

Athens, 27-09-2022 Prot. No.: 2386 DECISION 45/2022 (Department) The Personal Data Protection Authority met, at the invitation of its President, in a regular meeting in the composition of the Department at its headquarters on 27/07/ 2022, in order to examine the case referred to in the history of the present. The meeting was attended by teleconference by Georgios Batzalexis, Deputy President, in the absence of the President of the Authority, Constantinos Menoudakou, and the alternate members Maria Psalla and Demosthenes Vougioukas attended, as a rapporteur in place of regular members Grigorios Tsolia and Konstantinos Lambrinoudakis respectively, who did not attend due to obstruction although they were legally summoned in writing. The meeting was attended, by order of the President without the right to vote, by Haris Symeonidou, specialist scientist - auditor 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 no. prot. C/EIS/2156/29-03-2021 complaint by A (hereinafter the complainant), directed against the OAED and against the Vocational Training Centers (KEK) MASTER ("MASTER TRAINING AND CONSULTING CENTER S.A.", hereinafter referred to as "KEK MASTER") and EXELIXI ("EXELIXI EDUCATIONAL CONSULTING I.K.E.", hereinafter referred to as "KEK EXELIXI"), complaining about the illegal leakage and sharing of his personal data by OAED to KEK and for the illegal processing of his data for direct marketing purposes. In particular, according to the complaint, the complainant, who happens to be unemployed, on ... expressed interest to the OAED, in accordance with the OAED Public Invitation 4/2020, for his participation in a Training Program, stating specific knowledge areas. On ... the complainant was informed by the OAED Ψ service that the publication of a relevant Public Invitation and a list of Training Providers approved by the Ministry of Labor is expected (see related no. 1/2021 Invitation for Expression of Interest of the Staff Structure of the NSRF, Sector of Employment and Social Economy , (ED NSPA ApKO) of the Ministry of Labor and Social Affairs, to prospective Training Providers). Then, on ... the complainant maintains that he received an email from the master1@master.com.gr address of KEK MASTER, who had approached him again a few months ago. With this message, the said KEK informed him about the process of implementing the Training, in a way that showed that he knew almost all the elements of his file, and instructed him to complete and submit an application for participation in the Training, "as if Public Authority", as stated by the complainant. In particular, it was stated that the message was sent "in continuation of our communication and the sending of the 2 educational items you selected and sent us in your previous e-mail, according to the RESPONSIBLE STATEMENT you sent to the OAED", an approach which according to the complainant was misleading, as it gave him the false impression that he was talking to a service outsourced by the OAED ("outsourcing service of the OAED"),

as a result of which he answered, but without giving any further follow-up. Furthermore, the complainant maintains that he addressed via e-mail on 22/2/2021 the Administration of the OAED (gsec@oaed.gr) requesting information regarding the above "leak" of his data and specifically asking why the OAED has unknowingly given a third party the details of his file and the right to access it for his own purposes impersonating the OAED. Subsequently, as he states, he was contacted by telephone by the Data Protection Officer of the OAED, B, who told him that the Organization is carrying out an investigation in order to establish whether there has been a leak of the personal data that exists in the Organization to third parties and that if it is established that this has happened without identifying the person responsible, the Organization will proceed with a lawsuit against the unknown. This statement was confirmed, at the request of the complainant, and with the e-mail from B. However, the complainant maintains that in the end he did not receive any response on the matter in question, which is not limited to the leak to KEK MASTER, as in ... he received a phone call from the number 2121000250 of KEK EXELIXI in Marousi, as they told him, in order to register for the Training, even though he has already been registered for it for months and is waiting for a notification from the OAED. The Authority, in the context of examining the above complaint, with no. prot.

C/EXE/1551/22-06-2021 her document, invited the complainants to present their views on the complainants. In their response, the complainants were asked to clarify in particular: a) the first of them (OAED), whether he investigated the alleged facts and what was the result of said investigation b) the second (MASTER A.E., hereinafter referred to as "KEK MASTER") and the third of these (IKE DEVELOPMENT, hereinafter referred to as "KEK DEVELOPMENT"), which is the source from which the complainant's data was obtained and, more generally, from which source do they receive the personal data they use to promote their services. The OAED with the under no. prot. C/EIS/4464/06-07-2021 response on behalf of the Ministry of Foreign Affairs of B, to the Authority firstly stated that the Organization after A's complaint carried out a thorough investigation into the possibility that there was a leak of personal data to third parties , both at the computerized level of its database and by telephone communication with the complained KEK and this was not verified. He added that the OAED had mentioned to A that in the event of a leak of his data, he would be informed about it, but this did not happen. In addition, the OAED informed the Authority that the specific training program is implemented by the Special Service Staff Structure of the Ministry of Labor and Social Affairs, Sector of Employment and Social Economy with the assistance of the Institute of Computer Technology and Publications DIOFANTOS, who legally have access to the data of the beneficiaries in order to implement the program. In fact, in the specific program the beneficiaries were approximately 30,000 and the OAED did not receive any other similar

complaints, apart from that of the complainant, that indicate data leakage to third parties. Finally, the OAED stated that it has announced an International Open Electronic Tender for the implementation of actions to comply with automated and non-automated procedures with the General Data Protection Regulation, which is in the opening phase of tenders. Regarding the reported KEK: A. KEK MASTER In no. prot. C/EIS/4692/15-07-2021 its response to the Authority the company MASTER SA states that it is a specialized training and consulting center, which offers its services with priority to the unemployed and other sensitive social groups, keeping as responsible processing a file of training candidates for the purpose of informing them about their participation in public benefit training programs of the Ministry of Labor and Social Affairs. The file in question includes contact details of the interested parties, which are collected in the context of a previous transaction (previous similar programs implemented by the Company) or after providing the interested party's informed consent in printed or electronic form, often also through telephone communication, either to numbers that are included in publicly accessible subscriber lists, which are not registered in the special subscriber list of article 11 par. 2 of Law 3471/2006 (which the Company controls, as it states) or, often, at the initiative of the respective training candidate, who is looking for a CET so as not to lose his right to participate in a training program implemented by the Company. With regard to the present complaint, the KEK MASTER stated that after an investigation it found the following: Initially, after the publication of Invitation 4/2020, the complainant contacted the KEK by phone on his own initiative, in order to assist him in his participation in the said public benefit program. The fact that the initial communication was initiated by the complainant is, according to KEK MASTER, with certainty, from the fact that the telephone numbers of the complainant (... and ...) were and remain registered in the Article 11 Register already before the start of the of communication between them, Register which KEK MASTER always consults and does not proceed with any promotional telephone communication without consulting it (it also submits relevant applications to the providers during the months...), emphasizing at the same time that the complainant deliberately did not make any report in his registration in the Register of article 11. According to the KEK MASTER, following the above telephone communication and at the request of the complainant, on ... and on ... he sent him to the e-mail address that he had indicated in a secret notification, instructions for his participation in the program he wished to he is also involved, not only did he not ask for an explanation, but he responded the very next day (...) expressing his thanks and submitting an expression of interest request. As proof of its claims, KEK MASTER presented the above electronic messages (see in particular ref. 5 message of the complainant: In response [from: master1 <master1@master.com.gr> date: subject: EXPRESSION OF INTEREST - PROGRAM TRAINING OF PUBLIC

