

No. Fac.: A/P 11.17.001 135/2018 January 9, 2019 DECISION Subject: Publication of names and photos of police-investigators at Larnaca airport by "Politis" Newspaper I refer to the complaint/complaint submitted to my Office regarding the above matter and in continuation of my letter No. Fac.: A/P 11.17.001 135/2018 and date 31.08.2018, I inform you of the following: Facts 1.1. On 14.08.2018, I received a complaint from Mr. XX. and XY against the newspaper "Politis" for the illegal disclosure of their names and photos in a publication dated 17.06.2018, entitled "Police cap on 70-year-old T/k", which bore the signature of Mr. XY. 1.2. The publication, both in print and online, allegedly concerned the inconvenience and unnecessary and illegal detention of a Turkish Cypriot woman, who was on the Police Alert-List and revealed the names and photographs of the two police-investigators involved in the case as well and the photo of a third police officer-investigator. 1.3. Based on the task of examining complaints provided to the Personal Data Protection Commissioner by article 57(1)(f) of Regulation (EU) 2016/679 (hereinafter "the Regulation") and article 24(b) of the Law which provides for the Protection of Natural Persons Against the Processing of Personal Data and for the Free Circulation of Such Data (Law 125(I)/2018), with the same letter from my Office, dated 31.08.2018, a letter was sent to the Editor-in-Chief of the Newspaper "Citizen", by which he was informed about the above complaint and the relevant provisions of Reference 4 of the Preamble of the Regulation, articles 5(1), 6 and 85 of the Regulation and article 29(1) of Law 125(I) /2018. In the same letter, I asked for his views/opinions on the said allegations, to which till 18.10.2018, there was no response. 1.4. Therefore, by my letter, dated 18.10.2018, the Complainant was informed that, prima facie, there was a violation of his obligation under Articles 5(1)(c) and 6 of the Regulation and Article 29(1) of Law 125(I)/2018 and he was asked to submit to me his positions/opinions on the above and the reasons why he believes that no administrative sanction should be imposed on him, based on article 83 of the Regulation and article 33(3) of Law 125(I)/2018, within a period of 4 weeks from the above date. 1 1.5. The lawyer Kalia Georgiou, acting on behalf of the clients of Arktinos Ltd and XY, owners and journalist respectively of the newspaper "Politis", with her letter dated 30.10.2018, which she sent by fax, informed me epigrammatically that: □ The letter of my Office dated 31.08.2018, by mistake was not answered and therefore its clients apologize. □ Its clients reserve their rights to appeal to the competent Court my decision by which I find that there is a violation of Regulation (EU) 2016/679 and Law 125 (I)/2018, as a wrong and/or consequence of bad exercise of my discretion in balancing the rights of the complainants, with the right to freedom of expression of the journalist and the owners of the newspaper. □ The photograph was taken in a public place (Larnaka airport) during the performance of the duties of the complainants as public officials. (Reference was made in the case Alpha Doryforiki

Tileorasi Anonymi Etairia v. Greece of the European Court of Human Rights no. 72562/10, February 22, 2018). □ The reasons the journalist chose to publish the names and photographs of the complainants are related to: (a) the facts of the case: the journalist considered the treatment of the Turkish Cypriot elderly woman to be degrading, racist and possibly motivated by political motives, possibly illegal since she was detained at the airport for a considerable time, transferred to the Larnaca TAE, her luggage was searched, without at any point of time being given satisfactory or any explanations and finally she was released, (b) the delay in communication between the Larnaca TAE and the airport police, with as a result of the TAE police officers arriving at the airport to check the Turkish Cypriot woman one hour after her arrival in Cyprus, (c) the further fact-checking of the Turkish Cypriot woman and her luggage, claiming that they were looking for forged travel documents, (d) the fact that, according to information from the "Politis" newspaper, Mr similar behavior happened to one of her sons at Larnaca airport in 2011, (e) the fact that the journalist of the disputed article, before publishing it, brought the matter to the attention of the Police Press Representative and asked for his opinions, without but to receive an answer. The journalist also tried to get an answer by phone from the Police Spokesperson from June 13 to 17, 2018, to no avail. In addition, as stated in her letter by the lawyer of the Complainant, the journalist, trying to raise awareness among the authorities, considered that a simple reference to this without the names of the officials who handled the matter, would not have any practical effect and in addition possibly it would give the impression that criticism is leveled at all airport security officers and the Police in general, which would not be fair. Furthermore, the lawyer states that: □ The journalist "indirectly wanted to hurt the attitude of the Police for their refusal to take an official position in this incident.", □ The journalist "to demonstrate that the authorities and the state are not an impersonal and anonymous mechanism, but it is made up of officials who are autonomous individuals and bear personal responsibility for the way they treat citizens and mainly exercise powers on behalf of the State.", □ the journalist "wanted to raise in a strong way another event that affects discrimination against a citizen on the basis of her ethnic origin and racist behavior by state officials, such as airport security personnel and members of the Police in general.", Legal Framework

