

Athens, 14-06-2021 Prot. No.: 1495 DECISION 25 /2021 The Personal Data Protection Authority met, following the invitation of its President, in an extraordinary meeting at its headquarters on 10-06-2020 in continuation of the one from 02- 06-2020 meeting, in order to examine the case referred to in the history of the present. Konstantinos Menudakos, President of the Authority, the regular members Spyridon Vlachopoulos, Konstantinos Lambrinoudakis and Eleni Martsoukou, who had been appointed rapporteur, and the alternate member Grigorios Tsolias in place of the regular member Charalambos Anthopoulos, who, although legally summoned and in writing, did not attend due to disability. The meeting, without the right to vote, was attended, by order of the President, the auditor Eumorphia - Iosifina Tsakiridou, specialist scientist - legal, as assistant rapporteur, who left after the discussion and before the conference and the decision-making, and Irini Papageorgopoulou, employee of the Department of Administrative Affairs, as secretary. The Authority took into account the following: With no. prot. C/EIS/6842/10-10-2019 her complaint, A complained to the Authority that the newspaper PROTO THEMA, ... published the ... article by B with the title "... " (see form with sheet no. ..., p, marked ...), in which it is stated, among other things, what was seized in detail. The complainant complains about the publication in question, considering that the report in question concerns her private case which is not of interest to the reading public. 1 Kifissias Ave. 1-3, 11523 Athens T: 210 6475 600 E: contact@dpa.gr www.dpa.gr Specifically, the publication from ... mentions the following (see relevant article title on the front page of the newspaper, in ... print its edition, and, the full article of B on p. ...): "[...]". The Authority, in the context of examining the case, with no. prot. C/EX/6842-1/01-11-2019 document she asked the newspaper PROTO THEMA for its opinions on the accused. It also asked the newspaper to answer the following questions: a) if the article in question was published in the electronic version of the newspaper, b) if the complainant complained to the newspaper in any way, asking for deletion, opposition, correction and/or to be reported and her opinion on those mentioned in the same and/or other related publication, and in the affirmative, if and what she answered, and to attach every item relevant to the case. With the same document, the Authority asked the complainant to substantiate what she relies on in her complaint. In response, A submitted her memorandum of 15-11-2019 (G/EIS/7890/15-11-2019), with which he argued that the newspaper illegally had access, apparently from C's opponent, to elements of the case file, specifically the forced seizure report, and that the publication of information, which refers to what was seized, was done illegally, without the information and her express consent, without this information, which according to the complainant is "sensitive", to be made public by her, even claiming that this publication also constitutes the criminal offense of Article 38 of

Law 4624/2019 (Government Gazette A ' 137/29.08.2019). Also, the complainant claimed that the front page of the paper in question with the title of the publication in question [not the full publication] has also been posted in the electronic version of the newspaper, and when submitting the memorandum it can easily be found, among the front pages of the newspaper, with the search "front pages...". Subsequently, the Authority, with no. prot. C/EX/6842-2/19-12-2019, she forwarded her document to the newspaper and the aforementioned memorandum of the complainant and requested the submission of the newspaper's views. The latter, through her attorney, submitted her views with her document 2 dated 04-03-2020 (G/EIS/1731/05-03-2020), with which she argued the following: The specific publication followed, it was, that is, later, a bunch of previous publications related to the dispute between the complainant and C, both in print and in the electronic press on popular informational websites with a pan-Hellenic reach and traffic, according to the indicatively submitted upon subpoena by the newspaper no. .

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4 related publications. These, prior to the PROTO THEMA newspaper, publications, which specifically related to the episodic confiscation of her personal belongings at the complainant's house by C in execution of a court order, had certainly become widely known in Panhellenium as early as ..., that is to say, six whole days, before the publication of the newspaper PROTO THEMA and had disturbed the domestic public opinion. In other words, the PROTO THEMA newspaper did not reveal the complainant's personal data, nor did it publish the details of her dispute with G. These data had already become known to the public, long before the disputed publication, of the complainant, at the time of publication of the article of the FIRST SUBJECT. In addition, the complainant, according to the newspaper, is an undisputed public figure, who has occupied and is strongly in the news because of the case ... and her conflict with ... head ..., D for what the latter allegedly said in her testimony about this particular case, as can be seen from the indicatively submitted subpoena no. 5-7 related publications and the website ..., where the relevant report is recorded and the complainant's opinion is also published. In fact, according to the newspaper's claims, the rumor that she was going to head the press office of ... of ... had, for the very reason that her name was involved in the case ..., raised confrontations between MPs in the Plenary Session of the Parliament and a series of publications, as it turns out from the nos. 8-11 submitted in this regard. Also, even the fact that she has filed a summons against C and journalists for violation of personal data has already been leaked to the press (submitted no. 12 related), probably by her. From all of the above, it clearly follows that the complainant is a public, personal data, therefore, not a person who concerns public opinion. If one looks at the internet publications, one easily draws the said conclusion. In the opinion of the newspaper, the