CHARACTER (36500) -D.P.4/2020], for which I thank you, I have partially completed and am sending you the "EXPRESSION OF INTEREST - PUBLIC INTEREST 36500.docx" in pdf format. I will be happy to hear from you on the phone which I have noted in the above document in order to be informed about the details of the conduct of the training in question and for the completion of the expression of my interest. Upon assessment, A, ..."). From the submitted documents it appears that the complainant had sent the above in response to a message (Ref. 4b) he had received from the address master1@master.com.gr, with the subject "EXPRESSION OF INTEREST - PUBLIC CHARACTER TRAINING PROGRAM (36500) -D .P.4/2020" which included information about the training, instructions for submitting your application email from yesterday, information about the educational group MASTER SA. and signed: G Zalokosta 18 & Emmanouil Papadaki 12 Heraklion Attica | TK 141 21

210 27 12 588 | 210 27 17 160 ...@master.com.gr | www.masterkek.gr KEK MASTER also notes that until then there was an expressed interest of the complainant in receiving the services of KEK, which he expected, as well as that KEK in no communication, oral or electronic, with the complainant did not conceal the details of his identity, attempting to mislead him, and the claim of the complainant that he thought he was talking to an OAED service is, according to KEK MASTER, naive and inconsistent with the level of education of the complainant. On the contrary, as he states, the complainant knew the identity of KEK MASTER, talked to his employees verbally and in writing, he himself sent an expression of interest request and other information concerning him, asking for their guidance and never protested, but instead thanked KEK for his services. KEK MASTER declares that it is not an "outsourcing service of the OAED", as the complainant claims, but like all training providers, it works closely with the OAED and the Administrative Authority, i.e. the Ministry of Labor and Social Affairs, for the implementation of each Public service invitation. Finally, KEK MASTER argues that the complaint was filed because the complainant decided to end their cooperation, as he found that KEK was only able to provide him with training services (and not, for example, a job) and for the therefore requests the rejection of the complaint. At this point it should be noted that in the document attached by KEK MASTER as reference 2, i.e. in the completed participation application of the complainant to KEK, is included an "INFORMATION ON THE PROCESSING OF PERSONAL DATA", which, among other things, states the following [added underlining]: "The joint-stock company with the name "MASTER A.E. - TRAINING & CONSULTING CENTER", distinctive title "MASTER A.E." and contact information stated in the heading hereof, collects and processes your personal data as a processor on behalf of the Ministry of Labor and Social Affairs, in order to provide you with educational

and/or consulting services and/or for your participation in the program public interest, PUBLIC INVITATION 4/2020 [...] The processing of your personal data is necessary to provide you with our services and/or for your participation in the desired training program within the above public interest program. Your personal data will not be passed on to third parties, except for the relevant public authorities or services for the management and certification of the relevant program and will be kept for five (05) years from the completion of the training / counseling or for as long as the relevant public invitation [...]. Below, in the same text, an "INFORMATION & CONSENT STATEMENT FOR INFORMATIONAL PURPOSES" is provided with the following content: "If you check the following box, you agree that we may process your contact information as a controller in order to receive informational and promotional materials about employment opportunities, up-to-date training and/or consulting programs and beneficial entrepreneurship actions that are expected. Your personal data will not be transmitted to third parties and will be processed exclusively for the above purpose of informing you. If you so wish, your personal data will be forwarded for the same purpose of informing you to the MASTER Group companies. I want to be informed about employment opportunities, modern training programs and beneficial entrepreneurship actions that are expected (...) YES NO I agree to have my personal data transferred to the MASTER Group companies for the above informational purposes. YES NO Of course, you have the right to withdraw your consent at any time and free of charge. For any issue related to the processing of your data we are at your disposal and you can contact the Data Protection Officer of MASTER A.E. at dpo@master.com.gr". At the same time, with the no. prot. C/EIS/5644/08-09-2021 in his explanatory document, the complainant made it clear that during his conversations with the representatives of KEK MASTER he thought he was communicating with OAED secretaries. Subsequently, the Authority sent the no. prot. C/EXE/2044/30-09-2021 document to provide clarifications to KEK MASTER, in order to clarify a) the purpose and legal basis of the processing on its part, of the personal data of the complainant, and in general of the beneficiaries of the programs of the OAED, b) whether and in what way the obligation of transparency towards the subject of the data - complainant was fulfilled in this case, pointing out the ambiguity of the information provided above, according to which in another point the KEK is referred to as "performing the processing for account of the Ministry of Labor and Social Affairs" and at another point as "processor". With the nos. prot. C/EIS/6294/30-09-2021 and C/EIS/6297/30-09-2021 its clarifying documents, KEK MASTER maintains that it processed the personal data of the complainant (namely, first name, last name, educational level, telephone number and e-mail address) at his request, in order to take measures at his request before concluding a contract for the provision of training services between

them, invoking the legal basis of Article 6 para. 1 b GDPR, in the context of Invitation 4 /2020 and in particular, in order to assist him during his participation and to provide the prescribed training services. KEK MASTER reiterates that the complainant contacted by phone on his own initiative, in order to be guided in the necessary actions for his participation in the preparation of the then current public welfare program for the unemployed, which could be carried out "only in licensed Lifelong Learning Centers, which have a training provider role," according to the Invitation. According to KEK MASTER, the reason for the communication was the wide reputation it enjoys as a Training Provider that always participates in similar Public Invitations, having trained many thousands of unemployed people. In addition to the legal basis of Article 6 para. 1. b GDPR, the KEK also invokes the consent of the complainant, according to Article 6 para. 1. a GDPR, which, as it states, was provided "with a clear oral statement and in generates behavior that clearly indicates that the complainant agrees to the processing of his personal data". To substantiate this claim, KEK MASTER refers to a) its electronic response to the complainant's request, which is expressly stated to be taking place "in continuation of our communication", communication which would be unreasonable if the complainant did not want it and did not have it request and b) the content of the complainant's response from 19-2-2021, where their positive cooperation until then is stated. With reference to the notification of the complainant, the KEK MASTER maintains that during the first telephone communication of the complainant with the KEK, which took place within the second ten days of ..., i.e. after the publication of the OAED Invitation 4/2020 on 29-06-2020 and before the from ... electronic message of the KEK, the complainant was verbally informed about the identity of the company, the purpose of the processing (providing training services) and the legal basis for the processing (taking measures before drawing up the training contract, and : selection of educational objects and provision of necessary information), while there were no recipients. Taking into account the contradictory information regarding the role of the KEK MASTER (as controller or performing the processing on behalf of the Ministry of Labor) that appears to be provided with the application for participation (Ref. 2), the KEK MASTER asserted the following [emphasis added]: "Before contacting us, the complainant had full knowledge of the terms of the Invitation, because he had previously submitted an online application to the OAED for his participation in the Invitation (application period from ...), on ... the provisional list of winners and the ... and the final one. Therefore, when he subsequently contacted our Company, he knew its identity and contact details, had access to the data protection policy posted on its websites and knew the exact purpose for which he was contacting us (implementation of the prerequisite actions for concluding a training contract). Apart from the information that the complainant already had (art. 13 par. 4 GDPR), at that

