Athens, 06-09-2022 Prot. No.: G/EXE/2181 DECISION 37/2022 (Department) The Personal Data Protection Authority met in a composition of the Department via teleconference on 20-07-2022 at the invitation of its President, in order to examine the case referred to in the present history. Georgios Batzalexis, Deputy President, in the absence of the President of the Authority, Constantinos Menoudakou, was present, the alternate member, Christos Papatheodorou as rapporteur and also the alternate members Maria Psalla and Demosthenes Vougioukas, replacing the regular members Spyridonos Vlachopoulos, Grigorio Tsolias and Konstantinos Lambrinoudakis respectively. , who, although legally invited in writing, were absent due to disability. The meeting was attended by order of the President, Kyriaki Karakasi, legal auditor - lawyer, as assistant rapporteur and Irini Papageorgopoulou, employee of the Authority's administrative affairs department, as secretary. The Authority took into account the following: With the complaint No. C/EIS/7435/12-11-2021 of A, the latter complains about the non-response of the complained pediatrician, B, to the right of access to medical data of his minor child which he exercised by text message (sms) on 10-8-2021. He submits to the Authority, among other things, the no. ... notarial deed of voluntary recognition of the child in question by the notary of Athens, C (prot. no. C/EIS/7436/12-11-2021). The Authority, in the context of examining the above complaint, with no. 1-3 Kifisias St., 11523 Athens, Tel: 210 6475600, Fax: 210 6475628, contact@dpa.gr / www.dpa.gr Γ/Εξ/2686/29-11-2021 her document, requested from the said doctor clarified by pointing out the established jurisprudence of the Authority1, by virtue of which the person exercising parental care of his minor child (art. 128 and 1510 Civil Code) has, in principle, as his legal representative, the right of access under Article 15 of the GDPR to the data referred to in his minor child, unless otherwise provided by court order. In particular, the Authority asked the complained-of doctor to clarify whether the complainant exercised before her the right of access to the medical data of his minor child and to which ones in particular as well as in what way the latter responded to said right of access, otherwise it was requested to clarify the reasons why the doctor did not respond to the relevant request, providing relevant documentation. Following this, and despite the fact that the complained pediatrician received the above document from the Authority by registered letter (as it appears from the data kept in the Protocol, it was not returned to the Authority as undelivered), she did not respond. Subsequently, and after the complainant interrupted the telephone communication from 13-01-2022 which took place at the initiative of the Authority, she was sent the letter no. prot. C/EXE/162/19-01-2022 document, reminding the latter that she has not responded to the clarifications requested from her with no. prot. G/EX/2686/29-11-

2021 document of the Authority mentioning also the obligation of the data controller pursuant to Article 31 of the GDPR as it

cooperates with the Authority. The complainant, even after the delivery of the second above mentioned document by the Authority, never responded as she did not send any written response until 10-

03-2022, at which point he again interrupted the telephone communication attempt made at the Authority's initiative. Following this, the Authority called with no. prot. C/EXE/1021/04-05-2022 and C/EXE/1022/04-05-2022 calls both parties to a hearing, informing them about it and with the no. prot. C/EXE/1316 and 1317/31-05-2022 documents, so that they can be heard at the 08-06-2022 meeting of the competent Department. Subsequently, the complainant sent the number prot. C/EIS/7773/07-06-2022 her memorandum in which she states that she has followed up the complainant's minor child medically, then notes 1 See relevant decisions 24/2009, 21, 22 and 53/2010, 130/2013, 18/2018, 4/2020, 26/2021 of the Authority, published on the website of www.dpa.gr 2 that he spoke by phone with the complainant, the who requested information on the medical course of the above-mentioned child as well as a relevant written certificate on the medical data of the child in question, while committing in the context of the above-mentioned telephone communication to inform the complainant if he proved his relationship with the minor child. In addition, the complainant admits that she contacted the mother of the child, who forbade her to provide the complainant with any information or document, after emphasizing that she had custody of the child, confirming the breakdown of her relationship with the complainant, and admits that after that it did not satisfy the contested right of access exercised by the complainant. For the issue of her obligation to cooperate with the Authority according to Article 31 of the GDPR, which was expressly included in the summons for a hearing received by the complained-about doctor, the illness of the lawyer who, according to her claims, had first taken over her case is invoked. At the aforementioned meeting, the complainant appeared in person, and the complainant appeared through the lawyer of Efstratia Hatzigianni (with AM DS...), while after the aforementioned hearing, both parties were given a deadline to submit any memoranda in further support of their claims until 24 -06-2022. Subsequently, the complainant timely submitted the no. prot. C/EIS/7867/09- 06-2022 his memorandum, in which he states that one day before the written exercise of the right of access before the complained pediatrician, that is on 07-10-2021, he spoke with the latter by phone. The pediatrician assured that she had spoken with the child's mother and had been informed that the complainant would call her as his father. The complainant emphasizes that in the context of the said telephone communication, the complainant did not question his status as the father of the child, nor was he asked to present the notarized act of identification of his child, while it is stated that she was positive to send him the child's medical examinations when he has them. Furthermore, and after he had mediated the child's mother's