2.1. The name and the photograph of a natural person, insofar as their identity is revealed directly or indirectly, constitute "personal data", according to the definition given in Article 4(1) of the Regulation. 2.2. The publication of the name and photo of a natural person constitutes processing of personal data, within the meaning of article 4 of the Regulation. 2.3. According to Article 5(1)(c) of the Regulation, a basic condition for the legality of the processing of personal data is the observance of the principle of minimization, in the sense that the data collected must be appropriate, relevant and limited to what is necessary for

the purposes for which they are processed. As pointed out in reason 39 of the Regulation regarding the minimization principle: "Personal data should only be processed if the purpose of the processing cannot be achieved by other means." 2.4. According to the provisions of article 6 of the Regulation: 3 "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 contracting party or to take measures at the request of the data subject prior to the conclusion of a contract, c) the processing is necessary to comply with a legal obligation of the controller, d) the processing is necessary to preserve vital interest of the data subject or other natural person, e) the processing is necessary for the fulfillment of a task performed in the public interest or in the exercise of public authority delegated to the controller, f) the processing is necessary for the purposes of legitimate interests pursued by the controller or a third party, unless these interests are overridden by the interest or fundamental rights and freedoms of the data subject that require the protection of personal data, in particular if the data subject is a child. Point f) of the first paragraph does not apply to the processing carried out by public authorities in the exercise of their duties. 2. Member States may maintain or establish more specific provisions to adapt the application of the rules of this Regulation regarding the processing for compliance with paragraph 1 items c) and e), defining more precisely specific requirements for the processing and other measures to ensure legal and legitimate processing, including for other special cases of processing as provided for in chapter IX. 3. The basis for the processing referred to in paragraph 1 items c) and e) is defined in accordance by: a) the law of the Union, or b) the law of the Member State to which the controller is subject. The purpose of the processing is determined on the said legal basis or, with regard to the processing referred to in paragraph 1 point e), is the necessity of the processing for the fulfillment of a task carried out in the public interest or in the exercise of a public authority delegated to the controller. This legal basis may include specific provisions to adapt the application of the rules of this regulation, among others: the general conditions governing the lawful processing by the data controller; the types of data processed; the relevant subjects of of data; the entities 4 to which the personal data may be communicated and the purposes of such communication; the limitation of the purpose; the storage periods; and the processing operations and processing procedures, including measures to ensure lawful and legitimate processing, such as those for other special cases of processing as provided for in chapter IX. Union law or Member State law responds to a public interest purpose and is proportionate to the intended legal purpose. 4. When the processing for a purpose other than that for which the personal data have been collected is not based on the consent of the

data subject or on Union law or the law of a Member State, which is a necessary and proportionate measure in a democratic society for ensuring the purposes referred to in Article 23 paragraph 1, the controller, in order to ascertain whether the processing for another purpose is compatible with the purpose for which the personal data is initially collected, takes into account, among others: a) any relationship between the purposes for which the personal data have been collected and the intended further processing, the purposes b) the context in which the personal data were collected, in particular with regard to the relationship between the data subjects and the controller, c) the nature of the personal data, in particular for the special categories of data of personal data processed, in accordance with Article 9, or whether personal data related to criminal convictions and offenses are processed, in accordance with Article 10, d) the possible consequences of the intended further processing for the subjects of data, the existence of appropriate guarantees, which may include e) encryption or pseudonymization.".