publication of the disputed report does not affect the face of the complainant, but informs the public about an issue (of her dispute with C) that had been made public months before and has been a concern of public opinion ever since. The publication in question simply complements a number of other publications, which referred to the specific stage of the dispute, namely the confiscation of the personal belongings of the complainant by her opponent C. As the newspaper claims, the items are described descriptively in the publication and are not named one by one, as it would appear on the seizure report. Because the purpose of the publication was to inform public opinion about the event, which would not have been a public concern if the complainant had not been a well-known journalist, highlighted during the time in question due to the involvement of her name in the case.... It is not, therefore, a private dispute, but an event concerning the behavior of a public figure, in this case the relevant news, towards officials of justice, such as the bailiffs, and about a confiscation that had already been made known as to its content by previous publications of other media. According to the newspaper, the publication in question is legal in the context of the public mission of the press to inform the public about cases and issues of public interest (see article 10 ECHR, article 7 par. 2 par. g' of Law 2472/ 1997 and related jurisprudence). According to the newspaper's claims, in this case, all of the facts mentioned in the publication in question are not mental findings or falsified constructions of current affairs by the newspaper with the purpose of insulting the honor, dignity, reputation and reputation of the complainant, but a loyal adherence to truth and objective information, in the search and dissemination of which journalists are entitled to indulge. Moreover, it is not negligible that the data of the complainant's dispute with C and the details of the episodic confiscation of her home had become widely known throughout Greece, before the publication of the publication in question with other 4 previous publications of other media. Therefore, the said newspaper did not make the personal data of the complainant known to unauthorized third parties, as information that has already been published does not constitute personal data and does not fall under the application of Law 2472/1997 (Decision 175/2014 of A ´ Trim. Eff. of Misdemeanors of Athens and 791/2012 Trim. of Misdemeanors of Aigi). In any case, the publication in question does not contain sensitive personal data of the complainant (see article 2 letter b of Law 2472/1997). criminal protection of personal data that are made public, the objective and subjective are not documented substance of the basic offense of par. 4 of article 22 of law 2472/1997 (article 38 of law 4624/2019). Subsequently, the Authority invited the newspaper PROTO THEMA and A to a hearing at the Plenary meeting of 02-06-2020 (see summons with no. C/EX/3615 and 3616/26-05-2020). During the meeting of 02-06-2020, attorney Dialecti Kotjamanidou, attorney-at-law Dialektis Kotjamanidou, attended and was heard representing the company called EKDOSIS PROTO THEMA

EKDOTIKI SA, as the owner and publisher of the newspaper (in print and electronic version) PROTO THEMA, and, as a witness, the journalist of newspaper E, who developed their opinions orally. Complainant A was also present and heard with her attorneys Nikolaos Papadakos and Vasilios Cheirdaris, who developed their views orally. Both sides requested and received a deadline for the submission of a supplementary memorandum document, which they subsequently filed on time (06-09-2020) for the full development of their claims (see C/EIS/3959 and 3960/09-06- 2020 and C/EIS/3961 to 3971/09-06-2020 respectively). Based on the statements before the Authority (on 06-02-2020) and these last memoranda, the following additional information is presented: 1) Allegations A: 5 With her memorandum, in addition to her above-mentioned allegations, the complainant accepts that she is a public figure, as a militant journalist, well-known for her investigative and expository journalism in ..., and confesses that, as a public figure, she must accept criticism and scrutiny from both the media and judges even at the highest level of rigor and hardness. However, in this particular case, he considers that the detailed reference to the content of the seizure was made to "stimulate the tickling curiosity of the public while at the same time interfering with the negative image created solely by this statement of a serious journalist". According to the complainant, "the report essentially distorted that image and created another public image that does not correspond to reality, ethos, style and personality [of her]. She essentially 'falsified' [her] lifestyle and [her] image and created that of a wasteful, arrogant and over-consuming woman." She believes that this tarnishes her image as a serious journalist, who, as she notes, has never presented her private and personal life herself. Furthermore, the complainant provides evidence to prove the complete truth of what she wrote in her disputed article on ... (...), which started her dispute with C. It is noted that the latter reached the disputed forced execution against her to be collected of the amount awarded, by an irrevocable decision, for the restoration of the moral damage suffered by the said article of the complainant in ..., which showed him as controlled for tax evasion in ... and in ... and as connected to The complainant filed a lawsuit/appeal against C for false accusation, fraud on the courts and defamation. 2) The allegations of the newspaper FIRST ISSUE: The newspaper claims that the complainant is a public figure, a well-known journalist, a controller of power, and the news of the seizure against her was a matter of public interest, for which there was a justified public interest in information. A's name was already involved in the much-celebrated case ..., after the testimony of D, ... head of ..., in ... for this 6 case. It is noted that already in 2018, D has allegedly filed a lawsuit against the complainant for damages amounting to 70,000 euros for defamation, specifically for defamatory reports of the complainant against her judicial officer and her ... husband, issues that have come to light publicized before the article in question and is