refusal to share the child's medical examinations with him, it is reported that from 08-10-2021 and until the day of the hearing before the Authority, the complainant did not respond to the complainant's phone calls nor to the relevant written message he addressed to her on 08-10-2021. Finally, the complainant states that he is the guardian of his minor child, while no court decision is pending on the 3 above issue. The complainant with no. prot. C/EIS/8271/27-06-2022 her timely filed memorandum briefly states, among other things, the following: First of all, she states that she never refused to grant the complainant any document, while during their telephone communication she herself consented to the grant of the documents related to the complainant's child, as long as he proved that he is the father of the child in question by sending a document as well as his identity. Subsequently, the complainant confirms that she received on 08-10-2021 a text message from the complainant, with which the latter requested her access to documents pointing out that it came from an unknown telephone number. The complainant notes that the reason she did not respond to the complainant's text message was precisely because it came from an unknown number, as well as her usual practice of only responding to emails and not to personal messages. Furthermore, he notes that he did not receive any document from which the status of the complainant as the child's father can be deduced, while he states that he has never met the complainant or communicated with him while he was medically monitoring his child. In addition, the complainant admits that immediately after the first phone call she received from the complainant, she asked the mother of the child about his status as the father of the child in question and the latter's response that their relationship had broken down made her wary of the satisfaction of the disputed right of access, while claiming that if she illegally granted any document to the complainant, she would be exposed to the mother of the child and would be in violation of the personal data legislation. The reluctance of the complainant was also based on the fact that she did not know whether the complainant had parental care or custody of the child, stressing that even if she did know, she believed that only the person exercising custody of the child has the right to access the child's documents. A little later, and on the occasion of the complaint under consideration, he assigned, as he claims, the case to a lawyer. In addition, the complainant emphasizes that she was not pressured by the mother of the child, so as not to grant the complainant the requested data of his child, while she points out that her lawyer had no communication with the complainant due to the pending complaint before the Authority. Finally, since the complainant claims that from the beginning she had assigned the case under investigation to a lawyer, who assured her that he was checking 4 the case, while she later found that this was not the case, as she had neglected to contact and respond in time on her behalf to the Authority, invoking, in fact, a health

problem, she states that she intends to grant the complainant any document requested. The Authority, after examining the elements of the file, after hearing the rapporteur and the clarifications from the assistant rapporteur, and after a thorough discussion, THINKS IN ACCORDANCE WITH THE LAW 1. Because of the provisions of articles 51 and 55 of the General Data Protection Regulation (Regulation (EU) 2016/679 – hereinafter, GDPR) and Article 9 of Law 4624/2019 (Government Gazette A΄ 137) it follows that the Authority has the authority to supervise the implementation of the provisions of the GDPR, this law and other regulations concerning the protection of the individual from the processing of personal data. Article 5 par. 1 of the General Regulation (EU) 2016/679 for the protection of natural persons against the processing of personal data (hereinafter GDPR) sets out the principles that must govern a processing. According to the principle of accountability introduced by the said article, it is expressly defined in the second paragraph thereof, that the data controller "bears the responsibility and is able to demonstrate compliance with paragraph 1 ("accountability")". This principle, which is a cornerstone of the GDPR, entails the obligation of the data controller to be able to demonstrate compliance. In addition, it enables the data controller to be able to control and legally document a processing carried out in accordance with the legal bases provided by the GDPR and national data protection law. 2. Because according to article 15 par. 1, 3 and 4 of the GDPR "1. The data subject has the right to receive from the controller confirmation as to whether or not the personal data concerning him is being processed and, if so, the right to access the personal data and the following information: [...] 2. […] 3. The controller shall provide a copy of the personal data being processed. […] If the data subject submits the request by electronic means and unless the data subject requests otherwise, the update 5 shall be provided in a commonly used electronic format. 4. The right to receive a copy referred to in paragraph 3 does not adversely affect the rights and freedoms of others." In the context of the above right, it is pointed out that the data subject should have the right to access personal data collected and concerning him and be able to exercise this right easily and at reasonable regular intervals, in order to be aware and verifies the legality of the processing. This includes the right of data subjects to access their health data, for example their medical record data which contains information such as diagnoses, test results, assessments by treating doctors and any treatment or procedure provided. And the controller should be able to provide remote access to a secure system through which the data subject obtains direct access to the data concerning him/her 2. Therefore, in view of the above, it follows that the subject's right of access to the personal data that they concern it with the main purpose of assuring the subject of the accuracy and legality of the processing of his data3. Therefore, in order to satisfy the right of access, it is not necessary to invoke a legitimate interest,