2.5. Article 85 of the Regulation concerning processing and freedom of expression and information provides that, for the processing carried out for journalistic purposes or for the purposes of academic, artistic or literary expression, the member states provide for exceptions or deviations from chapter II (principles) , chapter III (data subject rights), chapter IV (controller and processor), chapter V (transmission of personal data to third countries or international organizations), chapter VI (independent supervisory authorities), chapter VII (cooperation and coherence) and the chapter (special cases of data processing), since these are necessary to reconcile the right to the protection of personal data with the freedom of expression and information.

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2.6. Article 29(1) of the Law that provides for the Protection of Natural Persons against the Processing of Personal Data and for the Free Circulation of such Data (Law 125(I)/2018), reads as follows: "Data processing of a personal nature or special categories of personal data or personal data relating to criminal matters for journalistic or academic purposes or for the purposes of artistic or literary expression is lawful, provided that these purposes are proportionate to the intended objective and respect the essence of the rights as defined in the Charter of Fundamental Rights of the European Union, in the European Convention on Human Rights and Fundamental Freedoms (ECHR), which has been ratified by the European Convention for the Protection of Human Rights (Enforcement) Law, and in Part II of the Constitution. and offenses which are carried out (2) The provisions of articles 14 and 15 of the Regulation are applied to the extent that they do not affect the right to freedom of expression and information and journalistic confidentiality."

2.7. Article 8(1) of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) states the following: "Everyone has the right to respect for his private and family life, his home and his correspondence". The

European Court of Human Rights has ruled in relation to the provision of Article 8 of the ECHR that the protection of "private life" based on this Article, does not exclude the professional life of employees and is not limited to life within the place of residence.

2.8. Article 8 of the Charter of Fundamental Rights of the European Union states that: "1. Every person has the right to the protection of their personal data. 2. The processing of this data must be done legally, for specified purposes and based on the consent of the interested party or for other legitimate reasons provided by law. Every person has the right to have access to the collected data concerning him and to achieve its correction. 3. Compliance with these rules is subject to the control of an independent authority."

2.9. Articles 7 and 8 of the European Convention on Human Rights define the following:

Article 7 Non-imposition of punishment without law 1. No one may be convicted for an act or omission which, at the time it was committed, did not constitute an offense under national or international law. Nor is a heavier penalty imposed than the one imposed at the time of the offense. 2. This article is not intended to affect the trial and punishment of persons guilty of acts or omissions which, at the time they were committed, were criminal in accordance with the general principles of law recognized by civilized nations.

Article 8 Right to respect for private and family life 1. Everyone has the right to respect for his private and family life, his residence and his correspondence. 2. There may be no intervention by a public authority in the exercise of this right, unless this intervention is provided for by law and is a measure which, in a democratic society, is necessary for national security, public safety, economic well-being of the country, the protection of order and the prevention of criminal offences, the protection of health or morals, or the protection of the rights and freedoms of others."

2.10. As underlined by the Court of Justice of the EU¹, the right to the protection of personal data is not absolute, but must be considered in relation to the role it plays in society².

2.11. In *The Bavarian Lager Co. Decision Ltd v Commission of the European Communities* of 8 November 2007 (T-194/04), the following passages are cited: "The Commission argues that the Court of Justice has confirmed its view on the content of the personal data protection rules. The Court found that the rules for the protection of personal data and in particular the principle of proportionality were applicable in the field of publicizing the name of natural persons even when it came to employees of the public sector and that this processing served the common interest (Court decision of 20 May 2003, C-465/00, C-138/01 and C-139/01, *sterreichischer Rundfunk and others*, ECR 2003, p. I-4989, paragraph 64). This approach with regard to Directive 95/46 was subsequently confirmed by the Court in the judgment of 6 November 2003, C-101/01, *Lindqvist* (ECR 2003, p. I-12971, paragraph 24), according to which The concept of "personal data" certainly includes the name of a person included in his telephone details or in information related to his working conditions or his recreational