stage no other information was necessary to ensure fair and transparent processing. At the later stage of the implementation of the training on behalf of the Ministry of Labor and Social Affairs, the complainant would always receive new, appropriate information, such as the one appearing in the expression of interest application (ref. 2), [note: where the KEK is referred to as performing the processed on behalf of the Ministry] the existence of which is checked in each Invitation by the Ministry and which was mistakenly sent early by the KEK staff to the complainant, as included in the application (normally used at a later time) due to his request for the timely preparation of file from KEK. In the same form there is also a separate information and consent request for informational purposes, which is not to be confused with the first one, as it is clearly distinct, transparent and understandable in relation to the further processing purpose mentioned there (sending informational and promotional material), in terms of whom our Company is identified as responsible for the processing". Finally, the KEK MASTER confirmed, referring to a relevant reference of Invitation 4/2020, that participation in the OAED program in question requires each interested party to contact a training provider, and cannot submit their application for the implementation of the training directly at the OAED, a practice that has been followed throughout time. B. KEK EVOLUTION With the no. prot.

C/EIS/4273/28-06-2021 in its response to the Authority, KEK EXELIXI argued that the complaint is unfounded and even slanderous, to the extent that it refers to the leakage of personal data by State services to "unknown entrepreneurs", implying an organized illegal act of transaction and cover-up and requested its rejection, referring the Authority to articles published by the complainant on the website <https://.../> and elsewhere, which he signs with his details as follows: A, ... , t.: ..., e.:

...@gmail.com Responding to the relevant questions of the Authority, KEK EXELIXI stated: a) that the name of the complainant was informed by the date no. first ... / ... Decision of Mayor X that was posted in DIAYGEIA with ADA ... (position ... of the Table), b) that the complainant's mobile phone was found "with a simple google search" from the article entitled "... " (<https://...>), pointing out that both the mobile number and other personal details of the complainant are also present in a number of other published articles, c) that when necessary, he searches for information from open public sources on the internet and d) that for all the above, the complainant was informed by phone on 17/3/2021, that is to say, his name was found by the Municipality's Office in which he works and his phone number from a search in the open available sources. Subsequently, the Authority sent the no. prot. C/EXE/2045/30-09-2021 document to provide clarifications to KEK EXELIXI, in order to clarify a) the purpose and legal basis of the processing on its part, of the personal data of the complainant, and in general of the beneficiaries of the programs of the OAED, b) whether and how the obligation of transparency towards the subject of the data

– complainant was fulfilled in this case. With the no. prot. C/EIS/6137/27-09-2021 its explanatory document, the KEK EXELIXI argued that it collects and processes the data of the interested parties only upon their specific request, in a way that guarantees their appropriate security, referring to the posted on the website which is "required", as he stated, for the KEK to initiate the process of informing the prospective beneficiary, an application in which the interested party "may, at will, submit his personal information, accompanied by a responsible statement providing the his consent to further processing of his data by the company". The following statement is included in the above application form: "On my own responsibility and knowing the penalties provided by the provisions of par. 6 of article 22 of Law 1599/1986, I confirm the accuracy of the above mentioned information. I hereby declare responsibly in accordance with paragraph 6 of article 22 of Law

(http://ebt-seminars.gr/koin_register.php) application of 1599/1986, that I grant KEK EXELIXI the right for use, statistical processing and disclosure of my details, for my information needs regarding the TRAINING OF BENEFICIARIES action in the context of the action "Promotion of employment through Public Benefit Programs for 36,500 people in Municipalities, Regions, Regional Social Welfare Centers (KKPP)/ related bodies, Ministry Services and others bodies". UPDATE AND DECLARATION OF CONSENT FOR INFORMATION PURPOSES: The company EXELIXI EDUCATIONAL CONSULTING IKE with contact phone number 2106147002 and contact email exelixi.kek@gmail.com will collect and process your above contact information as a data controller, in order to inform you about the participation process you in the above program. Your personal contact data will not be transmitted to third parties and will be processed exclusively for the above purpose of informing you. If you so wish, your personal data will be forwarded for the same purpose of information to the companies of the EVELOPMENT Group. You have the right to access your data and you can withdraw your consent at any time." KEK EXELIXI, with its above second response document, claimed that it collects personal data of interested parties only in this way, thus differentiating its position in relation to its original opinion document (G/EIS/4273/28-06-2021), with which he had stated that he was looking for data subjects in publicly accessible sources on the internet and that this was the source of the complainant's personal data (Transparency, google, complainant's blog). According to the same – second – document of the company, the complainant, A, on ... submitted his online application in his name to KEK EXELIXI (see relevant 1), by virtue of which he expressly consented to the processing of his personal data by said KEK in continuation of its inclusion in with AP. ... /... decision of Mayor X (in the framework of the act "Promotion of employment through Public Benefit Programs for 36,500 people in Municipalities, Regions, Regional Social Welfare Centers, Related Agencies, services of Ministries and other agencies"), while his telephone update

took place on ... "following his own personal choice to electronically submit his information to our website platform", as the company claims. Thus, according to the aforementioned second response of KEK EXELIXI, the processing of the complainant's data was based on the legal basis of his consent (according to article 6 par. 1 a' GDPR) which he provided electronically through the participation application form included in website of KEK, while when a representative of the company called the complainant by telephone on ... for information purposes and in order to inform him of what he requested to be informed about the training provided, the complainant began to "abuse" KEK for being unknown to him cause, as if it were illegal in some unimaginable way. With the same document, KEK EXELIXI protests against the characterization of the complainant as "self-employed entrepreneurs", which it considers slanderous and unwarranted, stating at the same time that under no circumstances does it collect and process the data of natural persons without their permission and provides a responsible statement of the company regarding suspension of its operations for the month of the year (related 3). Following the above, the Authority, with G/EXE/651/11-03-2022, G/EXE/649/11-03-2022 and C/EXE/653/11-03-2022 Calls to the complainant and the complained KEK (MASTER and EXELIXI) respectively, invited the involved parties to a hearing at the meeting of the Department, on 23/3/2022 at 10.30 a.m. m., in order to present their views on the case. During this meeting, a) in the discussion concerning KEK MASTER, the complainant and on behalf of KEK MASTER his attorney Elpida Herodot attended. Kamitsi (A.M. ...) and the Ministry of Foreign Affairs of D, b) in the discussion concerning KEK EXELIXI, the complainant and on behalf of KEK EXELIXI the legal representative of company E and his attorney Maria Kanellakou (A.M. ...). During the hearing, the parties developed their views and were given a deadline of 15 days and submitted in a timely manner, the complainant no. first G/EIS/5704/08-04-2022 memorandum, and the KEK MASTER the G/EIS/5799/11-04-2022 and the KEK EXELISIS the G/EIS/5661/07-04-2022 memorandum. The complainant, during the hearing and with his memorandum, repeated what was mentioned in his complaint, denying that he made a telephone call to the KEK MASTER on his own initiative or that he filled out an electronic application to the KEK EXELIXI, while he complained about his "file" on behalf of the accused KEK, pointing out that although his contact details may be published on the internet, the same is not the case with the information that he is unemployed and interested in the specific training program. The complainant also emphasized that the initial communication of the KEK MASTER with him took place before the posting in Diaygeia of his recruitment by Municipality X (at ...) as well as that the list of accredited KEK for participation in the said OAED training program was only finalized in the spring of A. The KEK MASTER, both during the hearing and with its