since this exists and forms the basis of the subject's right of access to obtain knowledge of information concerning him and which has been registered in a file kept by the data controller, so that to realize the basic principle of the law for the protection of personal data, which consists in the transparency of the processing as a condition for any further control of its legality on the part of the data subject4. Similarly, it is not required to invoke the reasons why the data subject wishes to exercise the right of access. Besides, it should be pointed out that the satisfaction of the right of access is universal, i.e. it concerns all the information concerning the data subject and furthermore, it does not only require invoking the reasons why the data subject 2 See recital 63 of the GDPR and APD 23/2020. 3 See also recital 63 of the GDPR. 4 See indicative APD 2/2020, 23/2020, 16/2017, 98/2014, 149/2014, 72/2013 and 71/2013. 6 wishes to exercise the right in question, as discussed above, but neither does mediation5. Therefore, in view of the fact that it is not necessary to invoke the reasons why the data subject exercises the said right, it is submitted that for the satisfaction of the said request, the satisfaction of the right should not depend on any previous judgment of the data controller regarding whether the exercise of this right is justified or not6. 3. Because according to article 12 GDPR "1. The controller shall take appropriate measures to provide the data subject […] with any communication under Articles 15 […] 2. The controller shall facilitate the exercise of the data subjects' rights provided for in Articles 15 to 22 […] 3. The controller shall provide the data subject with information on the action taken upon request pursuant to Articles 15 to 22 without delay and in any case within one month of receipt of the request. This deadline may be extended by a further two months if necessary, taking into account the complexity of the request and the number of requests. The data controller shall inform the data subject of said extension within one month of receipt of the request, as well as of the reasons for the delay. […] 4. If the controller does not act on the request of the data subject, (…) informs the data subject, without delay and at the latest within one month of receipt of the request, of the reasons for not acting and for the possibility of submitting a complaint to a supervisory authority and taking legal action." 4. Because according to the provision of Article 31 of the GDPR it is provided that "The controller and the processor and, as the case may be, their representatives cooperate, upon request, with the supervisory authority for the exercise of its duties". This provision introduces an independent general obligation of each controller 5 See APD 16/2017, 26/2021. 6 See regarding APD 1/2005 decision of the Authority by which it was judged that the controller must respond to the data subject's access request without vagueness and evasion citing reasons unrelated to the satisfaction of the right of access. See also APD 16/2017 and 26/2021. 7 to cooperate with the supervisory authority, when a relevant request is submitted during the exercise of the tasks assigned to it by the European legislator, while the violation of its