activities. "In order to characterize the existence of a violation of Article 8 of the ECHR, it must first be ascertained whether there is an interference with the private life of the interested party and, secondly, if this is the case, if the 1 Court of Justice of the EU, decision of 9.11.2010, joined cases C-92/09 and C-93/09 Volker und Markus Schecke and Eifert, Collection 2010, p. I-0000. 2 Pursuant to Article 52(1) of the Charter, it is permitted to impose restrictions on the exercise of the right to data protection provided that such restrictions are provided for by law, respect the basic content of the rights and freedoms in question and that, in compliance with the principle of proportionality, are necessary and really respond to purposes of general interest recognized by the Union or to the need to protect the rights and freedoms of third parties. 7 due to intervention is justified. To be justified, it must be provided for by law, pursue a legitimate aim and be necessary in a democratic society. As regards this second condition, in order to ascertain whether a disclosure of data is "necessary in a democratic society", it must be considered whether the reasons put forward to justify it are "useful and sufficient", and whether the measures taken are proportionate to the intended legal purposes." 2.12. Article 19 of the Constitution of the Republic of Cyprus protects freedom of speech and expression. The Constitutional right to freedom of speech and, by extension, journalistic freedom and the right to the protection of personal data based on harmonizing legislation should, based on the above, be weighed and balanced, with priority being given to serving the right to information of public opinion against of the right to protection of personal data when private and family life is not violated. 2.13. In its decision (DiokProtAth 16280/95), which concerned journalistic criticism by television against a Minister, the Administrative Court of First Instance of Athens states, among other things, that: "In a democratic society, the person who becomes a public figure, in the sense that becomes known to a wider circle of the public (politicians, journalists, artists, athletes, etc.) is de facto subject to journalistic scrutiny, which, even if it is sharp or scathing, as long as his honor and reputation are not affected, must endure." "Public figures in a broad sense - which can also include persons of absolute topicality - must accept interventions in their private lives, which are justified by the interest of public opinion to have a complete and complete image of their personality. These interventions, however, must not go as far as destroying the core of the right to private life." 2.14. The Hellenic Personal Data Protection Authority, in the decision dated 31.01.2000, which concerned the showing of illegally filmed scenes showing a well-known singer making love with a young girl, rejected the journalist's argument that the showing of sensitive personal data was part of a journalistic investigation into the commission of crimes acts and in particular the exploitation of minors by a public figure and that it was necessary to raise the awareness of the prosecution authorities. The Greek Authority ruled that, if the journalist simply wanted to point out the

criminality of the committed acts to the public prosecutor, it would be sufficient to present them to him alone. An application for annulment was filed against the Authority's Decision by the producing company. 8 The Council of the Territory, in the claim of the applicants that the illegal nature of the processing is removed when it is done to reveal criminal acts, emphasized that: "the preservation of user morals and the fight against crime belong according to the Constitution exclusively to the jurisdiction of the authorities of state authorities, which are subject to a series of controls, as provided for in the Constitution." 2.15. A useful reference can also be made to the following Decisions of the Greek Personal Data Protection Authority: Decision No. 43/2007 "In other words, an ad hoc weighing of the opposing interests must be done according to the principles of practical harmony and proportional balancing of ... rights, applying also the principle of proportionality ... in such a way that the protected goods (freedom of information and citizens' right to information ... and right to personality and to the protection of private life and right to informational self-determination) to maintain their regulatory scope (see A. Geronta, The protection of the citizen from the electronic processing of personal data, Ed. Ant. Sakkoula, Athens 2002, p. 209). The judgment as to whether the specific processing was carried out legally or whether, on the contrary, the right to informational self-determination of the affected persons and to private life was violated, is subject both to the criterion of whether this processing served the interest of informing public opinion, and to the extent the considered offense was within the framework of the principle of proportionality necessary for the exercise of the right to information (see no. 100/31.1.2000 decision of the Authority, p. 7). "The principle of weighing is accepted by the established jurisprudence of the Greek courts and the European Court of Human Rights (ECtHR), according to which the media have, according to Article 10 of the European Convention on Human Rights (ECHR), ratified with the n.d. 53/1974, duty to inform the public about cases and issues of general interest and accordingly the public has the right to be informed about these issues. Especially when it comes to figures of public life or matters of public interest, the need to inform the public is more intense. For this reason, the ECtHR recognizes the role of journalists as public watchdogs, i.e. the control function of the press, which covers its ability to embellish bad texts by publicizing and publicly criticizing them. Public officials, such as judges, cannot escape journalistic scrutiny and harsh criticism, in order for the public to be convinced that, among other things, judges are living up to their public duties and the purpose of their mission. And yes, the press is one of the means available to public opinion to ascertain that judges exercise their high duties faithfully, but Article 10 ECHR does not guarantee unlimited freedom of the press, even the publication of serious matters of public concern when it comes to 9 of interest. Paragraph 2 provides that the exercise of this freedom involves obligations and responsibilities that also apply to the