memorandum, first stated that the complainant, with his application for participation in the OAED Program referred to in Invitation 4/2020, became aware that for his participation in the training program should have chosen a training provider (p. 5 of the Invitation) and claims that the complainant himself called KEK, having access to the data protection policy posted on its website and was informed by phone by the KEK employee about the processing of his data. According to KEK MASTER, the electronic correspondence that followed took place in a good atmosphere and there was no protest from the complainant. KEK MASTER argues that the complaint is unsubstantiated, vague as to the time when the initial (telephone and e-mail) communications on behalf of KEK took place according to the complainant, inadmissible because it was not previously addressed to the data controller or the performing the processing before submitting it, abusive because the complainant has in the past publicly denounced another KEK, therefore he has a "complainant mood", and substance unfounded because the complainant himself approached the KEK by phone, as a training provider to obtain information about the training process. With regard to the observance of the principle of transparency and the notification of the complainant in accordance with Article 13 of the GDPR, KEK MASTER initially states that it is the processor on behalf of the Ministry of Labor and Social Affairs, which is responsible for the processing, as stated in the Invitation 1/2021 , and in this context the complainant, who sent the completed Application for Participation in the Training Program to the KEK MASTER, himself communicated his personal data to the said KEK via e-mail, having received the written information about their processing, the which was included in the same application form. This information concerns the processing by the Ministry of Labor and Social Affairs, as the controller, and KEK MASTER as the processor (as regards the training implementation stage, as shown by G/EIS/6294/30-09-2021 and C/EIS/6297/30-09-2021 its explanatory documents). According to KEK MASTER, in the same form there is a distinct information about the data processing carried out by KEK as the controller, with the legal basis of the subject's consent, in order to inform him about other employment and training programs (i.e. with the aim of promoting the actions services), as well as a separate information and declaration of consent for the transmission of the data to companies of the MASTER group for promotional purposes. As KEK MASTER explains, the complainant did not provide his consent in accordance with the above, therefore he never assumed the role of controller with regard to the complainant's personal data. Finally, KEK MASTER maintains that the claim of the complainant that KEK appeared as an external provider ("outsourcing") of the OAED is untrue, however it states that it does not rule out the possibility that the complainant is confused about the role of training providers, although ' all that this is not justified by the level of education and experience of the complainant, who has worked with another

Lifelong Learning Center in the past, and requests that the complaint be dismissed. B. KEK EVOLUTION both during the hearing and with its memorandum argued that the source of the complainant's data was the complainant himself, who completed and submitted electronically on ... on the KEK website the appropriate Application - "Participation Submission Form in the Public Benefit", which the KEK provides as an example. In the said Program the application form refers to ("TRAINING OF BENEFICIARIES in the context of the act "Promotion of employment through Public Beneficial Programs for 36,500 people in Municipalities, Regions, Regional Social Welfare Centers (KKPP)/ related bodies, Services of Ministries and others operators") and there are the following fields to fill in: LAST NAME, NAME, MOBILE PHONE, COMMENTS. Directly below there is the text of a responsible statement regarding the accuracy of the data, a responsible statement that the applicant "gives KEK EXELIXI the right to use, statistically process and share his data for its information needs for the TRAINING OF BENEFICIARIES action" in the context of above act, as well as additional text entitled UPDATE AND STATEMENT OF CONSENT FOR INFORMATION PURPOSES. This text mentions the name and contact details of KEK and its intention to collect and process the applicant's contact details as a controller, in order to inform him of the process of his participation in the above program. It is also stated that the applicant's personal data are not transmitted to third parties, while if he so wishes, his personal data will be transmitted for the same purpose (to inform about the program) to the companies of the EVOLUTION Group. Finally, it is stated that the applicant has the right to access his data and can withdraw his consent at any time. Next is a field in which the applicant must fill in the result of a mathematical operation, which according to the KEK is a safety net for the fact that the data submitted to it is true and directly below the unique option "ACCEPT TERMS-APPLICATION" is provided, with which the application is submitted. According to the claims of KEK EXELIXI, the applicant filled out the application in question and in this way gave him his "express and unreserved consent", and he submits as proof the from ... e-mail from the address seminars@bh-2. webhostbox.net to the address info@ebt-seminars.gr, which contains the completed fields with the details of the complainant (name and mobile phone). Furthermore, the KEK maintains that it is its obligation before any other action, to establish that the information submitted to it is true, and for this reason, in this case as well, it sought the information submitted from open public sources on the Internet. It also provides various posts of the complainant with published contact information and his CV, which resulted both from the initial search on the internet and from a new search of the complainant's information carried out by the KEK on the day of the hearing (...). It is pointed out that during the hearing the KEK was asked if this process of searching for information on the internet is followed for all the applications it receives and what is the legal basis

for this processing act, however a relevant answer was not given either orally or in the memorandum. In addition, the Decision of Mayor X (posted in Diaygeia) with CA ... / ... is submitted which mentions the name, specialty and period of employment of the complainant in the context of the above program of the OAED. Following the above, the KEK summarizes its position, which consists of the claim that it processed the complainant's data with his consent, that subsequently when he contacted him by phone, for an unknown reason the complainant slandered him and that the present complaint is baseless given that the complainant's contact details and CV are posted in many places on the internet and in many languages and can be found with a simple search. Finally, it states that no violation has taken place and requests the rejection of the complaint. Subsequently and in order to clarify the responsibilities and roles (Processing Manager - Processing) of the involved entities in the context of the processing of personal data of the beneficiaries of the Training Program, the Authority, with the document G/Ε&Ε/1327/01-06-2022 notified her to the Special Service NSPA Staff Structure Employment and Social Economy Sector of the Ministry of Labor and Social Affairs (ED NSPA ApKO) the relevant documents of the file and invited her to provide the Authority its views in relation to the complaints, including in its response any relevant information and providing specific clarifications regarding the responsibility for the processing of the personal data of beneficiaries carried out by the training providers in the context of the aforementioned Program. With the no. prot. C/EIS/8144/21-06-2022 its response document, the NSPA ApKO Staff Structure responded to the Authority - among others - the following: a) That in the context of the act "Promotion of Employment through Public Benefit Programs for 36,500 people to Municipalities, Regions, Regional Social Welfare Centers (KPPP)/related bodies, Services of Ministries and other bodies" (KYA 0.1503 - Official Gazette B' 1256/09-04-2020), which corresponds to the Public Invitation 4/2020 of the OAED, the which is addressed to unemployed persons registered in the OAED Unemployment Registers, the ED NSPA ApKO (acting as a Beneficiary within the meaning of article 3 of Law 4314/2014), undertook the implementation of the Training Action, with the aim of providing Training Programs for horizontal and specialized skills and the certification of the knowledge and skills that would be acquired in the beneficiary participants. ED ESPA ApKO stated that it holds the position of Processor on behalf of the Processing Manager of the Ministry of Development and Investments, as defined by article 53 par. 2 of Law 4914/2022 (Government Gazette A' 61/21.03.2022) for any data processing personal data of the participants in operations co-financed by the EEA Funds and the Financial Mechanism and implemented in the context of the relevant Programs for the programming period 2021-2027, for the purpose of processing the management of these Programs and the exercise of evaluation and control powers in terms of said