fulfillment automatically entails the imposition of the administrative fine of article 83 par. 4 item. 1 GDPR. It is pointed out that this obligation together with the principle of accountability of article 5 paragraph 2 GDPR strengthens the role of the Supervisory Authority in the exercise of its powers towards the realization of the purpose of the effective application of the personal data protection rules7. 5. Because article 1510AK on parental care states, among other things, that "Care for the minor child is the duty and right of the parents (Parental care), who exercise it jointly and equally. Parental care includes the care of the person, the administration of the property and the representation of the child in any case or legal action or trial, concerning the person or the property...". Besides, article 1513AK states, among other things, the following: "In cases of divorce or annulment of marriage or dissolution or annulment of the cohabitation agreement or interruption of the cohabitation of the spouses or the parties to the cohabitation agreement and as long as both parents are alive, they continue to exercise joint and equal parental responsibility. The parent with whom the child resides, attempts the actions provided for in the first paragraph of article 1516, after prior information of the other parent." 6. Because in addition, according to article 14 of the Code of Medical Ethics (law 3418/2005) it is defined that: "1. The doctor is obliged to keep a medical record, in electronic or non-electronic form, which contains data that is inextricably or causally linked to the illness or health of his patients. … 2. The medical records must contain the name, surname, gender, age, occupation, address of the patient, the dates of the visit, as well as any other essential element related to the provision of care to the patient, such as, but not limited to depending on the specialty, his health problems and the reason for the visit, the primary and secondary diagnosis or the treatment followed. …4. The obligation to maintain medical records applies: a) in private clinics and other primary health care units of the private sector, for a decade from the last visit of the 7 See Decision of the Authority 28/2022, sc. 8. 8 patient and b) in any other case, for twenty years from the patient's last visit". 7. Because according to the established jurisprudence of the Authority, according to the aforementioned8, the person exercising parental care of his minor child (art. 128 and 1510 Civil Code) has in principle as his legal representative the right of access of the above article 15 to the data relating to the minor his child, unless otherwise provided by court order. In particular, in the context of the case under consideration, the complainant, as exercising parental care of his minor child jointly and equally with the mother, has the right to access the latter's medical data, as follows from the combination of the provisions of articles 1510 and 1513 of the Civil Code , 14 of the Code of Medical Ethics and 15 of the GDPR, without, in fact, requiring further assistance in the person of the specific legal interest. This is because the complainant as exercising parental care of his minor child is identified with the subject of the specific data. Therefore, the complained-about

doctor is obliged to satisfy relevant rights of access exercised by the father and exercising parental care of the minor child for whom he has given an opinion, in the context of providing services concerning him. 8. Because in this case, the complainant exercised the right of access on behalf of his minor child in front of the complained doctor - controller, in his capacity as exercising parental care, as stated above, which does not appear to have deprived. In particular, the complainant requested from the aforementioned doctor how to obtain access to medical information (examinations) of his minor child's medical file. In fact, the complainant proceeded to exercise the disputed right of access in a clear way through a written message including full details of both himself and his child as a patient of the complainant. From the message in question, which was presented to the Authority, it follows, also in an irrefutable and sufficient manner, that the complainant's right of access was lawfully exercised in all respects. Besides, as was discussed in the second paragraph of the present with reference to the Authority's jurisprudence, 8 See indicatively relevant decisions APD 24/2009, 21, 22 and 53/2010, 130/2013, 18/2018, 4/2020, 26/2021. 9 in order to satisfy the right of access, it is not necessary to invoke a legitimate interest, since the legitimate interest (even if moral) of the subject to obtain knowledge of information, which concerns him and which has been registered in a file kept by the data controller, is taken for granted, so in order to fulfill the basic principle of the law for the protection of personal data, which consists in the transparency of the processing as a condition for any further control of its legality by the data subject. In any case, the exercise of the right of access is not required to take place in a specific way or solemnly, e.g. by invoking the provisions of the GDPR or with an explicit reference to its exercise9. The above request, which was made in writing on 08-10-2021 via sms on the mobile phone of the complained pediatrician, according to the foregoing, does not appear from the data in the file to have been satisfied by the doctor-in-charge of processing, since the latter never responded to it. In particular, from the claims of the complainant, as they are developed in the above Memorandums that she submitted before the Authority, it appears that she has not granted the complainant any document regarding his minor child. In addition, it is pointed out that the controller is not released from his obligation to inform the data subject regarding the exercised right of access for the sole reason that the data in question does not exist in a file kept by him10. Therefore, the complained-about doctor should have responded by informing the complainant, even if only of the fact that she does not keep any data in her file concerning his minor child. For a major reason, the complained pediatrician should have responded to the disputed right of access exercised in accordance with the above since she herself admits that she monitors the complainant's minor child and therefore collects and records in the filing system maintained by her, i.e. in the patient's medical file, documents concerning him (see indicatively

