Regulation

Data under no. 679/16 (hereinafter "GDPR") and has already been "accepted" by 390

workers in a total of 415, so that in any case the specific statement is not

is currently in force.

In addition, the company supports:

i. That he never demanded and never forced them directly or indirectly

its employees to provide their consent to their processing

of their personal data by signing the above Declaration, in addition,

no sanction was imposed on those who did not sign it.

ii. That the legal basis of consent is not the only grounding reason

the legal processing of the personal data of its staff,

actually citing passages from under no. 115/2001 Directive of the Authority.

iii. That the processing of the personal data of its staff for those

purposes related to the execution of the employment contract are absolutely

legal.

iv. That legally transmits or communicates personal data to third parties

its employees for purposes directly related to the employment relationship or

if the transmission is provided for by a law that is consistent with the provisions of the law.

2472/97 (e.g. transmission to insurance organizations).

v. That the complainant does not specify the cases of transmission or notification

personal data to third parties that have been carried out without

observance of the provisions of the law and in particular the principle of purpose.

vi.

That the complaint under consideration should be filed, as ELEPA

is not legitimized for filing a complaint, since it is not subject to

of data no. 19 par. 1c' of Law 2472/1997, nor are the

conditions of article 80 GDPR, as it is a trade union organization and

not an organization for the protection of personal data, nor has it been assigned to it

by the subjects themselves to make the relevant complaint.

Subsequently, the Authority summoned the company PWC BS to a hearing on

meeting of 03-10-2018, when the discussion of the case was postponed

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at her request. After granting the postponement, ELEPA submitted to

Start it with no. prot.

her original complaint. In particular, he filed the electronic from 15-5-2018

letter from the company "PRICEWATERHOUSECOOPERS ACCOUNTING A.E."

to its employees entitled "European Data Protection Regulation

Personal - Signature of New Annex", in which

was attached "Appendix 1 - Information and provision of consent to

processing of personal data".

The Authority with from 3.12.2018 and with no. prot. C/EX/9678 her document to company PwC BS, requested the provision of clarifications regarding the supplementary complaint and in particular requested additional clarifications, among which to be informed about the compliance measures with the provisions of the GDPR taken by company as well as bringing to its attention the relevant written internal documentation by no. 5 par. 2, 24 and 32 GDPR (principle of accountability), on the basis of which the company ended up applying consent as its legal basis processing of personal data of employees no. 6 par. 1 sec. a' GDPR, in view of the provisions to the contrary included in from 10-7-2018 Her memo, where she spoke of legal data processing for purposes that are related to the performance of the employment contract, i.e. in relation to different legal basis.

In addition, the Authority requested with the same document to be clarified by the company the legal basis on which the data is processed personal data of employees who did not give their consent, as well as how the company is going to continue to process them personal data of its employees in case of revocation of consent.

Finally, clarifications were requested from the Authority on its part company's reported installation of a control and monitoring system means of communication and the electronic equipment it provided to workers her (start time of the system, technically

features-capabilities, software specification,

sign up

internal

documentation for system operation, etc.)

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The company PWC BS with the no. prot. G/EI /365/18.01.2019 provision reminder

of explanations provided the document "Appendix 1 - Update and provision

consent

to

processing

personal

data

from

her

'PRICEWATERHOUSECOOPERS BUSINESS SOLUTIONS NONYMI ET IRI

PROCESS OF BUSINESS AND ACCOUNTING SERVICES A.E.',

pointing out that every company in the PWC network uses the same

standard and for which it is found that it is identical in content with it

provided

from

her

complainant

where

concerns

her

company

"PRICEWATERHOUSECOOPERS ACCOUNTING A.E."

From the content of the new form of the company PWC BS, whose signature requested from its employees in the context of giving consent and which was in force at the time of the initiation of the control by the Authority, in accordance with claim of the company, it follows:

- i. that the company will keep and process files with personal data data of the employee "in the context of the employment contract and for its needs employment relationship and work organization"
- ii. that the purpose of collection and processing is "to enable the fulfillment obligations arising from labor, insurance, tax, customs, European and other legislation and easier to execute the employment contract"
- iii. that "the employee specifically accepts that non-sensitive Personal Data that concern him, will be transmitted to third parties who provide technical services support and hosting of the Company's databases. This transmission of data to persons established outside Greece is useful, necessary and necessary for reasons related to the employment of the Lessee...".
- iv. that the company provides the employee with the necessary electronic equipment property of her, in order to be used exclusively and only for her execution of his duties and the service of the operational and production needs of the company, expressly prohibited by any other of use.

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- v. that the company in the context of exercising the managerial right "[...] is entitled to control and ensure that the means of communication and electronic equipment are actually used for the purpose for which they are granted'.
 - vi. that "the Employee consents to the control and monitoring by the Company of

means of communication and electronic equipment... those stored on PCs

of the Information Society

(including all

of electronics

of stored data), which he makes available to the Lessee in accordance with the above,

in order, among other things, to ensure that the Tenant complies with

his contractual obligations...to prevent the risk of using the internet...and/or

sabotage of electronic programs and/or to ensure compliance,

with the Company's legal obligations"

v. that for the purposes of applying the GDPR "responsible for processing and executors

processing is defined by PWC BS'.

vi. that "Already by signing this, the Lessee acknowledges that the collection

and Personal Data is done for purposes directly related to

needs of the employment relationship and work organization, as well as that

the Personal Data brought to the attention of the Company are relevant and appropriate

in the context of the employment relationship and the organization of work..."

vii. that "the Tenant further provides his consent to the Company for the

collection and processing of his Personal data in accordance with the above

especially taken. It is clarified that the above described processing

is carried out by virtue of the consent granted here by the Tenant".

viii. that "this processing is also necessary (a) for its execution

of this agreement between the Lessee and the Company, (b) for compliance with

legal obligations of the Company, from labor, insurance, tax,

customs, European and other legislation and (c) for legal purposes

interests pursued by the company..."

In addition, the company in the same memo asserted that:

i.

Yes with the Article 29 Working Party in its Guidelines

28.11.2017 finds that the consent

of

employee is considered

also problematic for the majority of personal edits

since the legal basis cannot and should not be consent, except

however, in exceptional cases, employees can give time off

consent. And the company concludes: "Consequently we understand that it may

it is claimed that, as additional to the legal basis of the processing that constitutes the

our obligations from our employment contracts, the consent of the subject of

employees is not a necessary and necessary condition/legal basis for it

processing of personal data

of the workers. However

the opposite view is also clearly supported, especially if this consent is given

freely and without negative consequences for the workers".

ii.

That absolutely nothing is determined by ELEPA

an incident that results in the adoption of compelling behavior and

application of coercive measures against any of the 485 employees for the

signing the declaration, nor did any of the 5 employees who did not sign

the statement in question suffered no negative consequence - sanction.

iii.

That "[...] although it can be argued that it is not necessary or necessary the

consent to the processing of personal data, faced with

the (yet) new and specialized law of personal data protection character, we adopted a conservative approach and, looking to the maximum possible security for us, but also in order not to risk or even to considered that we might be infringing on the right of our tenant, we also requested the consent of our staff, without implying in any way that the non-granting of this will have any negative consequence for the employee... for everything possibly we proposed, if they agree, to give us their consent as well".

iv.

That "if our employee does not grant us his consent or withdraws it afterwards holiday, will not suffer any consequences. but we will proceed normally, alone its indisputable and proven update, as we have a legal basis processing...(t)the(n) performance of our obligations from our work contract, in which the employees are contracting parties (article 6 par. 1 para. b

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and c and 3 para. b GDPR). Therefore, not giving consent or withdrawing it, does not prevent us from proceeding with the processing of personnel data related to the performance of our work obligations by employment contract".

v.

That the company does not monitor the communications of its personnel, telephone or electronic, That the minimum possible information is recorded able to operate the systems in question, providing at the same time to Authority relevant information for the use of software related to the installation digital certificate for connecting the telephone devices to the company network, for statistical data applications, for the use of software that ensure the safe sending of electronic messages, for use

of DLP, antivirus and antimalware software installed on computers, to use data collection software recording as well as for the use of service to prevent the risk illegal use of the internet.

Following this, the Authority with no. prot. C/EX/552/24.01.2019 and C/EX/553/24.01.2019 calls respectively invited ELEPA and PwC BS, to attend the meeting of the Department of the Authority on 13.02.2019, for this purpose to hold a hearing of the company on the possible violation of the text legislation for the protection of personal data, in accordance with the provisions of articles 57 and 58 GDPR in combination with the provisions of articles 19 and 21 of law 2472/1997, as well as those of article 14 par. 10 of the Civil Code (law 2690/1999).

During the hearing on 13.02.2019 by the Union of Accountants and Auditors A, ... and B, ... , and on behalf of the company, attended the Attica Region PwC BS Anastasia Platypodis, attorney-at-law, who, since developed their opinions orally, then respectively submitted the sub no. prot. G/EI /1580/28.02.2019 and G/EI /1565/28.02.2019 memos to Principle. it is noted that at the request of PWC BS, G. was also present Data Protection Officer (DPO) of the company, without however being subject to he was not asked any questions by the Authority and without taking a position on the issues that were put to the hearing.