press." Decision No. 46/2011 "As is firmly accepted by the national and European supreme courts, the limitations imposed by law on individual rights or the acts issued by public authorities unfavorable to the governed must respect the principle of proportionality, in the sense that they must be appropriate and necessary to achieve the intended purpose and not be manifestly disproportionate in relation to it. The measure is appropriate (appropriate) when it enables the effective achievement of the intended purpose. The measure is deemed necessary when the intended purpose cannot be achieved by milder means, or, in other words, among several appropriate measures that equally achieve the intended purpose, the one that induces the least burdensome consequences is chosen." 2.16. The Appeals Prosecutor of Thessaloniki, Ilias Nik. Seferidis, in an Opinion dated 13.11.2018, regarding whether the Prosecuting Attorney of Serres for Misdemeanors correctly issued her order authorizing the publication of the identity details and photographs of the accused TEI professors for their funding by students, the following is mentioned, among others: "The necessity publication of the identity details of the accused and their photographs is required by the nature of the specific case, as the only means to verify the commission of the crime attributed to the accused and its extent." "The above publication in the above cases is required by the necessity of revealing the size and extent of the entire criminal activity, which encourages the victims to report what happened to them. This publication contributes to the removal of inhibitions and fear and the victims proceed to report the incidents that happened against them and thus facilitate the disclosure of the elements of the crime and its size and extent." 3. Additionally, the Code of Journalistic Ethics states the following: "3. private life The reputation and private life of each person are respected and no personal information is disclosed. Interventions and investigations in privacy of persons, without their consent, including taking photographs of persons or filming or recording sounds without their knowledge or consent - unless they are involved in events or situations that constitute news of general interest - on private property or elsewhere, as well as the securing information by means of interception or long photography are generally unacceptable, and their disclosure can only be justified in exceptional cases and solely in the public interest. 10 The media and their officials do not engage in unprovoked personal attacks and abusive and insulting characterizations that tarnish honor and reputation." "9. PRESUMPTION OF INNOCENCE Officials fully respect the principle that a suspect or accused of committing an offense is innocent until proven guilty by due process and therefore avoid making public anything that leads to conclusions as to the suspect's guilt or innocence and/or accused or tends to drag or impeach him." "15. PUBLIC INTEREST In this Code, cases which, by invoking the public interest, justify a deviation from the rule, are mainly the following: (a) Assisting in the detection or disclosure of a crime. (b) Protection of public safety or