management. And all Agencies not supervised by the Ministry of Development (Special Services, Intermediate Agencies and Beneficiaries) have the position of Processor, in terms of the processing operations they carry out to serve the purpose in question. of the participants b) That the sole purpose for which there is a right to process the data of the processing/training providers in the action in question is the implementation of its object, i.e. the provision of training services to certify the knowledge and skills that would be acquired in the context of the Public Invitation to perform part of the OAED dated 4/2020, in accordance with the express orders of the controller or in this case the Beneficiary of the Act (ED NSPA ApKO). The method of providing the training is defined by the respective provider in the context of the public call 1/2021 chapter 4 and annex 1, and any excess of the purpose and means of processing - excluding the method of providing the training, which lies in experience and educational methods of the respective provider - in particular for the achievement of private purposes, not connected to the implementation of the Action, implies the assumption of responsibility of the Data Controller, regarding the processing carried out. c) That, as is the case with every invitation to Providers for the submission of applications and the issuance of a Register of Training Providers, and in the present Invitation 1/2021 of the ED NSPA ApKO, Annex V is included, which provides for the obligations of the Providers as Performers of Data Processing , the observance of which is guaranteed by the prospective Providers through a Responsible Declaration. [...] The Authority communicated the above response to the complained KEK MASTER and KEK EXELIXI with the documents C/EXE/1507/22-06-2022 and C/EXE/1508/22-06-2022 respectively, in order for them to be informed of its content and, if they wish to complete their memoranda within a deadline, however the KEK did not make use of this possibility (see related C/EIS/8797/13-07-2022 document of the KEK MASTER, with which he declares that he does not wish to complete his memorandum, while KEK EXELIXI did not send any reply).

CONSIDERED ACCORDING TO THE LAW 1. From 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 (Official 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. In particular, from the provisions of articles 57 par. 1 item f of the GDPR and 13 par. 1 item g' of Law 4624/2019 it follows that the Authority has the authority to deal with A's complaint and to exercise, respectively, the powers granted to it by the provisions of Articles 58 of the GDPR and 15 of Law 4624/2019. 2. A data controller is defined, in article 4 par. 7 of the GDPR, "...the natural or legal person, public authority, agency or other entity that, alone or jointly with others, determines the purposes and manner of processing personal

data; where the purposes and manner of such processing are determined by Union law or the law of a Member State, the controller or the specific criteria for his appointment may be provided for by Union law or the law of a Member State" .

Furthermore, the processor is defined in the next paragraph as "the natural or legal person, public authority, agency or other body that processes personal data on behalf of the controller". Fundamental to the determination of the controller is the functional criterion. In other words, a data controller is the one who determines the purpose and/or the essential elements, at least, of the method of processing (cf. for the concept of data controller and processor, Opinion 1/2010 of the EO of Article 29, in which and mentions, among other things, that defining the objectives and the manner is equivalent to defining, respectively, the "why" and the "how" of certain processing activities, as well as paragraphs 22 - 24 of the Guidelines 07/2020 of the GDPR on the concepts of the controller and the processor in the GDPR). In §§ 42 – 43 of CG 07/2020 of the GDPR, it is clarified that "[...] the concept of controller can be linked either to a single act or to a series of processing acts. In practice, this means that the control exercised by a specific entity can be extended to the whole of the processing, but also limited to a specific stage of the processing. 43. In practice, the processing of personal data involving several actors can be divided into several smaller processing activities for which each actor could be considered to determine the purpose and manner of processing independently. [...] In other words, at the 'micro level' it is possible for the various individual processing operations to appear disconnected from each other, giving the impression that each individual operation may serve a different purpose. However, it must be thoroughly checked whether at the 'macro level' the processing operations in question should not be considered as a 'series of operations' for the pursuit of a common purpose using jointly defined means'. 3. According to article 5 par. 1 a) GDPR "1. Personal data: a) are processed lawfully and legitimately in a transparent manner in relation to the data subject ("legality, objectivity and transparency"). Furthermore, in terms of legality, Article 6 para. 1 para. a' and b' GDPR stipulates that "1. The processing is lawful only if and as long as at least one of the following conditions applies: a) the data subject has consented to the processing of his personal data for one or more specific purposes, b) the processing is necessary for the performance of a contract whose the data subject is a party to the contract or to take measures at the request of the data subject prior to the conclusion of a contract", while according to the fundamental principle of accountability "The controller bears the responsibility and is able to demonstrate compliance with paragraph 1" (article 5 par. 2 GDPR). 4. According to article 7 par. 1 and 2 GDPR "1. When the processing is based on consent, the controller is able to prove that the data subject consented to the processing of the personal data. 2. If the data subject's consent is provided in the context of a written

statement that also concerns other matters, the request for consent shall be submitted in a way that is clearly distinguishable from the other matters, in an understandable and easily accessible form, using clear and simple wording . Any part of this statement that constitutes a violation of this regulation is not binding." Besides, according to the Petition. Sk. 42 of the Regulation "When the processing is based on the consent of the data subject, the controller should be able to prove that the data subject consented to the processing act. In particular, in the context of a written statement on another matter, guarantees should be provided to ensure that the data subject is aware of this fact and to what extent he has consented. In accordance with Directive 93/13/EEC of Council (1), a declaration of consent should be provided, drawn up in advance by the controller in an understandable and easily accessible form, with clear and simple wording, without abusive clauses. In order to consider informed consent, the data subject should at least know the identity of the controller and the purposes of the processing for which the personal data is intended. Consent should not be deemed to have been freely given if the data subject does not have a genuine or free choice or is unable to refuse or withdraw consent without prejudice." 5. With regard to the transparency of processing, Article 12 para. 1 GDPR states that: "The controller shall take appropriate measures to provide the data subject with any information referred to in Articles 13 and 14 and any communication in the context of Articles 15 to 22 and of article 34 regarding the processing in a concise, transparent, understandable and easily accessible form, using clear and simple wording, especially when it comes to information addressed specifically to children. The information is provided in writing or by other means, including, if appropriate, electronically. When requested by the data subject, the information may be given orally, provided that the identity of the data subject is proven by other means.' Mandatory information provided is provided for in Article 13 GDPR for the case where the data is collected by the subject and in Article 14 GDPR for the case where the data has not been collected by the subject. In particular, this information includes at least "a) the identity and contact details of the controller and, where applicable, his representative, b) the contact details of the data protection officer, where applicable, c) the purposes of the processing for which the purpose of the personal data, as well as the legal basis for the processing, d) the relevant categories of personal data, e) the recipients or categories of recipients of the personal data, f) where applicable, that the controller intends to transmit data of personal nature to a recipient in a third country or international organization and related information, g) the period for which the data will be stored, or, if this is impossible, the criteria that determine said period, h) information about the rights of the subject in accordance with articles 15-