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The representatives of ELEPA during the above hearing of 13.02.2019, but and with the no. prot. G/EI /1580/28.02.2019 in their memorandum, stated that a) the consent of the employees is not free and depends on the how necessary all forms of processing are for the performance of the contract

personal data to which they are asked to consent to the dispute

declaration of consent by the employees, b) the relevant declaration of consent

was an annex to new individual employment contracts that the employer

company was calling the workers to sign and ELEPA objected

calling on the Labor Inspectorate and the Ministry of Labor to look into them

data, and the result of the audit stated that the terms of the individual

of open-ended employment contracts exceed the provisions of the labor law

legislation and need rewording, so that they become legal, c) PwC

BS through the consent of the transmission of their personal data

employed by third parties outside the country and through their registration in databases

of data held in another country, seeks pre-emption

legalization through the consent of its data subjects

escape from the scope of the GDPR, without actually having informed the

data subjects fully on the extent and forms of processing

by these third parties, d) the possibility of them is not defined in any way

employees for their access to their personal data, as well

and the right to be forgotten is not defined, nor protected in any way, e)

the third parties to whom the data is transmitted may still be

and customers and/or prospective customers not bound by any contractual agreement

relationship with PwC BS, and e) ELEPA, as a trade union organization of workers,

has an obvious justification for reporting to the competent authorities and services

issues concerning every aspect of the labor relations of their members.

PwC BS by its attorney, at its above hearing

13.02.2019, but also with the no. prot. G/EI /1565/28.02.2019 with hearing

memo argued that:

i. "legal basis for processing the personal data of our staff

it is our working relationship and in particular the fulfillment of our obligations which stem from it (Article 6 par. 1 para. b and c para. b of the GDPR)"

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ii. "alternatively, we also considered consent as a complementary legal basis"

and that the provision of consent on the part of its employees was free and conscious, without exerting pressure and coercion.

iii. respects the reservations formulated by OE 29 in the Guidelines of 28-11-2017 for consent as a legal basis for processing "[...] and for for this reason we are absolutely willing to abandon the specific legal basis of processing'.

iv. submits and brings to the attention of the Authority a "Employee Information" plan for the processing of their personal data..." "which will be carried out on based on the employment contract, as a legal basis for the processing of personal data data of its personnel".

v. "[...] all the 'phrasal failures' about monitoring have been removed communications of our staff, as we have presented in detail before you and we analyzed in particular in our memo of 18.1.2019, we never carried out such".

Finally, with the same Memorandum, the company presented a series of interiors Policies within the organization of internal compliance, which were requested by the Authority during the hearing.

The Authority, after examining the elements of the file, the hearing procedure and after hearing the rapporteur and assistant rapporteur, who withdrew after the case was discussed and before the conference and reception decision, after thorough discussion and taking into account in particular:

1. The provisions of the decree, and in particular those of articles 2 par. 1, 5 par.

1, 5A, 9, 9A, 19 par. 3, 17, 22, 25 and 28.

2. The provisions of the European Convention on Human Rights

of 04.11.1950 which was sanctioned with n.d. 53 of 19.9.1974, as applicable today and especially those of article 8.

3. The provisions of Operation of the European Union treaty and in particular those of article 16.

4. The provisions of the Charter of Fundamental Rights of the European Union

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(2012/C 326/02) and in particular those of articles 7, 8 and 52.

5. The provisions of the Council of Europe convention on protection

of persons against the automated processing of data

of a personal nature of 28.1.1981 ("convention 108"), which was ratified with

Law 2068/1992, as it applies today and in particular those of articles 5 and 6.

6. The provisions of the General Data Protection Regulation (GDPR) under

No. 679/2016.

7. The provisions of Law 2472/1997 to the extent that they do not conflict with

the GDPR (see GDPR 46/18 and 52/18)

8. The provisions of Directive no. 115/2001 of the Protection Authority

Personal Data with regard to employee files.

9. The under no. 2/2017 Opinion of the Article 29 Working Group, on

processing of personal data at work (WP 249)

10. The Working Document of the Article 29 Working Group dated 5-29-2002

for the surveillance of electronic communications in the workplace

(WP55)

11. Under no. 8/2001 Opinion of the Article 29 Working Group on

processing of personal data in the context of work

relations (WP 48)

12. Under no. 06/2014 Opinion of the Article 29 Working Group regarding the concept of legitimate interests of the controller (WP 217), to the extent that it is interpretatively useful in the present context.

13. The Guidelines of the Working Group of article 29 "Guidelines on transparency under Regulation 2016/679", WP260 rev.01, at measure that are interpretatively useful in the context of this.

14. The under no. 2/2006 Opinion of the Article 29 Working Group regarding privacy when providing electronic control services post office (WP 118), to the extent that it is interpretatively useful in context of the present.

15. The working document of the Working Group approved on 21-11-2000 of article 29 for its Protection privacy on the Internet (5063/00/OE37), to the extent that it is interpretatively useful in the context of present.

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16. The August 1996 report and recommendations of the International Team Work for the protection of personal data in the field of (IWCDPT) on Telecommunications and Privacy

17. The Code of Ethics of the International Labor Organization for in labor relations protection of the personal data of its employees 1997.

18. , The under no. 2015/5 request of the Council of Ministers of 04-01-2015 for the processing of personal data in the context of

labor relations.

19. The under no. R (89)2 request of the Council of Ministers of 01-18-1989

for the protection of personal data received

processing in labor relations.

SEVEN E ACCORDING TO THE LAW

1. With article 94 of the General Data Protection Regulation (GDPR) no.

679/2016 repealed Directive 95/46/EC from 25.5.2018, when it was put into

application of the GDPR no. 99 par. 2 thereof. Law 2472/1997 is still valid

to the extent that its provisions do not conflict with the GDPR (see GDPR

46/18 and 52/18).

2. The processing of personal data should be intended

to serve man. The right to personal data protection

character is not an "absolute right", it must be evaluated in relation to

his functioning in society and to be weighed against other fundamental rights,

in accordance with the principle of proportionality (Ref. 4 GDPR).

3. according to recital 39 of the GDPR "any data processing

of a personal nature should be reasonable and fair. It should be

clear for natural persons that personal data concerning them

collected, used, taken into account or otherwise submitted

processed, as well as to what extent the data is or will be submitted

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in processing. This principle requires all information and communication about it

processing of said personal data to be easy

accessible and understandable and use clear and simple language. this is the beginning

concerns in particular the information of the data subjects about it

identity of the controller and the purposes of the processing and the

further information to ensure fair and transparent processing in relation with said natural persons and their right to receive confirmation and achieve communication of personnel data related to them character being processed. It should be communicated to the physical persons the existence of risks, rules, guarantees and rights in relation to it processing of personal data and how to exercise rights them in relation to this processing. In particular, its specific purposes processing of personal data should be clear, legal and identified at the time of collection of personnel data character. The personal data should be sufficient and relevant and limited to what is necessary for the purposes of their processing. this requires in particular to ensure that the storage period of of personal data to be limited to the minimum possible. The data of a personal nature should only be processed if o purpose of the processing cannot be achieved by other means. To ensure that personal data is not kept longer than it is necessary, the controller should set deadlines for erasure them or for their periodic review. Every reasonable allowance should be made measure to ensure that personal data that is not accurately corrected or deleted. Personal data should be processed in a way that ensures appropriate protection and confidentiality of personal data, among others to any unauthorized access to this personnel data is prevented character and the equipment used for their processing or use of these personal data and the equipment in question."

4. in accordance with the provisions of article 5 par. 1 sec. a' GDPR the data

of a personal nature are subjected to legal and legitimate processing with

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transparent manner in relation to the data subject ("lawfulness, objectivity, transparency").

5. In order for the personal data to be legal

processing, i.e. processing according to the requirements of the GDPR, should

to cumulatively meet the conditions of application and observance of its principles

of article 5 par. 1 GDPR, as it appears from its recent decision

Court of the European Union (CJEU) of 16-01-2019 in the case C-

496/2017 Deutsche Post AG v Hauptzollamt Köln¹. The existence of a law

foundation (Art. 6 GDPR) does not exempt the data controller from the

obligation to comply with the principles (art. 5 par. 1 GDPR) regarding the legitimate

character, necessity and proportionality, and its principle

minimization². in the event that any of them are violated

principles provided for in article 5 par. 1 GDPR, the processing in question is present

as illegal (subject to the provisions of the GDPR) and the examination of the

conditions of application of the legal bases of article 6 GDPR³. Thus, the v

violation of the principles of Article 5 of the GDPR, illegal collection and processing of

of personal data is not cured by the existence of a legal purpose

and legal basis (cf. APDPH 38/2004).

In addition, the CJEU with its decision of 01-10-2015 in the context of

case C-201/14 (Smaranda Bara) considered as a condition of legitimate and legal

1 "57. However, any processing of personal data must be consensual, on the one hand

to the principles that must be respected in terms of data quality, which the article sets

6 of Directive 95/46 or Article 5 of Regulation 2016/679 and, on the one hand, to the basic principles of

lawful data processing listed in Article 7 of this Directive or Article 6 of

of this regulation (cf. decisions ...C-465/00, C-138/01, C-139/01, C-131/12"..

2 directly see L. Mitrou, the general regulation of personal data protection [new law-new obligations-new rights], published by Akkoula, 2017 pp. 58 and 69-70).