health. (c) Protection of human rights. (d) Preventing the public from being misled as a result of acts or statements of individuals or organizations." 4.1. In the present case, I considered whether it is legal to publish the names and photographs of police investigators in the course of their professional duties. I point out that, when the case concerns a public official, the position that this person holds in public life should be prioritized. 4.2. Based on the jurisprudence of the European Court of Human Rights (ECHR) regarding the right to the protection of private and family life, guaranteed by Article 8 of the European Convention on Human Rights and Article 15 of the Constitution, in cases of this nature, it should be considered whether the event (a) took place in a public or private space, (b) whether it concerns a public figure or official or an ordinary private individual and (c) in the event that some information is published, if the public interest in the specific publication outweighs right to protection of the private and family life of the persons to whom the publication concerns. 5. Rationale 5.1. The publication in a newspaper of the names and photographs of police-investigators in their professional life constitutes data processing by the controller. In fact, after a search on the internet, the disputed article was also posted on the following link: <http://politis.com.cy/article/astinomiko-kapsoni-se-70chroni-tk> 5.2. The data controller, in order to serve the interest of public information, on the one hand, is entitled to publish all the information and data that are necessary and at his disposal, and on the other hand, such processing must comply with the principle of data minimization (Article 5(1)(c) of the Regulation). 11 5.3. Weighing the conflicting interests, i.e. the legal interest of the "Politis" newspaper to inform the public with the interest of the police-investigators which requires the protection of their personal data, the publication of their photos together with their names was not necessary, objectively necessary and proportionate to the intended purpose, that is to publicize the nature of the incident that took place at Larnaca Airport on June 4, 2018. The intended purpose could be achieved by referring only to their initials and/or their persons being blurred and/or published photographs that were taken from a long distance, so that it was impossible to identify the depicted persons, actions which would not bring about any change in the nature of the case. 5.4. The protection of the personal data of public figures and especially politicians, such as the person for whom the lawyer of the Complainant mentions in the letter dated 30.10.2018, is due to their status reduced in relation to other persons, without of course this means that they are not protected since even persons known to the general public have a legitimate and justified expectation that their personal life will be adequately protected, as stated by the European Court of Human Rights (ECtHR) in its decision in the princess's appeal Carolina of Monaco against decisions of the German courts that did not protect her right to respect for her private life regarding the publication of her photographs (Case of Von Hannover v. Germany (no.2))

(Applications nos. 40660/08 and 60641/08) dated 7.2.2012). 6. Conclusions Taking into account the above and weighing the right to information of public opinion and freedom of the press against the right to protect the personal data of the complainants, prima facie, I am of the opinion that: (a) The publication in the disputed article, of the names of the police-investigators in combination with their photographs is not considered to have been done for reasons of protection of the public interest, such as, for example, assisting in the detection or disclosure of any crime. (b) The Regulation specifies that the processing, which is carried out in the light of the protection of the legitimate interests of the controller, must be necessary for this purpose and that the interests, fundamental rights and freedoms of the data subject whose personal data to be processed have been evaluated and do not override the legal interests of the controller (Article 6(1)(f) of the Regulation). Therefore, in this case, the provisions of article 6(1)(f) of the Regulation are not applicable, since the specific publication was not necessary for the purposes of the legal interests pursued by the newspaper "Politis", i.e. the journalistic information of public, or 12 third party, i.e. the general public and does not override the interest or fundamental rights or freedoms of the police-investigators. (c) The publication of the name of the police-investigators in combination with the publication of their photo, does not serve the interest of informing the public and in the context of the principle of minimization, the information in question was not necessary for the exercise of the right to information on behalf of the newspaper "Politis". The way the newspaper chose to publicize this case was disproportionate to the intended purpose, that is to inform the public about the essence of the case. (d) The claims of the defendant's lawyer that: □ "The journalist, trying to raise awareness among the authorities...considered that a simple reference to it without the names of the officials who handled the matter, would not have any practical effect and in addition possibly it would give the impression that criticism is leveled against all airport security officers and the police in general, which would not be fair.", □ the journalist "indirectly wanted to hurt the attitude of the Police for their refusal to position themselves officially in this event.", □ the journalist "to demonstrate that the authorities and the state are not an impersonal and anonymous mechanism, but consist of functionaries who are autonomous individuals and bear personal responsibility for the way they treat citizens and above all they exercise powers on behalf of the State.", □ the journalist "wanted to raise in a strong way another incident that concerns unfavorable discrimination against a of a citizen on the basis of her ethnic origin and racist behavior by state officials, such as airport security personnel and members of the Police in general.", are not correct since: □ It is not the journalist's responsibility nor duty to decide whether there has been adverse discrimination and/or whether any criminal act has been committed. The journalist, in this case, has escaped the limits of journalistic ethics, as it seems that his purpose was to

diminish the personality of the complainants by harshly criticizing them. □ For the purpose of raising awareness of the relevant authorities, the case could be reported directly to the authorities, including the names and photographs of the persons involved. 13 □ Courts are the only bodies that have the jurisdiction to judge someone innocent or guilty. 7. Penalties 7.1. As defined in the provisions of article 83(5) of the Regulation, a violation of the provisions of articles 5 and 6, "in accordance with paragraph 2, administrative fines up to EUR 20 000 000 or, in the case of businesses, up to 4 % of the total global annual turnover of the previous financial year, whichever is higher."