still the concern of all the media. The case ..., with all its ramifications, is of enormous public interest. It is underlined that A, according to the publications, was summoned and testified without trial before the Special Parliamentary Committee which conducts a preliminary examination on the case... . The complainant herself, with her public statement, which she made before the publication in question, connected C's fierce litigation against her with the case In this statement, which is included in the contested article of the PROTO THEMA newspaper, he speaks of "[...]". enumeration The fierce dispute between A and C had, according to the newspaper, occupied the entire press before the publication in question. It is noted that the publication in question, which aimed to record the history of this fierce dispute and its evolution (hence the title chosen), lists all the elements of the case, including the statements of both sides, without making judgments or comments. According to the newspaper, the article in question provides a general description of the complainant (in no way is it a detailed record, as in the seizure report), which was made solely for the information of the public. This article demonstrates the severity of the dispute and the anger of the expedient, who was not satisfied with furniture but also confiscated her personal belongings (see also other publications, e.g. titled "...", "...", where the full text of the auction is also included, cf. the official page of electronic auctions [...]). of the Legal Fund, where the postings of confiscated objects of some The newspaper considers that it had an imperative duty and a justified interest to publicize this extreme manifestation of the fierce confrontation between two 7 prominent members of society, who even officially exchanged subsequent accusations in the much-lauded case... . The Authority, after examining all the elements of the file and those that were adjourned in the 02-06-2020 meeting, after listening to the rapporteur and the clarifications of the assistant rapporteur, who (last) left after the discussion and before the conference and the decision-making, and after a thorough discussion, IT WAS CONSIDERED ACCORDING TO THE LAW 1. Regulation (EU) 2016/679 (General Data Protection Regulation - hereinafter GDPR), which repealed Directive 95/56 EC, provides for the special case of processing data during the exercise of the right to freedom of expression and information (Article 85 GDPR, paragraph 153 of its preamble with reference to Article 11 of the Charter), and with an "opening clause" it gives the Member States the opportunity to introduce the appropriate regulations, so that to compromise the right to the protection of personal data and the right to freedom of expression and information, including processing for journalistic purposes and for academic purposes of artistic or literary expression (corresponding provision of art. 9 of Directive 95/46/EC, paragraph 37 of its preamble). It is noted that the Directive also explicitly referred to art. 10 of the ECHR, which enshrines the freedom of journalistic information, in order for the media to fulfill their institutional role in a democratic society, in such a way as to coexist,

to the extent necessary, on the one hand, the right to privacy and informational self-determination and on the other hand, freedom of expression and the right to information (see provisions of articles 2, 5, 5A, 9, 9A, 14, 15, 19 of the Law). In order to implement the above provision, the national legislator introduced a relevant regulation with article 28 of Law 4624/2019. 8 2.