3 Compare tE 517/2018 para. 12: "[...] in order for the personal data to be legal processing, it is required in any case that its conditions are cumulatively met article 4 par. 1 of Law 2472/1997, which, among other things, stipulates that the data must be collected and be processed in a fair and lawful manner, for clear and lawful purposes... Provided the conditions of article 4 par. 1 of Law 2472/1997 (legal collection and processing data for clear and legitimate purposes), it is further examined whether the conditions are met of the provision of article 5 par. 2 of Law 2472/1997 [legal bases]". Also, cf Plenary 2285/2001 par. 10: "[...] Only if the above basic conditions are met, the provisions of articles 5 and 7 of Law 2472/1997 apply, which impose as a further additional, in principle, condition of legal processing of personal data specific person, his consent".

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processing of personal data, its updating
subject of the data before processing them⁴.

6.

Furthermore, the data controller, in the framework of his part
compliance with the principle of legitimate or fair processing of personnel data
character, must inform the data subject that it is going to
process his data in a legal and transparent manner (for details, see DEE C-
496/17 op.p. par. 59 and OJ C-201/14 of 01-10-2015 par. 31-35 and especially 34) and
be in a position at all times to demonstrate compliance with the principles
these (principle of accountability according to no. 5 par. 2 in combination with 24 par. 1 and 32
GDPR).

The processing of personal data in a transparent manner recommends manifestation of the principle of fair processing and is linked to its principle accountability, giving the subjects the right to exercise control over of their data, making controllers accountable (see Guidelines OE 29, Guidelines on transparency under Regulation 2016/679, WP260 rev.01, pp. 4 and 5).

The collection and processing of personal data will not must take place secretly or by concealing it from their subject data, as well as by hiding all the necessary information (unless provided for by the legislation subject to the conditions of article 8 E ΔA). The recognition and selection of the appropriate legal basis from among provided for in article 6 par. 1 GDPR is closely linked to the principle of legitimate or fair processing as well as with the principle of purpose limitation, and the data controller must not only choose the appropriate legal basis before the start of the processing, but also to inform by no. 13 par. 1 ed. 3 and 14 par. 1 sec. c GDPR for the use of the data subject, 4 "31. the person in charge of the data processing or his representative have an obligation update, the content of which is defined in articles 10 and 11 of Directive 95/46 and differs depending on whether the data is collected by the person to whom the data concern or not, and this subject to the exceptions provided for in article 13 of the said directive [...] 34.

Therefore, the requirement for legitimate data processing provided for in Article 6 of the Directive 95/46 obliges the administrative authority to inform the persons concerned by the data regarding the transmission of said data to another administrative authority for the purpose of processing them from the latter as the recipient of said data".

as the choice of each legal basis exerts a legal influence on their application

rights of subjects⁵.

Thus, the data subject should be informed about the

his rights, for the lawful and reasonably expected of him, true manner

and purpose of processing⁶, which must not contradict the equally reasonable and

legitimate expectations of protection of his privacy⁷, nor to drive without his knowledge

in causing risks to his fundamental rights and freedoms,

in particular for the right to the protection of personal data⁸.

the framework of the principle of fair or fair processing in a transparent manner

it is particularly important that the controller chooses the appropriate one

legal basis, so that it is not created in the subject of the data n

false impression that he provides his consent in accordance with article 6 par. 1

ed. a' GDPR, when in reality the processing is based on execution

contract⁹.

5 See draft Guidelines 2/2019 of the European under public consultation

Data Protection Board "on the processing of personal data under Article 6 (1) (b) GDPR

in the context of the provision of online services to data subjects" pp. 3-6, par. 1, 12, 17-20 and

footnote 2 and 8.

6 See draft Guidelines 2/2019 of the European under public consultation

of the Data Protection Council p. 5: "The principle of fairness includes, inter alia, recognizing

the reasonable expectations of the data subjects, considering possible adverse effects of imbalance

between them and the controller" as well as footnote 8.

7 In other words, the data controller should, in accordance with what is accepted in the context

application of the legal basis of article 6 par. 1 sec. in the GDPR (necessary and superior law

interest) to take into account the reasonable and legitimate expectations of the data subject

(cf. p. s. 47 GDPR) entering his position. As characteristically reported by L. Mitrou,

Personal Data Protection in . Katsikas/D. Gritzalis/ . Gritzalis "Safety

of Information Systems", 2014 p. 464: "The "image" that forms the subject of of data is also a criterion for assessing the legitimate character of the processing. According to the principle of "fairness", the one who processes personal information should not uses in ways that are not compatible with the impression of the data subjects regarding their use".

8 literally see European Union Agency For Fundamental Rights [FRA], Handbook on European legislation on the protection of personal data, 2014, p. 90 ff., English 2018 edition, p. 117 ff., ICO UK decision of 09-4-2019 on the imposition of a financial penalty on company Bounty (UK) Limited, especially paras 36-41.

9 See draft Guidelines 2/2019 of the European under public consultation Data Protection Board "on the processing of personal data under Article 6 (1) (b) GDPR in the context of the provision of online services to data subjects" p. 6 par. 20.

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reality through adherence to the principle of what is legitimate or fair processing personal data in a transparent manner a relationship of trust is established between the controller and of the data subject, which exceeds the limits of the principle of transparency and extends to the processing of personal data in an ethical manner (see FRA, 2018, op. op., p. 119), so that it can be validly argued that the responsible processor must act in accordance with his reasonable and legitimate expectations data subject, in accordance with what was stated above (see also footnote 7). Such a relationship of trust is broken when the controller, while before starting the processing, has chosen a specific legal basis and has inform the data subject about it, finally, according to during the processing, it switches to another legal basis.

7.

The choice of the legal basis for the processing of personnel data character must take place before the start of the processing, the controller is obliged based on the principle of accountability (see art. 5 par. 2 in cond. with 24 and 32 GDPR) to choose the appropriate legal basis from among them provided by article 6 par. 1 GDPR, as well as being able to demonstrate in the context of internal compliance the observance of its principles of article 5 para. 1 GDPR, including of course the documentation on the basis of which it arrived at the relevant legal basis.

8.

Furthermore, a new compliance model was adopted with the GDPR, a central dimension of which is the principle of accountability in the context of which the controller is obliged to design, implement and in general takes the necessary measures and policies, in order to process them given that it is in accordance with the relevant legislative provisions. In addition, the controller is burdened with the further duty to prove from himself and at all times his compliance with the principles of article 5 par. 1 GDPR. It is no coincidence that the GDPR includes accountability (Article 5 para. 2 GDPR) in the regulation of the principles (article 5 par. 1 GDPR) governing the processing, giving it the function of a compliance mechanism, essentially reversing the "burden of proof" as to its legitimacy

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processing (and in general compliance with the principles of article 5 par. 1 GDPR), transferring it to the controller,¹⁰ so that it can be reasonably argued that he bears the burden of invoking and proving its legality processing¹¹.

Thus, it constitutes an obligation of the data controller, on the one hand, to receive

by itself the necessary measures in order to comply with them requirements of the GDPR, on the one hand, to prove the above at all times its compliance, without actually requiring the Authority, in the context of exercising the of its investigative - auditing powers, to submit individual - specialized ones queries and requests to determine compliance.

It is pointed out that the Authority, due to the fact that the first period is passing application period of the GDPR, submits questions and requests in the context exercising its relevant investigative and auditing powers, in order to facilitate the controllers' documentation of accountability. THE controller must, in the context of the Authority's audits and investigations, to presents by himself and without relevant questions and requests from the Authority measures and policies it adopted in the context of its internal organization of his compliance, as he is aware of them, having designed and implemented the relevant organization.

9.

The Authority, regarding the processing of personal data in the context of labor relations, interpreting the provisions of Law 2472/1997 has issued the under no. 115/2011 Directive on data processing of a personal nature in the labor relations, in the context of which he has accepted among others that, as follows from the principle of purpose, the collection and processing of personal data of employees is allowed exclusively for purposes directly related to the employment relationship and insofar as it is necessary for the fulfillment of the obligations of both parties which are founded on this relationship, whether they originate from the law or from

10 literally see L. Mitrou, The principle of Accountability in Obligations of the controller [G.

Giannopoulos, L. Mitrou, G. Tsolias], logical Volume L. Kotsali – K. Menoudakou "The GDPR,

Legal dimension and practical application", published by Law Library, 2018, p. 172 ff.

11 P. de Hert, V. Papakonstantinou, D. Wright and S. Gutwirth, The proposed Regulation and the construction of a principles-driven system for individual data protection, p. 141.

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contract (p.10). Further, the Authority accepted in the same Directive that consent of employees cannot lift the prohibition of exceeding the purpose and that in the case of employment relations, the inherent inequality of the parties and as a rule, the dependency relationship of workers calls into question freedom of the employees' consent, a necessary element for its validity processing (p. 10).

10.

the application framework of the GDPR, consent is provided as one of legal basis for processing personal data (article 6 par. 1 ed. a'), under the conditions of Article 7 GDPR, in accordance with the meaning that assigned under no. 4 para. 11 GDPR and in compliance with the principles provided for from article 5 par. 1 GDPR.

under no circumstances should greater emphasis be placed on the legal basis of consent as more important or weightier than the other legal bases. The possible ease with which the person in charge can processing to receive a positive response from the requested data subject processing of personal data does not mean that correctly the specific legal basis was chosen, nor that this positive answer meets the criteria of legal and valid consent.