22 GDPR. As long as the data has not been collected by the subject, in accordance with article 14 par. 2 sec. f) GDPR, it is

required to provide the subject as information "the source from which the personal data originates and, as the case may be, whether the data originated from sources to which the public has access". The information is provided either during the collection of the data, when this is done by the subject (Article 13 GDPR) or within the time period defined in par. 3 of Article 14 GDPR, in the event that the data has not been collected by the subject. 6. It is also noted in article 13 paragraph 4 GDPR that an exception is provided from the obligation to inform the subject, "when and if the data subject already has the information".

As pointed out in the OE 29 Guidelines on transparency (WP 260 §56): "According to the principle of accountability, data controllers must demonstrate (and record) the information already held by the data subject, how and when you received it, and that no changes have occurred since then to that information that would make it out of date. In addition, the use of the wording "provided" in Article 13(4) makes it clear that, even if the data subject has been provided with certain categories of information under Article 13 in the past, the data controller still has the obligation to provide this information in order to ensure that the data subject now has the full set of information listed in Article 13(1) and (2)". 7. Finally, according to Article 28 GDPR par. 1, 3 and 10: "When the processing is to be carried out on behalf of a data controller, the data controller uses only processors who provide sufficient assurances for the application of appropriate technical and organizational measures, in such a way that the processing meets the requirements of this regulation and ensures the protection of the rights of the data subject. 3. The processing by the processor is governed by a contract or other legal act governed by Union or Member State law, which binds the processor in relation to the controller and determines the object and duration of the processing, the nature and the purpose of the processing, the type of personal data and the categories of data subjects and the obligations and rights of the controller. [...] 10. Without prejudice to Articles 82, 83 and 84, if the processor determines the purposes and means of the processing in violation of this regulation, the processor shall be deemed to be the controller for that processing. 8. In the case under consideration, the following emerged from the data in the file: The complainant, unemployed registered in the Registers of the OAED, on ... of ... and following his recruitment for ... employment in Municipality X within the framework of the "Employment Promotion" Act through Public Benefit Programs for 36,500 people in Municipalities, Regions, Regional Social Welfare Centers (KPP)/related bodies, Ministry Services and other bodies" (Government Gazette 0.1503/27.3.2020 - Official Gazette B' 1256/09.04.2020), expressed interest according to with the Public Invitation 4/2020 of the OAED, for his participation in a Training Program of a public benefit character, declaring specific areas of knowledge to the OAED. On ... the complainant was informed by the OAED Ψ service that the publication of a relevant Public Invitation and a list of Training Providers approved by

the Ministry of Labor at which he could carry out the training is expected (see related no. 1/2021 Invitation for Expression of Interest of the Staff NSRF Structure, Employment and Social Economy Sector, (ED NSRF ApKO) of the Ministry of Labor and Social Affairs, to prospective Training Providers). Then, on ... the complainant received an email from the address master1@master.com.gr of KEK MASTER, with which KEK informed him about the implementation process of the Training and invited him to complete and submit an application for participation in the Training , expressly stating that it is a continuation of the communication between them "and the sending of the 2 educational items you selected and sent us in your previous e-mail, according to the LIABILITY STATEMENT you sent to OAED", an approach which gave the complainant the wrong impression that he is talking to a service outsourced by OAED, as a result of which he replied to this message on ..., thanking the sender for his cooperation and providing his details. Furthermore, the complainant on ... received a phone call from KEK EXELIXI, to which he maintains that he never gave his data. Considering that his data had been leaked by the OAED to KEK MASTER and EXELIXI, the complainant on the one hand complained about it to the OAED, on the other hand he did not submit the complaint in question. 9. First of all, the alleged leak of personal data of unemployed persons by the OAED did not emerge from any element of the file. Therefore, the complaint against the OAED must be dismissed as unfounded. 10. With regard to the role of the complained KEK in the processing of the complainant's data, the following is preliminary noted: According to G/EIS/8144/21-06-2022 response document of the Staff Structure NSPA ApKO, the agency in question was determined as Executor the Processing on behalf of the Ministry of Development and Investments, as Processor, based on article 53 par. 2 of Law 4914/2022 (Government Gazette A' 61/21.03.2022) for any processing of personal data of participants in co-financed operations from the Funds and the Financial Mechanism of the EEA and are implemented in the context of the relevant Programs for the programming period 2021-2027, with the purpose of processing the management of these Programs and exercising evaluation and control powers in relation to said management. A similar regulation was provided by article 54A of the previous Law 4314/2014 regarding the NSRF programming period 2014-2020. In the context of the NSRF 2014-2020, the Action "Promotion of employment through Public Benefit Programs for 36,500 people in Municipalities, Regions, Regional Social Welfare Centers (KKPP)/related bodies, Ministry Services and other bodies" with OPS code 5060289 (KYA 0.1503 /27.3.2020 – Official Gazette B'1256/09.04.2020), for which the OAED Public Invitation 4/2020 was issued to registered unemployed. This action consists of two parts: the the first part included the placement and employment of the participating unemployed beneficiaries for eight (8) months in Municipalities, Regions, etc. and the second part included their participation in

training to upgrade their qualifications and skills. The implementation of the second part (training action) was assigned to the Special Service NSPA Staff Structure of the Ministry of Labor and Social Affairs, Employment and Social Economy Sector, Sub-Division II – Employment Sector Actions (ED NSPA ApKO), in accordance with article 2 par. 4 of the above General Law. ED NSPA ApKO was designated (see article 3 par. 2 of the KYA) as the Beneficiary, in terms of the co-financed part of the NSSP. With article 2 par. 5 of the KYA it was determined that "The procedure and conditions for implementing the training, which will be done with the training voucher system, including professional counseling, will be specified in a separate invitation to the Training Providers that will be issued by the Special Service ED NSPA YPEKY ApKO". In accordance with the aforementioned provision and to specify the procedure and conditions for the implementation of the action, the ED NSPA ApKO issued Invitation 1/2021 (AD: ...) for the submission of applications and the issuance of the Register of Training Providers. In Invitation 1/2021, the training process is determined in detail. Specifically, chapter 6.3 of the said Call describes the process of selecting a training provider by the beneficiaries and the process of concluding a contract between them, lists the exact supporting documents that must be submitted by the beneficiaries to the providers, states the necessary terms of the contract (with the note that the providers are obliged to use a specific contract template) and describe the necessary verifications that each training provider is obliged to carry out before activating the beneficiary's check through the special website. In addition, the Invitation includes Annex V entitled "REGULATION (EU) 2016/679", in which a reminder is made of the provisions set out in Article 28 of the GDPR and it is stated that "In the sense of the above article, in this case, the Data Controller is defined as the Beneficiary and as the processor the Provider" and it is provided that the providers must comply with all the obligations of the processor in accordance with Article 28 GDPR, as well as the way in which they must provide the appropriate guarantees to prove compliance (filling in a responsible declaration with specific content). Therefore, in accordance with the above provisions, the ED ESPA ApKO has been designated as the processor on behalf of the Ministry of Development and Investments, for the processing of personal data of the beneficiaries for the purpose of managing the Training Program and for the purpose of exercising evaluation and control powers as to the management in question, and not to the processing of personal data of the beneficiaries (including the complainant) for the purpose of providing training services within the framework of the above program, processing for which it appears that ED NSPA ApKO has the role of Responsible Processing, since in accordance with article 2 par. 5 of the CPA it has been assigned the authority to determine by decision the means of the specific processing (which authority it carries out in practice without the involvement of the Ministry), which it