From articles 5 par. 1, 9 par. 1, in conjunction with article 2 par. 1 of the Constitution, which reduces to the primary obligation of the State the respect and protection of human value, it follows, as a special manifestation of the right of personality, the right to informational self-determination, a right that is now expressly constitutionally guaranteed in Article 9A. The Constitution also derives the right of the press to inform the public and the corresponding claim of citizens to information, according to article 14 par. 1 S. (freedom of expression, right to information) and according to the, now constitutionally protected in article 5A , right to information (right to be informed), necessary for the activation of everyone's right to participate in the social, economic and political life of the country guaranteed in article 5 par. 1 of the Constitution. 3. From the Constitution, there is no predominance of one right over another in abstracto. In other words, there must be an in concreto delimitation of the fields of application of the conflicting rights, in accordance with the principles of ad hoc weighing of opposing interests and of practical harmony and proportional balancing, with the application of the principle of proportionality which is now constitutionally enshrined in Article . 25 par. 1, in such a way that the protected goods (freedom of information and citizens' right to information - articles 14 par. 1 and 5A S. - and right to personality and to the protection of private life and the right to informational self-determination) to maintain their regulatory scope. The judgment of whether specific processing was carried out legally or, on the contrary, whether the right of informational self-determination of the affected persons was violated and of privacy, must be based on an assessment of the issue of whether this processing served the interest of informing public opinion and whether this interest outweighs the right to privacy in the specific case, and whether the considered infringement 9 was in the framework of the principle of proportionality necessary for the exercise of the right to information¹. According to the principle of balancing, which is accepted by the established jurisprudence of the Greek courts and the European Court of Human Rights (ECtHR), the media have, according to Article 10 of the European Convention on Human Rights (ECHR), ratified by the n.d. 53/1974, duty to inform the public about cases and issues of public interest and accordingly the public has the right to be informed about issues and cases of general interest. Especially when it comes to figures of public life or matters of public interest, the need to inform the public is more intense. For this reason, the ECtHR recognizes the role of journalists as public watchdogs, i.e. the control function of the press, which covers its ability to embellish bad texts by publicizing and publicly criticizing them. Public officials

cannot escape journalistic scrutiny and harsh criticism, in order for public opinion to be convinced that they are living up to their public duties and the purpose of their mission. Moreover, "public figures" has been accepted as meaning the persons who exercise public authority as well as those who play a role in any field of public life, such as in politics, or in the cultural, scientific, religious, economic, artistic, social, sporting life². It is also pointed out that the so-called personalities of the current affairs can also be considered as public figures, according to a broad interpretation, harmonized with the Constitution. 1 See the relevant jurisprudence of the Authority under the thematic SME, for example, the Decisions of the Authority 100/2000, 24/2005, 25/2005, 26/2007, 43/2007, 58/2007, 17/2008, 36/2012, 165/ 2012, 16/2015, 17/2015 and 41/2017. 2 Cf. article 7 of Resolution 1165 (1998) of the Parliamentary Assembly of the Council of Europe on the right to private life, decision of the ECtHR "Caroline of Hanover v. Germany", 24.06.2004, sc. 42 and 72 - where it was examined, among other things, whether or not the applicant was performing public duties when she was secretly photographed by journalists - and Decisions of the Authority 26/2007, 165/2012, 73/2013, 52/2015 and 41/2017. 10 4. According to article 28 par. 1 of Law 4624/2019 (Government Gazette A' 137/29.08.2019), the processing of personal data during the exercise of the right to freedom of expression and information is permitted when: a) the subject of data has provided his express consent, b) concerns data that has been clearly made public by the subject himself, c) the right to freedom of expression and the right to information takes precedence over the right to protect the subject's personal data, in particular for issues of more general interest or when it concerns personal data of public figures and d) when it is limited to the measure necessary to ensure freedom of expression and the right to information, in particular when it concerns special categories of personal data, as well as criminal prosecutions, convictions and the related security measures, taking into account the subject's right to private and family life. According to these provisions, interpreted in view of the principle of proportionality and the principle of practical harmonization between the protection of personal data and freedom of the press, the processing of personal data in the exercise of the right of expression and information is permitted when this right prevails over the right to protection of the subject's personal data, in particular for matters of general interest or when it concerns the personal data of public figures, provided that the processing is limited to the measure necessary to ensure freedom of expression and the right to information (see Authority's Opinion 1/ 2020). 5. Regarding the publication on ... in the [...] printed edition of the newspaper PROTO THEMA of the article of B entitled "... " (p. ... marked on the front page), in which it is stated, among other things, what was seized in detail, as and by posting the front page of the sheet in question with the title of the publication in question in the electronic edition of the newspaper, it is,