To ensure that it is freely given, consent should not provides a valid legal basis for the processing of personal data in a specific case, when it is coercive¹² or when it exists

clear disparity between the data subject and the controller

processing (see Petition no. 43 GDPR). Furthermore, according to the same rationale

consideration referred to in the provision of article 7 par. 4 GDPR, the consent

is deemed not to have been freely given, when the performance of a contract,

including the provision of a service, requires consent,

even if such consent is not necessary for said execution.

according to Opinion 2/2017 of the Working Group of article 29 of

11.

Directive 95/46/EC "for data processing at work (data processing at

12 literally see CJEU, C-291/12, decision of 17.10.2013 para. 32 in Law No. 2013, p. 2316 with comments I.

Koufaki.

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work-WP249 of 08-6-2017)" rarely the employee can provide a valid

consent to the employer for the processing of his personnel data

character (see p. 4) and in such processing as a legal basis should not

consent applies due to the nature of the employment relationship (see p. 6

and 7), as was similarly supported by OE29 in no. 8/2011 (p. 23)

earlier Opinion of "(on the processing of personal data in the employment

context- WP48 of 13-9-2001)', but it is also accepted by the board of

Europe¹³.

In addition, according to the OE29 Guidelines of 10-4-2018

"to provide consent under the GDPR (WP259rev.01)", the

power imbalance between employer and employee leads to the conclusion that

in the majority of cases of personal data processing in

work the legal basis cannot and should not be that of consent

(see p. 7). In fact, OE29 cites as an example of its incorrect application

legal basis of consent in the case of system operation

surveillance of workers in the workplace through cameras (see p. 7).

according to OE29 Opinion 15/2011 "regarding the definition of

12.

of consent (WP187 of 13-7-2011)' as a principle, consent should not

taken as an exception to the other data protection principles, but as

warranty. It is primarily a basis of legitimacy and does not exempt from it

application of the other principles (see p. 9). As pointed out by OE29 in reference no.

06/2014 Opinion of "regarding the concept of the legal interests of the person in charge

processing (WP 217, p. 21)' when consent is used incorrectly

way, the control of the person to whom the data refers is made

delusion and consent is an inappropriate basis for processing.

In addition, the choice of the appropriate legal basis in the processing of

personal data of employees in the context of employment

relationship should, in addition to the aforementioned that lead to its exclusion

implementation of the consent, to undergo the "test of its revocation

13 European Union Agency For Fundamental Rights [FRA], Handbook on European data protection

law, 2018, pp. 144 and 332.

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consent". As described by OE29 in Opinion 15/2011 on consent

(see above), if the consent is withdrawn, the processing of the data

continues with another legal basis, doubts may arise as to it

initial use of consent as valid legal basis: if processing can

had been carried out from the beginning using this other basis, the

the fact that the natural person's consent to the processing had been requested

could be considered misleading or basically unfair, as it hides the

actual legal basis applicable to the processing of personal data

data (p.16), the moment in fact when the data controller

obliged by no. 13 par. 1 sec. 3 and 14 par. 1 sec. c' GDPR to inform it

data subject for the applicable legal basis of processing.

As correctly pointed out in the OE29 Guidelines of 10-4-2018

"to provide consent under the GDPR (WP259rev.01)", when the

controller chooses to rely on the legal basis of consent,

then he should be prepared to respect that choice and to

stop the processing part, if the data subject

withdraw his consent. Any subsequent to its revocation

consent processing pursuant to another legal basis makes it

illegal and unfair processing. The controller cannot

change the legal basis during processing, e.g. from the

consent on another legal basis and should be timely at the time of collection

of the data to have chosen the correct (and possibly unique) legal basis

(see p. 23).

Of course, it cannot be excluded in specific cases

possibility of parallel – simultaneous application of different legal bases

processing of personal data, including this one

consent, provided they are used in the correct context and

in particular they serve different processing purposes.

Thus, while for the processing of his personal data

employee that are directly related to his employment will

apply the legal basis of article 6 par. 1 sec. b' GDPR or for the fulfillment

of the employer's obligations in relation to his social security

employee or related tax obligations, the law will apply

basis of article 6 par. 1 sec. c GDPR or for the protection of property and

the legal basis of article 6 will be applied

par. 1 sec. in the GDPR, however, the legal basis of consent according to article 6 par.

1 pc. a' GDPR will be applied in cases where no other law remains

basis of application, such as e.g. in the event that the employer requests it

consent of the workers in order to take part in the magnetic resonance imaging

moments from their working life (for example see p. 7 OE 29

Guidelines WP259rev.01 of 10-4-2018 for the provision of consent

according to GDPR as well as European Union Agency For Fundamental Rights

[FRA] Handbook on European legislation for the protection of

of personal data, 2014 edition pp. 69-70) or e.g. for photographing them

employees in order to post their photo on the corporate intranet

(intranet) together with the rest of their contact details (for example see

p. 16 OE29 Opinion 15/2011, *ibid.* and FRA *ibid.*, 2018 edition, p. 145).

13.

the case in which the controller wishes to

process personal data which is really necessary for

performance of the contract, consent is not the appropriate legal

basis, but that of article 6 par. 1 sec. II GDPR (see OE29, Guidelines

Consent lines, p. 10). Accordingly, the European Council

Data Protection considers that in any case the processing is not

necessary for the performance of the contract, such processing takes place

legally only if it is based on another appropriate legal basis¹⁴.

14.

In particular, the principles of marriage, legitimate (or fair) and in a transparent manner

processing of personal data require its selection

of consent as legal basis no. 6 par. 1 GDPR, only if the

other legal bases do not apply, so that during

processing to later make it impossible to change and switch to another

legal basis. in case the data subject

withdraws his consent, the continuation of the processing is not allowed

14 See draft Guidelines 2/2019 of the European under public consultation

Data Protection Board "on the processing of personal data under Article 6 (1) (b) GDPR

in the context of the provision of online services to data subjects" p. 6.

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of personal data under another legal basis, in accordance with

extrapolated. When the legal basis of consent is correctly applied, under

concept that no other legal basis is applicable, the non-grant or

its withdrawal is equivalent to an absolute prohibition of data processing

of a personal nature.

15.

The employer exercising his managerial right, under the obvious

condition of compliance with the principles of article 5 par. 1 GDPR and on the basis

provided before the processing of specific procedures and guarantees

in the context of the internal compliance organization according to its principle

accountability, is entitled to exercise control over electronic means of communication

provided to employees for their work, if relevant

processing, respecting the principle of proportionality, is absolutely necessary

for the satisfaction of the legitimate interest it seeks and under the condition that

this obviously overrides the rights and interests of the employee,

without affecting the fundamental freedoms of this person under no. 6 par. 1 sec. in the GDPR,

and after he has been informed even about the possibility of a related control (see in detail APDIPH 34/2018 and no. 17 par. 19 of the GDPR implementing law draft under public consultation¹⁵).

in this case, the just and necessary should be achieved balance between the goals of achieving the legitimate interests pursued by controller on the one hand (see OE29, Opinion 2/2017 “on data processing at work”, p. 4) and respecting the reasonable and legal expectations of employees for the protection of personal data in workplace, on the other hand. The legitimate and reasonable expectations of employees in this case, they find support in the principles of common law and legitimate or fair with transparent way of processing such personal data, correspondingly creating the relevant obligations for the data controller.

The European Court of Human Rights (ECHR) has make it clear that the protection of "privacy" based on article 8 E DA does not exclude the professional life of employees and does not is limited to life within the place of residence (see APDPX 34/2018 and OE29
¹⁵ <http://www.opengov.gr/ministryofjustice/?p=9314>

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Working paper on the surveillance of electronic communications in place of work of 29-5-2002, WP55, p. 8).

The fact that the employer may be the owner of the electronics means of communication (e.g. pc, tablets, telephone devices, corporate network communications, servers, etc.) or that an electronic letter has been sent from corporate mailing address does not lead to alienation of the right to private life (see ECHR, Section I, George Garamukanwa v. UK of 14-5-2019, para. 25), of the right of employees to the protection of personnel data

nature, of the right to the protection of the privacy of communications and of the relevant position data (see OE29 Opinion 2/17, p. 22 and OE29, WP55, *ibid.*, p. 22), nor can it certainly be accepted that the personnel data character of the employees, produced by the use of corporate means communications are the "property" or "property" of the employer because they are the owner of the above means of communication, approach adopted by department of the jurisprudence of the US courts, but not of the European Union.

Any previous information about monitoring or interception of of the employee's communications by the employer does not automatically mean that no Article 8 E DA is violated (OE29 WP55, op. p. 9), when the conditions of the exceptionally legal restriction of the relevant individual right.

On the other hand, the employer is entitled to receive the necessary, legal and proportionate measures in order to operate properly and efficiently business and be protected from the loss or damage that may caused by the actions of the employees (see APDPX 34/2018, OE29, WP55, *ibid.*, p. 4).

Consent is not an appropriate legal basis for processing
16.

of the personal data of the employees in the context of their control of these electronic communications, but the no. 6 par. 1 sec. in GDPR legal basis, as set forth above (see APDPH 34/2018, OE29, WP 55, *ibid.* p. 23).