pp. 2-3 of No. prot. C/EIS/8271/27-06-2022 Memorandum of the complainant). It should be pointed out, in addition to the above, the obligation of the doctor by virtue of 9 See Decision of the Authority 26/2021, available on its website www.dpa.gr. 10 See SC 2627/2017, sk. 7. See in this regard and those with no. 61/2021, 2/2020, sc. 1 and 43/2019 Decisions of the Authority. 10 of the aforementioned article 14 of the Code of Medical Ethics, as he keeps a medical record for the patients he attends. Given that the complainant herself admits that she monitors the child and therefore keeps the file in question, which is available, she must, as the data controller, ensure under no. 12 par. 1 and 2 GDPR the easy11 and unhindered access to it by no. 15 par. 1 GDPR of the individual exercising parental care of a minor child who attends as a doctor. 9. Because, in addition, it is confirmed after examining the allegations of both parties presented in the Memorandums that the complainant's exercised right of access has not been satisfied and the latter has not been informed, at least until the date of the hearing of 06-08-2022 before of the Authority, of any element of the minor child's medical file, while there is no justified non-satisfaction, according to the provisions, or late fulfillment thereof and especially within the deadlines provided by the GDPR, the violation of the provision of article 15 of GDPR in conjunction with the provision of article 12 par. 1, 3 and 4 GDPR. 10. Because the complainant's claim to dispute the complainant's identity as the father - exercising parental care of her said minor patient, on which the pediatrician states that the non-satisfaction of the disputed right of access depended, is tested as substantively unfounded. This is because, in addition to the fact that the complainant expressly denies the fact that his identity as the father exercising parental care of the minor child in question was questioned during his communication with the complainant and that he was asked to provide documents to prove his status and, moreover, the above-mentioned contrary claim of the complained pediatrician is not proven from the data in the file, in any case, the claim in question is in direct contradiction with the claims of the complained, as they were put forward in the context of no. prot. C/EIS/7773/07- 06-2022 of her Memorandum before the Authority. More specifically, in the aforementioned Memorandum, the pediatrician expressly admits that after the telephone communication she had with the complainant, i.e. before the written exercise of the disputed right from 08-10-2021, they themselves 11 Compare APD 72/2013, in particular s. 6, where reference is made to flexibility, i.e. to the non-excessive sacrifice, on the part of the Processor in the direction of satisfying the right of access. See in this regard also APD 26/2021. 11 of access, provided relevant information to the mother of the minor child, who confirmed to her the breakdown of the relationship between them and therefore it was objectively clear to the complainant already before the exercise of the right of access, which took place at a time subsequent to the above communication with the mother of the child, from the complainant,

that the latter was not an unknown person but the father of the said child. Further, and from no. prot. C/EIS/8271/27-06-2022 Memorandum of the complainant, which was submitted to the Authority after the hearing, it is confirmed that after the first phone call received by the pediatrician from the complainant, and therefore at a time prior to the exercise of disputed right of access, as discussed above, asked the child's mother about the complainant's status and it was clear that their relationship had broken down. Therefore, it follows from the above that the complained pediatrician had already, before exercising the aforementioned right of access, confirmed the relationship that the complainant had with the mother and the child and therefore his status was clear to her, since according to her claims she did not it appears that the child's mother disputed the complainant's status as the latter's father. And yes, it follows from the provision of article 12 par. 6 GDPR that in a case in which the data controller has reasonable doubts regarding the identity of the natural person who submits the access request, the latter may request the provision of additional information necessary to confirm the identity of the data subject, except, however, and in view of the fact that the aforementioned status was already known to the pediatrician and that, in any case, the complainant was certainly not third party in relation to the child, as emerged from the information which the complainant admits she had from the latter's mother, regardless of which parent exercised custody, and given that, in any case, it was not proven that such doubts were actually expressed to the complainant and that he was asked for additional information, the things about doubt about the complainant's identity and status as a father - exercising parental care of the aforementioned minor child, which the complainant mentions as a reason for not satisfying the exercised right of access, are presented as completely baseless and pretentious in view of the facts relied on by her and are therefore rejected. 11. Because the allegations of the complainant about her selective response to only a certain type of messages, i.e. emails and not written telephone messages, 12 are also rejected, as she should have responded as data controller in any case to the complainant, and rather from the moment that the latter expressly and appropriately exercised the contested right of access by requesting documents directly related to the profession of the complained-in and noting, in fact, at the end of the disputed message his e-mail address. It is noted that in order to satisfy the right of access, the law does not require the prior personal acquaintance of the data subject with the data controller, in order to refute the allegation invoked by the complainant about no prior personal acquaintance or communication and meeting with the complainant (see p. 1 of her Memorandum no. prot. C/EIS/8271/27-06-2022). Finally, it is pointed out that the alleged information of the complainant by the child's mother about the state of the latter's health, in no way negates the obligation of the pediatrician as data controller to respond to and satisfy