did through Invitation 1/2021 . Therefore, for the purposes of the specific processing, the Providers are processors, as their role is limited to the implementation of the terms of the Invitation and they do not decide on the purpose and means of the processing. At this point the following distinction must be made: The above roles of Processor and Processor for the purpose of providing training services are activated from the stage of finalizing the selection of a Training Provider by a beneficiary and thereafter (see chapter 6.3.1 of Invitation 1/2021 of the ED NSPA ApKO: "Each beneficiary, beneficiary of a training option, must, within the predetermined time period for the activation of the check, choose the training provider he wishes to receive the services provided in the context of this action, within the limits of the Regional Unit which is the organization of his placement. The beneficiary for his registration with the training provider must provide: [...]"). Any processing act carried out by the Providers before the final selection of a Provider by the beneficiary and his registration with it, falls under the sole responsibility (in the sense of the decision on the purpose and means of processing) of the Providers. At this stage, i.e. during the process of market research, expression of interest and until the final choice of provider by the beneficiary, which is signaled by the sending of the supporting documents for registration, as long as processing operations take place on behalf of the Training Providers and specifically for the purpose of promotion of their services and finding trainees/clients, the Providers themselves are solely responsible, as they themselves decide independently and freely on the purpose and means of said processing (such as, for example, to promote their services by direct electronic or telephone communication to their prospective trainees/clients, providing the possibility to fill in an expression of interest form through their website, etc.). See regarding §§ 42-43 of the GDPR Guidelines 07/2020 on the concepts of controller and processor in the GDPR (above under 1). In this case, the reported processing operations concern the processing of the complainant's data (name, contact details, status of unemployed and interested in the Training) for direct communication with him (via e-mail in the case of the KEK MASTER and by telephone in the case of KEK DEVELOPMENT) during the stage before sending the supporting documents for the registration of the complainant to a specific Provider. Therefore, according to what was stated above, the said processing acts fall under the exclusive sphere of responsibility of the complained KEK, as data controllers, and in this light they are examined below. 11. As far as KEK MASTER is concerned, it did not emerge with certainty to whom the initiative for the initial telephone communication between the complainant and KEK MASTER belonged. According to what was stated above, the claim that KEK MASTER never assumed the role of data controller is not accepted, since it processed the complainant's data for its own purposes, namely with the aim of concluding a contract for the provision of training services with him. The initial information

that KEK provided to the complainant about the processing in question, seems to have been done verbally, over the phone and indirectly, through the posting of the relevant Policy on the KEK MASTER website. Then, by mistake, according to KEK MASTER's claims, the information text concerning the later stage, i.e. the one in which KEK MASTER acts as executor, was sent to the complainant together with the expression of interest form and the information on the necessary supporting documents the processing on behalf of the ED NSPA APkO (see related no. prot. G/EIS/6294/30-09-2021 and G/EIS/6297/30-09-2021 opinion documents). From the claim of the complainant that during his conversations with the KEK MASTER representatives he thought he was communicating with OAED secretaries (see C/EIS/5644/08-09-2021 clarifying document), but also from the above "detour" of employees of KEK MASTER, which could cause additional confusion, combined with the fact that the Data Protection Policy posted on KEK MASTER's websites is not visible and easily accessible from the home page www.master.com.gr (located at the bottom part of the www.masterkek.gr page with the English title "Privacy Policy") it seems that the transparency requirements of articles 12 par. 1 and 13 GDPR are not sufficiently satisfied, in such a way that it can be assumed that the complainant already knew the relevant information (according to ' article 13 par. 4 GDPR) when providing his data with the from ... e-mail. After all, KEK MASTER did not provide any document from which it can be seen that the employees have received specific instructions to provide the required information to the interested parties who call or to refer them to an appropriate information text on its website or in the corresponding Invitation, as the case may be. Therefore, there is a flawed observance of the principle of transparency during data processing on the part of KEK MASTER as the data controller, due to ambiguity in the information provided, which increased the confusion the complainant was in when communicating with each other. However, given the good cooperation that appears to have existed between the complainant and KEK during their initial electronic correspondence, and in the absence of proof as to who had the initial communication initiative, the examination of the case did not reveal sufficient evidence to demonstrate unlawful processing on behalf of KEK MASTER. In any case, the concurrent fault of the complainant is recognized, who mistakenly believed that he was communicating with the OAED by replying to KEK MASTER's e-mail from ..., even though it contains sufficient information about the company (and in particular its name and contact details, which are not related to the OAED). In addition, it should be noted that in the past it has been submitted with no. prot. C/EIS/1581/28-02-2019 complaint against KEK MASTER for sending unsolicited advertising electronic messages (spam e-mail), which was processed with the no. prot. C/EX/6032/07-09-2020 document with which the Authority drew its attention to, among other things, adequately satisfy the right of information of the