Accordingly, in this case, the choice of law would be problematic basis of the execution of the employment contract no. 6 par. 1 sec. II GDPR as well on the one hand, the relevant processing may (depending on the nature of the employment)

exceeds the measure necessary for the execution of the (employment contract) (see OE 29

Opinion 6/2014 on the concept of the legitimate interests of the person in charge

processing of 09-4-2014, WP 217, p. 22), on the other hand, it is validly supported

(see OE29 Opinion 6/2014, *ibid.*, p. 32) that the control of employees for purposes

security or management, the installation and operation of complaint systems

irregularities and the protection of physical security as well as IT and networks

are basically considered (see p. 83 footnote 125) a legitimate interest of the controller

processing, as long as this is "acceptable under the law" (with reference to

Opinion OE29 under no. 3/2013 of 02-4-2013, WP 203 regarding the limitation of

purpose).

17.

In this case, from the data in the case file,

the hearing of the company as well as the reminders that it submitted, emerged

that PWC BS processes their personal data

of its employees, having the no. 4 par. 7 GDPR status of the person in charge

processing, since it determines the purposes and method of processing

personal data of those included in systems

filing, and therefore becomes liable to comply with the authorities

introduced by Article 5 GDPR.

The Authority accepts the claim of the company included in from 10-

7-2018 memorandum (ADDPH G/EI /11.07.2018), according to which it had already

amend the "Declaration of acceptance" attached to the ELEPA complaint

Terms of Personal Data Processing", which was no longer in force

and the subject of control is the processing of personnel data

character as described in the document "Appendix 1 – Update and provision

of consent to the processing of personal data", with entry into force on

25.5.2018, date of application of the GDPR.

On the contrary, the Authority rejects the company's objection according to which

ELEPA is not a subject of the data legalized by no. 19

par. 1 of Law 2472/1997 to file a complaint, nor is it included in the

No. 80 GDPR non-profit bodies, organizations or associations that similarly

are legitimized in this regard, as the Authority legally conducts ex officio

administrative controls and exercises the no. 58 GDPR its powers in the context of

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of her duties, in accordance with Article 57 GDPR in conjunction with the provision of

article 19 par. 1 item n. 2472/1997, taking cognizance of any information that

falls within her grasp.

18.

From

the

attached

to

the

under no.

first

C/EI /365/18.01.2019 company memo, document "Appendix 1 - Update

and providing consent to the processing of personal data by

"PRICEWATERHOUSECOOPERS BUSINESS ACCOUNTING A.E."

(henceforth

"Appendix 1") for which it is pointed out that according to the statement of PWC BS you did not

the companies of the PWC network use the same standard, it follows that:

i.

With Appendix 1, as it is titled, the provision is requested consent from the company's employees for data processing of their personal nature, and in some cases consent is requested under the concept of "specific acceptance" of data transmission mentioned there outside of Greece or the more specific provision of "consent to control and monitoring by the Company of the means of communication and electronic equipment" that has been made available to the employees. Therefore, the person in charge processing has in this case chosen as the legal basis of processing personal data of its employees as provided by article 6 par. 1 sec. a' GDPR ("providing consent").

ii.

With the same Appendix 1, it is requested by its signature from workers, the recognition on their part that the services provided by them personal data to the company "[...] are directly linked to them needs of the employment relationship and work organization, as well as that the Personal Data brought to the attention of the Company are relevant and appropriate in the context of the employment relationship and the organization of work...", i.e. the compliance obligations of the controller to the governing authorities the processing of personal data under no. 5 par. 2, 24 par. 1 and 32 GDPR (principle of accountability) are incorrectly transferred and burdened data subjects. On the contrary, it constitutes an obligation of the person in charge processing to choose for processing only those personal data character are appropriate, relevant and limited to what is necessary for them

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purposes for which they are processed under no. 5 par. 1 sec. c' GDPR (data minimization principle).

iii.

the same Annex I is either explicitly referred to in a chapter entitled "cutting", or scattered within the text in chapters with titles that are inconsistent with their content, that the processing of their personal data of employees is aimed first, at the execution of the work contract, secondly, in the fulfillment of the company's obligations arising from it labor, insurance, tax, customs, European and other legislation and easier execution of the employment contract and thirdly, in achieving the purposes of legitimate interests pursued by the company, among which including ascertaining and ensuring compliance of employees with the obligations it undertakes with the contract, the taking of every measure in the context exercising the right of management for the optimal organization of the business and the regulation of the employee's behavior during the performance of the work of and order within exploitation (control and monitoring of means communication and electronic equipment).

19.

The Authority finds from the content of the above Appendix 1 that, as a legal basis for processing under no. 6 par. 1 GDPR for the mentioned three (3) different purposes for processing personal data of employees, the company applies that of consent no. 6 par. 1 sec. 1 GDPR.

Also, from the submitted memoranda of the company before its hearing from the Authority it follows that quite contradictorily, parallel and acting in relation mutual exclusion is invoked, on the one hand, the legal basis of consent, on the other hand, the execution of the contract, in order to justify the above treatments. In fact, the company in its memorandum dated 18-01-2019 (ADDPH

G/EI /365/18.01.2019) directly states that "2. [...] although it can be supported that consent is not necessary or necessary for the processing....we also asked the consent of our staff...Although possibly we could let's proceed with the elasson (= their information, on the supporting basis of the employment contract between us), just in case, we suggest, if they agree, to also give us their consent... if our employee does not grant it to us

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his consent or withdraws it after a holiday, will not suffer any consequences. but it will proceed as normal, with only the undisputed and proven update of, as we have a legal basis for processing. 3. The legal basis for processing is performance of our obligations from our employment contract, in which the employees are contracting parties (article 6 par. 1 para. b and c and 3 para. b of GDPR). Therefore, not giving consent or withdrawing it does not prevent us to proceed with the processing of the data of our personnel who related to the performance of our contractual work obligations work".

Finally, the company, after the hearing from 28-02-2019, its memorandum to the Authority (ADDPH G/EI /1965/28.02.2019) declares that, ultimately, a unique legal basis and for the three (3) different purposes of processing personal data given its personnel is the employment relationship and in particular the fulfillment of the obligations arising from it (article 6 par. 1 para. b and c and 3 para. b of the GDPR), that it additionally considered as a supplementary legal basis the consent, that she is absolutely willing to leave the specific one legal basis (i.e. of consent) and that it brings to the attention of the Authority, in replacement of Annex 1, new draft document with a single basis processing the execution of the employment contract.

20.

From the content of Appendix I and from her above assumptions company it appears that PWC BS is processing personnel data illegally character of its employees for the purposes mentioned by it, i.e in violation of the provisions of article 5 par. 1 sec. a' case a' (beginning of legality) and par. 2 (principle of accountability) in combination with article 6 par. 1 GDPR, as it applies an inappropriate legal basis (regarding cf. Decree 1847/2017, par. 7) and especially that of article 6 par. 1 sec. a' GDPR (consent), instead of appropriate per case legal bases provided by the provisions of article 6 par. 1 para. b', c' and f GDPR, subject to the relevant conditions.

The application of consent as a legal basis for the processing of personal data no. 6 par. 1 sec. a' GDPR for them purposes stated by the company must be excluded, in accordance with what were extrapolated to the considerations under no. 9-16 hereof, because:

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firstly, it does not mean giving valid and free consent for the processing of personal data related to the provision work due to the power imbalance between employer and employee, secondly, in the specific case, a condition for its application consent as a legal basis for processing is the previous exclusion of the legal bases of article 6 par. 1 sec. b', c' and in GDPR, a fact which does not occur, as the company recognizes (even if partially incorrectly as it will be shown below) that "the legal basis for processing is the execution of of our obligations from our employment contract, in which the employees are contracting parties (article 6 par. 1 para. b and c and 3 para. b of the GDPR)",

thirdly, the choice of the appropriate legal basis under no. 6 par. 1 GDPR must correspond to the legal purpose of processing, so that in this case the three (3) processing purposes described by the company (employment contract, legal obligations, overriding legal interest) do not have a legal basis on the legal basis of employee consent.

21.

Furthermore, the company created the wrong impression on employees that it processes their personal data according to application of the legal basis of consent no. 6 par. 1 sec. 1 GDPR, while in reality it processes them with another legal basis, for which it never has the employees were informed, in violation of the principle of transparency and consequent upon violation of the obligation to inform according to article 13 par. 1 sec. 3 and 14 par. 1 sec. 3 GDPR.

it is noted that the wrong choice of the company to apply to in this case the legal basis of the consent also arises from the the fact that, on the one hand, it did not include in Appendix 1 the article 13 par. 2 sec. c' and 14 par. 2 sec. d'GDPR information to data subjects about ensuring fair and transparent processing and that they are entitled to revoke their consent at any time, as expressly provided in article 7 par. 3 GDPR. On the other hand, to a question from the Authority, the company replied that case "[...] not giving consent or withdrawing it does not prevent us from proceed with the processing of our personnel data related with the performance of our work obligations from the employment contract". From

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elements of the case file and the hearing procedure it emerged that the statement included in Appendix 1 to the employees about

application of the legal basis of consent was misleading and not responding to reality, depriving them of the possibility to exercise their legal rights, resulting in the misleading creation of impression on the employees that the legal basis of data processing of a personal nature was that of consent, as well as that they have one series of rights from the use of the legal basis in question, such as e.g. that are entitled to withdraw their consent at any time (see article 13 par. 2 sec. c GDPR), which henceforth implies the cessation of processing or that are entitled to the deletion of their personal data from now on stop processing for the future. Such a misleading statement processing of employees' personal data as well as h the processing itself becomes, therefore, no longer lawful according to extrapolated, also unfair and opaque, in violation of the principles of the article 5 par. 1 sec. a' para. b' and c' GDPR (objectivity and transparency) in combination with the violation of the individual information obligations that fall on him controller to ensure fair and transparent processing by no. 13 and 14 GDPR.