the duly and expressly exercised right of access above. 12. In addition, from the above facts, it follows that the complained pediatrician - data controller showed absolutely no willingness to cooperate with the Authority by providing clarifications regarding the complaint that concerned her. In particular, she was indifferent and did not bother to respond to the Authority both times when the latter addressed the above to her under no. prot. G/EXE/2686/29-11-2021 and G/EXE/162/19-01-2022 documents, as detailed in the history of the present. In fact, the sending of the second aforementioned reminder document by the Authority to the complainant was preceded by a telephone communication with the latter on 13-01-2022 at the initiative of the Authority, which was abruptly interrupted by the pediatrician, while it is pointed out that even after the delivery of the above reminder document to the Authority, there was again a telephone communication with the complainant on 10-03-2022 at the initiative of the Authority due to of her non-response until then, to be abruptly interrupted again by the pediatrician. Until her hearing before the Authority on 06-08-2022, she did not respond to the above requested clarifications until 06-06-2022, when she sent the letter with no. prot. G/EIS/7773/07-06-2022 memorandum. 13 Therefore, in view of the above facts, the alleged direct recourse to a legal representative invoked by the complained pediatrician cannot be objectively confirmed, i.e. from the first transmission of the complaint to her by the Authority, as in fact proof of disposition for cooperation with the Authority. Especially in view of the fact that even in the second phone call with the pediatrician that took place on 10-03-2022, when it became clear to the complainant herself that no one had responded on her behalf to the clarifications requested of her around the end of 2021 by the Authority, no care was taken by the complainant in order to trouble (again) any legal representative to whom, according to her claims, she had entrusted the handling of the relevant case. This is not proven by the fact that her first memorandum was submitted to the Authority about 3 months later and in fact, 2 days before the hearing before the Authority. It is pointed out in this regard that the alleged health problem of the first, according to her claims, legal representative who had taken over her disputed case, even if it wanted to be considered true, does not justify the above-mentioned delay in her response before the Authority even after the receipt of the second reminder document mentioned above, which was sent directly to the complainant as a registered letter, after receiving which it is proven that absolutely no action was taken by the complainant in the direction of cooperation with the Authority or even disposal on the part of as it informs the Authority on its own initiative. On the other hand, the above subsequent delay of approximately seven months regarding its response to the Authority in combination with the complainant's sudden interruption of telephone communications which took place at the initiative of the Authority demonstrate her non-cooperation as data controller with the

Authority. In this way, as a data controller, it violated its obligation arising from the above-mentioned article 31 of the GDPR, which is independent and its violation entails the imposition of the administrative fine of article 83, paragraph 4, item. 1 GDPR12. 13. Since the violation of the right of access of article 15 par. 1 of the GDPR is established in combination with the provisions of paragraphs 1, 3 and 4 of article 12 of 12 Indicatively, it is noted that the Authority with decision 33/2021 imposed an administrative fine for the independent violation of the provision of article 31 GDPR. 14 of the GDPR and that despite the intervention of the Authority that received the disputed complaint and especially seven months later, the complainant's right of access has not yet been satisfied by the complained-about doctor13. In addition, it is also established the violation of the independent obligation of the complainant as a data controller as it cooperates with the supervisory authority as defined in article 31 of the GDPR and that the violation of the rights of the data subjects provided for in articles 12-22 of the GDPR entails the imposition of the relevant sanctions according to article 83 par. 5 item. b' of the GDPR, while the violation of the obligations of the data controller provided for in articles 25 to 39, among others, entails the imposition of the relevant sanctions according to article 83 par. 4 item. a' of the GDPR. 14. In accordance with the GDPR (Rep. Sk. 148) in order to strengthen the enforcement of the rules of this Regulation, sanctions, including administrative fines, should be imposed for each violation of this Regulation, in addition to or instead of the appropriate measures imposed by the supervisory authority in accordance with this Regulation. 15. Based on the above, the Authority considers that there is a case to exercise its corrective powers according to article 58 par. 2 of the GDPR in relation to the violations found. 16. The Authority further considers that the imposition of a corrective measure is not sufficient to restore compliance with the provisions of the GDPR that have been violated and that, based on the circumstances established, they should be imposed, pursuant to the provision of article 58 par. 2 pcs. i of the GDPR, additional and effective, proportionate and dissuasive administrative fines according to article 83 of the GDPR both to restore compliance and to punish illegal behavior14. 17. Furthermore, the Authority took into account the criteria for measuring the fines defined in article 83 par. 2 of the GDPR, paragraphs 4 para. a' and 5 para. b' of the same article that are applicable in the present case and the Guidelines for 13 Compare APD 37/2015 and 71/2015, especially sc. 5. See and APD 26/2021. 14 See OE 29, Guidelines and the application and determination of administrative fines for the purposes of Regulation 2016/679 WP253, p. 6. 15 the application and determination of administrative fines for the purposes of Regulation 2016/679 issued on 03-10- 2017 by the Article 29 Working Group (WP 253), as well as the facts of the case under consideration and in particular: A. For the violation of the provisions of articles 15 par. 1 of the GDPR combined with the