according to the 11 aforementioned, researchable whether the specific acts of personal data processing were absolutely necessary for the exercise of the right to information against the right protection of the subject's personal data, in accordance with the requirements of the principle of proportionality and the principle of practical harmonization between freedom of the press and protection of personal data. In particular, the publication in question mentions the complainant's personal data, among other things, with a detailed description of the confiscated movable things of her property. The publication in question refers to a matter of more general interest in relation to a public figure (of absolute and/or relative topicality, see also related publications on the scandal...), Specifically, according to the data provided, A's dispute with C - which was caused by a publication by the complaining journalist in the newspaper TO BIMA, [...], and specifically by her article from ..., entitled "...", where she referred to C's involvement in the case ... and tax evasion issues - and subsequently, the culmination of the aforementioned fierce litigation was a matter of public interest that occupied the press and the media. And the complainant was a public figure, in the above sense, as evidenced by the role she played, primarily as a militant journalist, revealing her allegations and the current affairs publications presented to her. The complainant that the publication relates exclusively to her private case is not valid, since, according to what is stated above, it is related to a case of public interest and, specifically, to the execution of court decisions that are the outcome of litigation that began with the publication, on behalf of the same, the involvement of C in the case ..., for the publication of which the latter appealed against her to the courts for his rehabilitation. Therefore, it is a matter of more general interest in relation to a public figure, who must in principle tolerate harsh criticism. Following these, subject to the following paragraph, the newspaper, in principle, legitimately proceeded to publish the matter as stated above, including the seizure, subjecting to accusatory journalism, the event and from 12 processing of the complainant's personal data, which in fact, contrary to the allegations of the complainant, do not fall under the special categories of data (see article 9 par. 1 GDPR). Except, however, according to the combined interpretation of cases c and d of the first paragraph of article 28 of Law 4624/2019, the disclosure of simple, in this case, personal data for journalistic purposes must be done in such a way that the intrusion into the private and family life of the data subject should be the smallest possible within the framework of the harmonized application of the protection of private and family life on the one hand and the right to information on the other³. In this case, the principle of minimization (article 5 par. 1 letter c GDPR, which according to article 28 par. 2 of Law 4624/2019) or of sparing when processing personal data⁴, which also applies in processing of personal data for journalistic purposes to satisfy a justified interest in informing citizens, imposes the least burdensome processing for the

subject, even if it is not as effective in comparison to an over-inclusive processing. In this particular case, despite the publication's justified reference to the fact of the seizure, such a detailed description of the complainant's confiscated movable property in the disputed publication, capable of creating gratuitous associations in the reader of the publication regarding the complainant's property situation, constitutes a form of intervention to the rights that make up the constitutionally protected private sphere of the person (articles 9 par. 1 sec. b and 9A of the Constitution)⁵, which is judged to be illegitimate because it does not seem necessary for the purpose of informing the public, and exceeds the limits is set by the principle of proportionality (see article 28 par. 1 and 2 of Law 4624/2019 and article 5 par. 1 letter c) GDPR). ³ Compare StE 3922/2005, Sec. D', DiMEE, 4/2005, p. 567. ⁴ See regarding K. Christodoulou, Personal Data Law, Law Library, 2nd ed., 2020, pp. 111-113. ⁵ See regarding this, also C. Akrivopoulou, The right to private life, Sakkoula Publications Athens-Thessaloniki, 2012, pp. 291 ff.

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The Authority, taking into account the difficulty of judgment as to the determination, at framework of the right to freedom of information, of the necessary information about how to execute court decisions that constitute the conclusion of a dispute of general interest, considers that it should imposed on the owner of the newspaper, a company called EKDOSIS PROTO THEMA EKDOTIKI SA, as data controller, as provided for in the article 58 par. 2 item 2 of the GDPR corrective authority of the reprimand referred to in dispositive, which is proportional to the gravity of the violation of its principle minimizing the insult to the complainant.

The beginning,

FOR THOSE REASONS

1. He considers that the article in question with the reference to the reasoning content, which was published on ... in the [...] printed edition of the newspaper PROTO THEMA, violates, for the reasons mentioned in paragraph 5 hereof, the principle of proportionality (article 28 of Law 4624/2019, article 5 par. 1 letter c) GDPR).

2. Enforces the company under the name EDCOIS PROTO THEMA EDTOTIKI SA

the effective, proportionate and dissuasive reprimand for the established

exceeding the limits of the principle of proportionality according to the above (article 28 of

Law 4624/2019, article 5 par. 1 item 3 GDPR).

The president

Konstantinos Menudakos

The Secretary

Irini Papageorgopoulou