Finally, the company put forward the claim that the application of the legal basis of the consent was supplementary - auxiliary and that "[...] faced with the (yet) new and specialized law of personal data protection character, we adopted a conservative approach and, looking to the maximum possible security for us, but also in order not to risk or even to considered that we might be infringing on the right of our tenant, we also requested the consent of our staff" (prot. no. APDPX 365/18-01-2019).

In addition to what was mentioned above, it should be additionally highlighted that, in case the data controller has doubts about the

legality of the processing, must in accordance with the provisions of the GDPR and in particular based on the principles of article 5 par. 1 GDPR and the obligation of accountability against paragraph 2 of the same article, to remove them before processing or to refrain from processing to clearing doubts.

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Therefore, the company's invocation of the allegation of application of the "supplementary-subsidary" legal basis of consent due to the "(still) new and specialized data protection law of a personal nature", on the one hand, does not find support in the provisions and the spirit of the GDPR, on the other hand, demonstrates that the company doubted its choice appropriate legal basis under no. 6 para. 1 GDPR and tried to protect itself (and) from any violation of its provisions GDPR ("we adopted a conservative approach and, aiming at the maximum possible our assurance") choosing a second legal basis. However, the doubt about legality of the processing, the company should have removed it with its choice appropriate legal basis per category of processing or by refraining from it processing and not with

her
(cited by

her
same)

application

"supplementary-auxiliary" basis, for which, in any case, never the employees were informed.

For the reasons stated above, the claim should be rejected of the company regarding the application of the consent as allegedly "ancillary

additional" legal basis of processing.

22.

As stated above (see above par. 18, iii), the processing of the data personal nature of the employees by the company aims to execute of the employment contract, in the fulfillment of its legal obligations and in achieving its legitimate interests. The company following its new statement intends to apply as an appropriate legal basis for achieving the above three (3) processing purposes that of article 6 par. 1 sec. II GDPR, while must additionally apply the corresponding ones (for processing purposes) provided legal bases of article 6 par. 1 sec. c' and GDPR, if the individual application conditions of each one are met.

Thus, the processing of personal data of employees for the fulfillment of the company's obligations arising from labor, insurance, tax, customs, European and other legislation is carried out in accordance with the legal basis of article 6 par. 1 sec. c GDPR, while the processing in the context of exercising the managerial right for its optimal organization business, including the control of the means of communication and

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equipment, may be carried out in accordance with the legal basis of article 6 par. 1 pc. in the GDPR, as long as the conditions of the regulation in question are met and with based on specific procedures and guarantees (see APDPX 34/2018).

Therefore, PWC BS does not legally process personnel data character of its employees for the purposes mentioned by it, i.e in violation of the provisions of article 5 par. 1 sec. a' and par. 2 (beginning of accountability) in combination with article 6 par. 1 GDPR, as it partially applies inappropriate legal basis, namely that of article 6 par. 1 sec. 2nd GDPR (execution

contract), instead of the appropriate legal bases provided for each case

from the provisions of article 6 par. 1 c) and GDPR.

23. The company processes, in violation of article 5 par. 1 sec. a' GDPR as

extrapolated, the personal data of its employees, which

are created by the use of communication media and electronic

equipment owned by it, in the cases where they have been granted. From

Appendix 1 shows that the company requested the consent of

employees, in order to control and monitor them

aforementioned means of communication and electronic equipment. Also, from

the impact assessment report (DPIA) submitted by the company for the

"Splunk Logging" service results that exclusive legal basis of processing

of the personal data of its employees for the control of

means of communication and electronic equipment requires consent (p. 7).

Subsequently and based on its reminders, the company is renovating

stating that it does not "monitor" the communications of its staff;

telephone or electronic and that it was a "verbal failure" which

corrected in the draft statement to replace Annex 1.

In support of the allegation of non-monitoring of his communications

of its staff, the company provided information about the software and systems

which it uses to protect the organization's information

corporate network, media, etc. and presented relevant policies

security.

The Authority has detailed the conditions, procedures and

guarantees of control of the means of communication and electronic equipment

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employed by the employer under no. 34/2018 decision, in the context

of which he considered that among the conditions for lawful processing of personal data includes the preparation and application of internal regulation for the correct use and operation of the equipment and IT and communications network, indeed quoting a minimum content thereof (policies, etc.).

The company presented a relevant Policy, which although does not respond fully in the content of no. 34/2018 of the Authority's decision, covers basic its requirements, although not in detail. The Authority already considered that the processing in question was unlawful, unlawful and non-transparent in violation of article 5 par. 1 ed. 1 GDPR, so as to avoid further monitoring of compliance with the principles of the article 5 par. 1 GDPR.

Furthermore, from the evidence presented to the Authority, it did not appear that the company has placed electronic and other means under general technical surveillance communication and consequently the communications of the employees and accepts the company's claim that its use of the phrase "monitoring of communication media and electronic equipment" did not correspond to state of affairs and it was a wrong choice.

24.

The Authority with from 3.12.2018 and with no. prot. C/EX/9678 document to the company PwC BS, requested that the relevant internal document be brought to its attention documentation no. 5 par. 2, 24 and 32 GDPR (principle of accountability), on the basis of which the company concluded to apply consent, as a legal basis of the processing of personal data of employees, under no. 6 par. 1 sec. a' GDPR, in view of the provisions to the contrary included in from 10-7-2018 Her memo, where she spoke of legal data processing for purposes that are related to the execution of the employment contract, i.e. with another legal

base.

The company never provided relevant written internal documentation, nor did she explain in her memos (without this replacing the obligation accountability or to remedy the relevant misconduct) the reasons why, in order to achieve the processing purposes mentioned by the same, applied according to in principle the legal basis of consent (article 6 par. 1 sec. a GDPR) and in

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then he declared that he intends to abandon it and apply only it legal basis for the execution of the contract (article 6 par. 1 sec. b GDPR), while, as already ruled by the Authority above, their legal bases are also applicable of articles 6 par. 1 sec. c and GDPR, subject to individual conditions. THE company owed in the context of internal compliance, before its start processing, to examine compliance with the principles of article 5 par. 1 GDPR in combination with the legal bases of article 6 par. 1 GDPR and if it considered that the conditions for their application were met, to choose the appropriate legal ones bases for the respective processing purposes. Given that the company chose the legal basis of consent, it was due in accordance with the above (see par.14) to have previously examined and excluded the application of the others legal bases, documenting the relevant reasons for this choice, so that the Authority can check the correctness of this choice. Therefore, the company, in this respect, violated the principle of accountability. In addition, as mentioned in no. 18 ii paragraph hereof the company carried and burdened the workers with the obligation of accountability, with which she herself was charged in that case, in violation of Article 5 par. 2 GDPR. In particular, the company asked the employees to sign in Annex I that they "recognize":

first, that the collection of their personal data is done "for purposes directly related to the needs of the employment relationship and organization of work", while she herself should have determined by herself and independently whether or not employees "recognize" the legitimacy of the purposes processing and not to shift the relative burden to the data subjects.

secondly, that the personal data that they "considered of the Company are relevant and appropriate in the context of the employment relationship and organization of work...", while she herself had to choose to be processed by alone and regardless of "recognition" by employees or not, only those personal data that are appropriate, relevant and are limited to what is necessary for the purposes for which they are submitted to processing, in the context of the application of the principle of proportionality, under no. 5 par. 1 sec. c GDPR (data minimization principle). Besides, the data subjects do not usually have special interpretation knowledge and

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application of the provisions of the GDPR, in order to judge whether the processing of of relevant data is in accordance with the principle of their minimization.

In this way, the company shifted the burden of accountability towards it application of the principle of data minimization to the subjects, while she herself had to in the context of internal organization and compliance to assess on its own which personal data is relevant and suitable for the intended legal purpose of processing, given that the company requests from the employees the information (data) it needs to achieve its goals. otherwise, the employees will provided any information (data) they wanted or even none element (given).

In view of the above and combined with the company's statement in hearing of her memorandum to the Authority according to which: "[...] faced with the (yet) new and specialized law of personal data protection character, we adopted a conservative approach and, looking to the maximum possible security for us, but also in order not to risk or even to considered that we might be infringing on the right of our tenant, we also requested the consent of our staff" (prot. no. ADPPH 365/18-01-2019), it follows that the company wrongly considered that with the signature of the subjects given the provisions included in Annex I "is exempted of any responsibility", at the moment when, in fact, the workers do not have usually, as mentioned above, the special knowledge in order to proceed to legality control of compliance with the principles of article 5 par. 1 GDPR, with which is borne by no. 5 para. 2 GDPR the data controller. Therefore, the company and in this case, he violated the principle of accountability.