provisions of paragraphs 1, 3 and 4 of Article 12 of the GDPR: i. ii. iii. iv. v. vi. The fact that the violation of the right of access also concerns personal data of article 9 GDPR regarding the state of health of the minor child of the complainant (art. 4 para. 15 GDPR), while the complainant deprived him of the opportunity to be informed of the state of health of his minor child. The fact that the complainant did not satisfy the right of access exercised by the complainant according to article 15 par.1 GDPR.The fact of the long duration of non-satisfaction of the right

access despite the Authority's intervention.

The fact that the violation in this case affected one (1) natural person as

subject of the personal data in relation to his satisfaction

right of access.

The fact that the violation of the right of access is attributable to negligence

of the complainant due to ignorance of the provisions of the GDPR and therefore not

taking relevant compliance measures.

The lack of cooperation of the complainant with the Authority, since while

the Authority in the context of the exercise of its audit-investigative powers

asked for clarification from the complainant and tried her own

initiative to contact the latter, as detailed above

exposed, for the period from November 2021, when

the first document was sent to the pediatrician, until May 2022, when

and the summons was sent to her for hearing, she herself never responded but

only 2 days before the 08-06-2022 hearing before the Authority

sending her first memorandum.

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The absence of any actions she could have taken and did not take

complained of to mitigate the damage suffered by the subject of

data and especially the ability to satisfy, even if late, the

right of access.

The absence of previous violations of the accused

as a relevant audit shows that it has not been imposed on her to date

administrative sanction from the Authority.

The fact that from the data brought to the attention of the Authority and based on

which found the violation of the GDPR, the controller does not

obtained a financial benefit, nor did it cause material damage to the complainant.

The fact that the violation of the provisions regarding the rights of

subjects is subject, in accordance with the provisions of article 83 par. 5 sec. b'

GDPR, in the highest prescribed category of the rating system

administrative fines.

B. For the violation of the obligation to cooperate with the Authority according to Article 31 of the GDPR, h

which falls under the category of paragraph a of paragraph 4 of article 83 of the GDPR as

to the grading system of administrative fines:

i. The continuous nature of the complainant's non-cooperation with her

Authority, as detailed above.

ii. The fact that the violation was found in the context of a complaint investigation

for violation of the right of access to data of a special category of a minor.

iii) The fact that, however, the particular violation constitutes an individual one

case.

18. Based on the above, the Authority unanimously decides that they should be imposed on

Complainant doctor as data controller referred to in the ordinance

administrative sanctions, which are considered proportional to the gravity of the violations.

FOR THOSE REASONS

The beginning

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It imposes on the complained-about medical controller, B, the effective,

proportionate and dissuasive administrative fine appropriate to the particular

case, according to its special circumstances, amounting to two thousand

five hundred (2,500) euros for the above found violations of articles 15 par.

1 GDPR and 12 paras. 1, 3 and 4 GDPR, in accordance with articles 58 para. 2 item i and 83 par. 5

item b GDPR and in the amount of two thousand five hundred (2,500) euros for the above

established violation of article 31 GDPR, in accordance with articles 58 par. 2 item. i

and 83 par. 4 item. 1 GDPR.

The Deputy President

George Batzalexis

The Secretary

Irini Papageorgopoulou