data subjects in accordance with article 13 of the GDPR. For the above reasons, the Authority deems it appropriate to address, pursuant to the provision of article 58 par. 2 sub. a' of the GDPR, a warning to KEK MASTER, so that from now on it ensures the most effective and complete observance of the principle of transparency, through its interested - prospective clients, as subjects of personal data, taking the necessary actions at its discretion (see (eg prominently posted on home page, providing appropriate instructions to employees answering the phone, etc.). of correct, complete and timely information 12. KEK EXELIXI has put forward contradictory and conflicting claims to the Authority, in the context of investigating the complaint: initially with its G/EIS/4273/28-06-2021 response document, the KEK EXELIXI claimed that it collected the data of the complainant after a search in publicly accessible sources on the internet, namely: his name from the no. first ... /... Decision of the Mayor that has been posted in DIAUGIA with ADA ... (position ... of the Table) and his mobile phone number from the relevant posts on his blog, which he found after searching his name on google. However, subsequently, with its G/EIS/6137/27-09-2021 clarifying document, the KEK EXELIXI did not repeat the same allegations but on the contrary argued that the complainant himself provided the KEK with his data with his application from ... was submitted electronically on the KEK website platform and with the legal basis of his consent as a subject. In the context of the hearing and with its memorandum, the KEK EXELIXI clarified that initially the said application was submitted by the complainant online and that subsequently the KEK officials "proceeded to search for the details of the application on the internet to confirm their validity". The claim in question does not seem convincing for the following reasons: a) KEK EXELIXI states that in the telephone conversation he had with the complainant on ... the complainant "swearing at them profusely" (therefore it is unlikely that he would have submitted the application himself), b) the (spontaneous) initial response that KEK EXELIXI gave to the Authority (see C/EIS/4273/28-06-2021 document) was that the complainant's data had been collected following a search on the internet, without any reference to the electronic application from ..., which KEK EXELIXI referred to and produced the first after the Authority sent for clarifications, c) the complainant denies that sent this application, d) from the documents provided it is not proven that the complainant was the one who completed the application in question, since anyone could have completed it on ..., e) finally, the fact that the information included in an electronic application correspond to a real natural person is not a confirmation of the validity of its submission, therefore the process of searching for the details of each applicant on the internet, which the KEK claims it is "obliged" to follow and follows every time, is not suitable for this purpose . During the hearing, KEK EXELIXI was asked about the legal basis of the search of the applicants' data on the internet, as a processing act ("search for information"

according to the definition of Article 4 para. 2 GDPR) and was asked to document the legality of C /EÉ/2045/30-09-2021 of a document of specific processing with its memorandum, which the KEK did not do, thus failing to document the legality of the processing, in accordance with the principle of accountability (article 5 par. 2 GDPR). Furthermore, it did not appear that the complainant received any information about the processing of his data by the complained KEK EXELIXI. The information included in the online application on the processing of personal data does not meet the conditions of articles 12 par. 1 and 13 GDPR, since a number of necessary information such as the storage period and the existence of the subject's rights according to the GDPR are omitted (article 13 para. 2 GDPR). Thus, even if it is assumed that the relevant application was actually submitted by the complainant, the declaration of consent provided in this way does not meet the validity conditions of Article 7 GDPR, because a) it is not provided "with knowledge" (see Sec. 42 of the Preamble of the GDPR) in the absence of proper information, b) it is not provided separately from the other issues related to the "Application - Data Submission Form for Participation in the Public Benefit" and c) the data controller does not seem to follow any procedure to confirm the correctness of the declared data (e-mail address and phone number). Besides, KEK EXELIXI did not prove that the complainant completed and submitted the application in question himself, in accordance with the aforementioned. Consequently, the legality of the processing of the complainant's data and in particular the search for his information on the internet, both at the time of the alleged facts and at the time of the examination of the complaint, but also on the day of the hearing, was not established: the act in question processing cannot be considered lawful because it violates the principle of proportionality of processing. In particular, the search for information about the complainant on the internet is not necessary and convenient for establishing the validity of his application, as argued by KEK EXELIXI, while the re-search of the complainant's details on the internet and the presentation of the search results to the Authority , is neither necessary nor expedient in order to document within the framework of the principle of accountability the legality of the alleged processing acts on his part. The data submitted by KEK EXELIXI under no. 4 ("plenty of personal information and references" as stated by the KEK, and in particular, search results of the complainant's name on google, articles signed by the complainant, his biography and other information such as his candidacy as a member of parliament with a specific political party, which reveals his political beliefs and is data of a special category according to Article 9 GDPR), not only do not strengthen his position but on the contrary burden it, because in the context of examining the complaint in question, KEK EXELIXI carried out further extensive processing of the data of the complainant, even immediately after the hearing, without this processing being necessary and without being able to rely on any

legal basis. Following the above, from the data in the file and following the hearing, the Authority finds on behalf of the complained KEK EXELIXI a violation of the principle of legality, objectivity and transparency of the processing (article 5 par. 1 a' GDPR) due to the lack of a legal basis processing of the complainant's data, in accordance with Article 6 GDPR, and due to the absence of information to the complainant in accordance with Article 13 GDPR about the data processing operations carried out. Based on the above, the Authority considers that there is a case to exercise its corrective powers according to article 58 paragraph 2 of the GDPR in relation to the violations found and that it should, based on the circumstances found, be imposed, pursuant to provision of article 58 par. 2 sec. i of the GDPR, an effective, proportionate and dissuasive administrative fine according to article 83 of the GDPR, both to restore compliance and to punish illegal behavior. Furthermore, the Authority took into account the criteria for measuring the fine defined in article 83 par. 2 of the GDPR, paragraph 5 sub. b' of the same article that is applicable in this case, the Guidelines for 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) and the Guidelines 04/2022 of the European Data Protection Board for the calculation of administrative fines in the context of the General Regulation which are in public consultation, as well as the actual data of the case under consideration and in particular: a) The nature, gravity and duration of the violation: It is taken into account that these are violations that fall under the provisions of article 83, paragraph 5 of the GDPR, therefore they attract as a maximum penalty the amount of 20 million euros. The processing concerning the due to infringements is related to the main activity of the complained business (providing training services), while the seriousness of the infringement is high, given that it continued during the examination of complaint, even after the hearing.

b) The fact that a subject was affected, who suffered moral damage, however the violations demonstrate a systemic problem and it seems to concern all related subjects (candidate trainees from the specific KEK), as well as the search for applicants' data on the internet, according to practice that seems to be followed by the KEK, is contrary to the Regulation, as lacking a legal basis, while the process of obtaining consent is not valid, due to the lack of information and the lack of measures to confirm it validity of the data declared.

c) The fact that the complained KEK did not cooperate with the Authority

he provided conflicting views and did not answer questions put to him.

d) The fact that in the context of examination of the complaint, the complained KEK

proceeded to further processing without a legal basis (search for his data

online complainant), even on the day of the hearing, and despite

fact that he had already been questioned about the legality of this act.

e) The fact that special categories were also affected by the violation

personal data (data of his political beliefs

complainant).

f) The fact that the reported KEK had a turnover of €6,650 per year

2020, according to its balance sheet published in GEMI.

Based on the above, the Authority unanimously decides that it should be imposed on

I.K.E. as responsible

reported EVOLUTION EDUCATIONAL CONSULTANCY

processing, the administrative sanction referred to in the ordinance, which is judged

proportional to the gravity of the violations.

FOR THOSE REASONS

THE BEGINNING

A. Rejects the complaint against the complained OAED, as unfounded.

B. Addresses MASTER TRAINING AND CONSULTING CENTER S.A.

warning to henceforth take care of the most effective and

more complete observance of the principle of transparency, through correct, complete and

timely information of its prospective clients, as personal subjects

data, taking the necessary actions at its discretion.

C. Enforces ELITIS EDUCATIONAL CONSULTING I.K.E. administrative fine

in the amount of ten thousand (€10,000) euros for the found illegal and

non-transparent processing of the complainant's personal data.

The president

George Batzalexis

The Secretary

Irini Papageorgopoulou