Finally, the company with the choice of inappropriate legal bases of processing by no. 6 par. 1 GDPR (initially consent and then execution of the contract for all processing purposes) violated the provision of Article 5 par. 2 its obligation to observe and prove its compliance with it paragraph 1 of the same article (principle of accountability).

25. In view of the above, the Authority considers that the company PWC BS as responsible

Processing:

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i.

submitted to unlawful processing in violation of its provisions article 5 par. 1 sec. a' para. a' GDPR their personal data of its employees, as it initially applied the inappropriate legal

basis of consent and subsequently its inappropriate (partly) legal basis

execution of the contract and for the three (3) processing purposes.

ii.

submitted in an unfair and non-transparent manner in violation of

provisions of article 5 par. 1 sec. a' c. b' and c' GDPR the personnel data

character of its employees, as it created the wrong impression on them

that it processes them in accordance with the legal basis of consent no. 6

par. 1 sec. 1 GDPR, while in reality it was processed by another law

basis, about which the employees were never informed, in violation of it

obligation

iii.

as controller although he bore the responsibility, he was not able to

comply with and demonstrate compliance with paragraph 1 of article 5 GDPR

in accordance with the extrapolations under i and ii and violated the provision of

provision of article 5 par. 2 GDPR principle of accountability, transferring the burden

of proof of compliance to data subjects in accordance with

extrapolated to under no. 18 ii consideration of the present.

26. Given that the Authority found the illegal processing of

personal data of the data subjects due to

violation of the principles of personal data processing which

are provided for by the provisions of article 5 par. 1 sec. a' and par. 2 GDPR,

there is no need to examine the remaining principles of the same article (paragraphs b' to f') as

and the control of any other subsequent processing operation

collection (e.g. transmission of personal data outside Greece).

27.

in accordance with the GDPR (Ref. c. 148) in order to strengthen the enforcement

of the rules of this Regulation, sanctions, including administrative fines, should be imposed for any violation of this regulation, in addition to or instead of the appropriate measures imposed by supervisory authority in accordance with this Regulation. and cases of violation

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of minor importance or whether the fine which may be imposed would constitute disproportionate burden on a natural person, a reprimand could be imposed instead of a fine.

The Authority after establishing the violation of the provisions of GDPR v the extrapolated, taking into account in addition, in addition to the above, in particular:

i. The Guidelines for the implementation and determination of administrative of fines for the purposes of Regulation 2016/679 issued on 03-10-2017 by Article 29 Working Party (WP 253)

ii. The request C(2003) 1422 of the European Commission of 6-5-2003 "regarding the definition of very small, small and medium enterprises" and in particular the article 2 par. 1 thereof, according to which the numerical limit for the inclusion of large enterprises is that of 250 employees

and having duly taken into account the provisions of Article 83 GDPR to the extent that are applied in the specific case and in particular those of criteria provided by paragraph 2 of the same article concern the specific case examined by the Authority:

a) the nature, gravity and duration of the infringement, taking into account the nature, extent or purpose of the relevant processing, as well as the number of data subjects affected by the breach and the degree of damage suffered and specifically:

the fact that the company violated the provisions of article 5 par. 1 sec. 1 GDPR

principles of legality, objectivity and transparency as well as the obligation (principle) of accountability by no. 5 para. 2 GDPR, i.e. violated fundamental principles of the GDPR for the protection of personnel data character.

the fact that the observance of the principles provided by its provisions article 5 par. 1 sec. a' and par. 2 GDPR are of fundamental importance, primarily, the principle of legality, so that if it is missing it can be restored from the beginning the processing is illegal, even if the others have been observed processing principles. Similarly, its principle becomes of capital importance accountability under the new compliance model introduced with

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i.

ii.

GDPR, where the burden of compliance and the relevant responsibility rests with him data controller, who has been provided by the GDPR with the necessary compliance tools. The violation of the principle of accountability in this case it basically consists in the fact that the person in charge processing failed to comply with the mandates of the authorities processing of article 5 par. 1 sec. 1 GDPR and in particular did not document, in the context of internal compliance, the reasons for choosing the law base by no. 6 par. 1 GDPR as appropriate for achieving the purposes processing, while being unable to respond to a relevant request of the beginning. Moreover, the principle of accountability in the measure was violated in which the controller charged the subjects of data with the relevant task, in order to consent that was observed under no. 5 par. 1 sec. c' GDPR principle of minimization of

data. It should be noted that the Authority attaches particular importance to art
in that the controller did not present any
proof of internal compliance, from which the previous one can be derived
processing, documentation of the choice of the appropriate, according to him,
legal basis under no. 6 par. 1 sec. 1 GDPR. Proof of internal
documentation of compliance does not constitute the latter in this case
providing explanations through a memorandum to the Authority in its context
relevant administrative control, where it was certainly not included
accountability, but argumentation justifying the relevant choice, neither
however, it cures the violation of the principle of accountability.
the fact that the violation of the above principles took place on
processing of personal data of subjects in the field of
labor relations, where it is characterized by an imbalance of power between
employer and employees. The importance attributed by the GDPR to
processing of personal data in employment relationships
is demonstrated by the fact that it is provided under article 88 of this to
national legislator the possibility of establishing special rules, in order to
ensure the protection of their rights and freedoms
workers, including appropriate and special measures for
safeguarding human dignity, legitimate interests and

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iii.

fundamental rights of the person to whom the data refer,
with
special emphasis on transparency of processing, transmission
data within the group and the monitoring systems in the field

work. Therefore, the observance of the principles provided by article 5

par. 1 sec. a' and para. 2 GDPR acquires in this case a special and

weighty importance for the respect of the right to the protection of

personal data of employees.

the fact that the violation of the above principles is subject according to them

provisions of article 83 par. 5 sec. a' GDPR in cases of enforcement

administrative fines up to EUR 20,000,000 or, in the case of businesses,

up to 4% of its total global annual turnover

previous financial year, whichever is higher,

i.e. in the highest foreseen category of the grading system

administrative fines, the imposition of which is reserved respectively,

by application of the principle of proportionality, in the case of the above

serious violations of the GDPR. Therefore, already from its settings

GDPR it follows that the violation of the principles provided by

article 5 par. 1 sec. a' and par. 2 GDPR is treated as the older one

severity in relation to the violations provided for by article 83

par. 4 GDPR.

the fact of causing damage to the right to data protection

iv.

v.

personal nature of the subjects from the violation of

aforementioned principles and in particular first, the violation thereof

GDPR processing of personal data and secondly, h

misleading impression created by the controller

to employees that the processing of personnel data

character concerning them takes place with its legal basis

consent. The incorrect application of the legal basis of consent
and misleading information about workers' rights
based on the legal basis of consent it resulted in their deprivation
rights and exercising control over personnel data
of their character, provided for by the provisions of articles 7 par. 3,

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13, 14, 17 and 18 GDPR (see Petition No. 75 GDPR and OE 29 for the administrative
fines, *ibid.*, p. 11).

The fact that, from the data brought to the Authority's attention, did not emerge
the occurrence of material damage to the data subjects – employees,
such as e.g. the dismissal of an employee due to non-performance
of consent to the processing of his personal data.

the fact that the three (3) purposes of processing personnel data
character of the employees were described by the company as compatible with
the relevant and intended goals from the processing, without n
Authority to enter into the relevant legality check, in accordance with what
were set forth in paragraph 26 hereof.

The fact that the selection of the respective, towards the three (3) purposes
processing, legal bases of article 6 par. 1 GDPR did not present
some difficulty, as it did not involve a complex or controversial issue,
the moment when, indeed, both the Authority with the under no. 115/2001
Its directive, but also by posting relevant information on the website
of 16, as well as the Article 29 Working Group in a series of Opinions and
of its Guidelines mentioned above, have been dealt with
with the issue of consent in the field of labor relations.

In addition, the data controller was aware of the

of OE29 Guidelines on consent, which

referred to in his memos to the Authority, referring selectively

in different and unrelated sections, in order to

argue in favor of the correctness of the choice of its legal basis

of consent, but formulating conclusions different from them

arising from the same Guidelines.

the fact that the violation of the above principles started on 25-5-2018

vi.

vii.

viii.

ix.

and continues to this day, as, yes, the company with the after-hearing

In her memorandum (under prot. no. APDPX 1565/28.02.2019) she expressed the

16 About

"working

http://www.dpa.gr/portal/page?_pageid=33,125875&_dad=portal&_schema=PORTAL

thematic

unity

her

see

relationships"

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its intention to abandon the legal basis of consent and to

henceforth applies the legal basis of the execution of the employment contract and

for the three (3) processing purposes, except, on the one hand, he did not inform

the Authority in the end if it made the above change, on the other hand, even

the application of the legal basis of the execution of the employment contract does not
it is suitable for all intended treatments, as already judged
from beginning.

the fact that the violation of the principles of article 5 par. 1 sec. a' and par. 2
GDPR did not concern, based on the information brought to the attention of the Authority,
personal data of articles 9 and 10 GDPR.

the fact that the violation of the principles of article 5 par. 1 sec. a' and par. 2
GDPR concerned personal data generated by
use of electronic means of communication and therefore it concerns the right
to privacy of personal data in the field of electronics
communications and therefore concerns the core of the relevant individual
right.

the fact that the violation of the principles of article 5 par. 1 sec. a' and par. 2
in conjunction with Article 6 para. 1 GDPR concerned the processing
personal data of 485 employees and therefore especially
large number, as follows from article 2 par. 1 of the petition
C(2003) 1422 of the European Commission of 6-5-2003 "regarding the
definition of micro, small and medium-sized enterprises'
according to which the numerical limit for the inclusion of enterprises
in large ones it is that of 250 employees. The same limit has been taken
taken into account in the context of the implementation of the obligations of article 30 par. 5
GDPR (see also Petition No. 13).