7.2. Paragraph 2 of article 83 of the Regulation is quoted in its entirety:

"2. Administrative fines, depending on the circumstances of each individual case, are imposed in addition to or instead of the measures referred to in article 58 paragraph 2 items a) to h) and in article 58 paragraph 2 item j). When deciding on the imposition of an administrative fine, as well as regarding the amount of the administrative fine for each individual case, due consideration shall be given to the following:

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

b) the fraud or negligence that caused the breach,

c) any actions taken by the data controller or the performing the processing to mitigate the damage suffered by the subjects of the data,

d) the degree of responsibility of the controller or the person performing the processing, taking into account the technical and organizational measures they apply by virtue of Articles 25 and 32,

e) any relevant previous violations of the controller or

processor, f) the degree of cooperation with the control authority for

remedying the breach and limiting possible adverse effects

its effects,

g) the categories of personal data affected by the breach,

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

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

processing reported the violation,

i) in case it was previously ordered to take the measures that

referred to in Article 58 paragraph 2 against the person responsible

of processing or of the processor regarding the same object, h

compliance with said measures,

j) the observance of approved codes of conduct in accordance with article 40 or

of approved certification mechanisms in accordance with Article 42 and

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k) any other aggravating or mitigating factor resulting from

circumstances of the particular case, such as the financial benefits which

were obtained or damages avoided, directly or indirectly, by

violation."

8. Conclusion

In the light of the above and based on the powers granted to me by the provisions

of Article 58(2)(i) of the Regulation, I am of the opinion that, prima facie:

The publication in question in the article in question, of the names of the police officers-

investigators in conjunction with their photographs violates the provisions of

of articles 5(1)(c) and 6 of the Regulation, since the news could

published without their names and photos, since the subject that

of interest from a journalistic point of view is the nature of the case. THE

disclosure of specific personal data does not serve the

interest of public opinion information and is not considered necessary, at framework of the principle of minimization, for the exercise of the right information.

Therefore, I decided to impose the complaint on Katho, Publications Arkinos Ltd, in its capacity as file manager, the fine of €10,000 (ten thousand euros) for committing a violation of obligation from articles 5(1)(c) and 6 of the Regulation.

9. Taking into account the provisions of article 83 of the Regulation, which concerns in the General Conditions for the imposition of administrative fines, when measuring it administrative fine I took into account the following:

nature

of the offence: it concerns professional life

(a)

of

complainants, although the European Court of Human Rights

has judged in relation to the provision of Article 8 of the ECHR that its protection

"private life" based on this article, does not exclude professional life

life of employees and is not limited to life within the place of residence,

(b) the extent of the infringement: the publication of the names and of

of photos in a newspaper and on the internet concerns an unlimited number

readers (the article in question is still posted on

internet, at the link: [http://politis.com.cy/article/astinomiko-kapsoni-se-70chroni-](http://politis.com.cy/article/astinomiko-kapsoni-se-70chroni-tk)

tk),

(c) the number of data subjects affected by the breach:

two persons are affected,

(d) the position of the Plaintiff, the complaint that, intentionally and not due to negligence,

published the details of the complainants in the newspaper,

(e) the fact that the Complainant did not proceed with any actions to mitigate the damage suffered by the subjects of data,

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(f) the previous Decision of my Office against the Respondent complaint (in the year 2010) related to the principle of proportionality (now "principle of minimization"), which however due to particularity of each case, is not properly taken into account for the purposes of this decision,

(g) the fact that the Complainant did not cooperate with my Office to remedy the breach and limit possible adverse effects effects of and

(h) the categories of personal data affected by the breach: name and photo.

Irini Loizidou Nikolaidou

Data Protection Commissioner

Personal Character

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