The fact that the violation of the principles of article 5 par. 1 sec. a' and par. 2
in combination with article 6 par. 1 GDPR it concerned almost all of it
personnel for the entire duration of the provision of their work, so that they do not
it is about an isolated or opportunistic breach of responsibility

of some of the employees, but for a violation that is systemic

(structural) nature, as it concerns the controller's policy

in relation to the legal basis of the processing.

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x.

xi.

xii.

xiii.

b) the fraud or negligence that caused the breach

From the memos of the controller it appears that the company

knew that he had to apply the legal basis of article 6 par. 1 sec. II GDPR

(execution of an employment contract), but it qualified the application of the law

basis of article 6 par. 1 sec. a' GDPR (consent) for the one purpose

processing. As for the other two (2) processing purposes, the company

applies anyway to date inappropriate legal basis, according to

extrapolated.

In addition, the company put forward the already rejected claim that the

application of the legal basis of consent was complementary -

subsidiary and that "[...] faced with the (still) new and specialized law of

protection of personal data, we adopted a conservative approach

and, with a view to our maximum security, but also in order not to

don't even risk being thought to be infringing on a right

our employee, we also asked for the consent of our staff" (prot. no.

365/18-01-2019).

Although the company's processing of the data

personal nature of its employees violated the principle of fairness or

fair processing in a non-transparent manner, in accordance with what was stated above, the Authority finds that the violations did not take place out of malice, but, in accordance with the above statement of the company, were the result of insufficient knowledge and application of the provisions of the GDPR in the context of the internal organization compliance, despite the fact that the controller could and should, in particular due to the obligation of accountability, to comply with the provisions of the GDPR, thereby breaching the duty of care required by law.

c) any actions taken by the controller to mitigate the damage suffered by the data subjects

The data controller, following his dispatch by hearing

His memo to the Authority, with which he essentially admits the violation

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of the GDPR by choosing the wrong legal basis, did not do anything

action in order to restore the relationship of trust with them

employees, in accordance with the principle of their fair or fair processing

their personal data in a transparent manner, such as e.g. informing

them for the most correct legal basis of processing that applies, for the

actual rights they have under the GDPR, for not

"monitors the means of communication and their electronic equipment" and that

it was a bad choice of words.

d) regarding any relevant previous violations of the person in charge

processing, it appears from a relevant check that it has not been enforced to date

administrative sanction from the Authority

e) regarding the degree of cooperation with the Authority for its remediation

violation and the limitation of its possible adverse effects

The Authority, in the context of examining the case, asked the company to

sends her the relevant written internal documentation, within the framework of the principle of accountability, from which the pre-processing documentation would result of choosing the appropriate, according to the same, legal basis under no. 6 par. 1 sec. a' GDPR. The company never responded to the Authority's request, which notably, it took place in the context of the exercise of its auditing powers. In addition, as a document of internal documentation of compliance is not understood in this case, the subsequent provision of explanations through a memorandum to the Authority in the context of the relevant administrative control, it was certainly not included either relative accountability, but argumentation justifying the relative choice.

Therefore, the company not responding to the above request of the Authority demonstrated an intent to cooperate at that point in time by infringing at the same time as stated, the duty of accountability.

On the contrary, in the post-hearing memorandum of the company to the Authority its intention to abandon the legal basis of consent was expressed and to henceforth apply the legal basis of the execution of the employment contract and for the three (3) processing purposes, except, on the one hand, he did not inform the Authority if he finally made the above change, on the other hand, even its implementation

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legal basis of the performance of the employment contract is not suitable for all the intended processing, as already decided by the Authority. in any case, the Authority assesses as a mitigating circumstance the intention of the company to cooperate in the post-hearing phase and remedy the violations to which he fell.

f)

the categories of personal data it affects violation and especially that it is not their personal data

of articles 9 and 10 GDPR, according to the information brought to the attention of the Authority.

g) the way in which the supervisory authority was informed of the violation,

in particular if and to what extent the data controller or the person performing it

processing reported the violation

in this case, the Authority was informed of the final ones

established violations following a complaint by a third party, with the result that

carry out an ex officio audit.

the)

any other aggravating or mitigating factor resulting from

circumstances of the specific case, such as the financial benefits that

accrued or damages avoided, directly or indirectly, by

violation

The Authority, in addition to the above, recognizes as an additional mitigating factor

that from the elements that were brought to her attention and based on which she found her

breach of the GDPR, the controller did not obtain a financial benefit,

nor did it cause material damage to the workers.

THE BEGINNING

After taking into account the above

Because he decided the case no. 58 par. 2 GDPR exercise of its corrections

powers in the specific case by imposing corrective measures

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Because pursuant to the provision of article 58 par. 2 sec. d' GDPR the Authority

decided to instruct the company "PRICEWATERHOUSECOOPERS

BUSINESS SOLUTIONS LEGAL COMPANY OF BUSINESS PROCESS

K I

ACCOUNTING

SERVICES

A.E"

with

distinctive

title

"PRICEWATERHOUSECOOPERS BUSINESS SOLUTIONS .E." (...) as responsible

processing to make the processing operations of personnel data

character of its employees, as described in the submitted by itself

Annex I, in accordance with the provisions of the GDPR.

Because in particular the company should restore the correct application of

provisions of article 5 par. 1 sec. a' and par. 2 in combination with article 6 par. 1

GDPR in accordance with what is contained in the reasoning herein.

Because in particular the company will then have to restore the correct one

application of the other provisions of article 5 par. 1 sec. b-f GDPR, to the extent

that the identified violation affects the internal organization and

compliance with the provisions of the GDPR, taking all necessary measures to

framework of the principle of accountability.

Because the above order should be executed within three (3) months from

receipt of this, informing the Authority.

Because the above corrective measure is not sufficient by itself for the

restoration of compliance with the violated provisions of the GDPR, the

moment in which indeed the company in spite of its part in essence

admission of the violation of the GDPR by him from 28-02-2019 with a hearing

Its memorandum to the Authority (prot. no. APDPX/G/EI /1565/28.02.2019), while

stated that it intended to abandon the legal basis of consent, it did not

acted to date by informing the Authority.

Because the Authority considers that in this particular case, based on the circumstances that were found, should apply the provision of article 58 par. 2 sec. i'll

GDPR to be imposed additionally and effective, proportional and deterrent

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administrative fine under no. 83 GDPR, both for its restoration

compliance, as well as for the punishment of this illegal behavior¹⁷.

Because the violation of the provisions of articles 5 and 6 found by the Authority

GDPR falls under the provisions of article 83 par. 5 sec. 1 GDPR on

cases of imposition of administrative fines up to EUR 20,000,000 or, in case

companies, up to 4% of its total global annual turnover

previous financial year, whichever is higher.

Because the Authority also took into account the published financial statements

statements of the company for the period from 01-7-2017 to 20-6-2018,

according to which its net turnover amounted to

41,936,426.00 euros.

FOR THOSE REASONS

A.

He gives an order to the company "PRICEWATERHOUSECOOPERS BUSINESS

THE BEGINNING

SOLUTIONS REGISTERED COMPANY OF BUSINESS PROCESS K I

ACCOUNTING

SERVICES

A.E"

with

distinctive

title

"PRICEWATERHOUSECOOPERS BUSINESS SOLUTIONS .E." (...) as in

three (3) months from the receipt of this notice, informing the Authority:

i. to make the data processing operations personal

of its employees, as described in the Annex submitted by the same

I, in accordance with the provisions of the GDPR.

ii. to restore the correct application of the provisions of article 5 par. 1 sec. a'

and par. 2 in combination with article 6 par. 1 GDPR in accordance with

included in the reasoning of the present,

17 See OE 29, Guidelines and the application and determination of administrative fines

for the purposes of Regulation 2016/679 WP253, p. 6

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iii. to also restore the correct application of the other provisions of article 5

par. 1 sec. b-f GDPR to the extent that the identified violation affects it

internal organization and compliance with the provisions of the GDPR by taking

any necessary measure within the framework of the principle of accountability.

B.

It imposes on the company "PRICEWATERHOUSECOOPERS BUSINESS

SOLUTIONS REGISTERED COMPANY OF BUSINESS PROCESS K I

ACCOUNTING

SERVICES

A.E"

with

distinctive

title

"PRICEWATERHOUSECOOPERS BUSINESS SOLUTIONS .E."

(...)

the

effective, proportionate and dissuasive administrative fine that
suits the specific case according to its special circumstances,
in the amount of one hundred and fifty thousand (150,000.00) euros.

The Deputy President

The Secretary

George Batzalexis

Irini Papageorgopoulou