

PRINCIPLE FOR DATA PRIVACY

FOR OPIC CHARACTER

Athens, 08-02-2018

Prot. No.: G/EX/1119/08-02-2018

A P O F A S H 10 /2018

(Department)

The Personal Data Protection Authority met in composition

Department at its headquarters on Wednesday 31.1.2018 at 10:00 a.m. after invitation

of its President, in order to examine the case referred to

present history. They were attended by the Honorable President of the Authority George

Batzalexis, obstructing the President of the Authority Constantinos Menoudakos,

and the alternate members Panagiotis Rontogiannis, Grigorios Tsolias and

Charalambos Tsiliotis, as rapporteur, to replace the regular members

Antoniou ymboni, pyridon of Vlachopoulos and Charalambou Anthopoulos

respectively, who, although they were legally summoned in writing, did not appear for the reason

obstruction. Present without the right to vote were Fereniki Panagopoulou,

legal

controller

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attorney, as assistant

rapporteur and Irini

Papageorgopoulou, employee of the administrative and financial department

affairs, as secretary.

The Authority took into account the following:

With the application from ... (ADPPH G/EI /2092/14-03-2017), according to a correct assessment

thereof, the Diagnostic and Therapeutic Center of Athens Hygeia S.A. (henceforth

"HYGEIA" Hospital) forwards the application of the anonymous insurance company to the Authority of a company with the name "GROUPAMA PHOENIX ANONYMI ELLINIKI A BANKRUPTCY COMPANY" (hereinafter GROUPAMA PHOENIX) and according to this way submits a question to the Authority if it can grant a certificate with the details of all issued invoices-receipts of services provided by "HYGEIA" hospital in the name of the patient and according to her claims

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insurance company formerly insured in it, A for judicial use and specifically to refute the lawsuit that A has brought against her GROUPAMA PHOENIX and B before the Magistrate's Court X (Regular Procedure, No. registered ..., admissible ...), which has been referred for adjudication pursuant to it under no. ... decision of the Magistrate's Court X in the Multi-Member Court of First Instance of Athens (Regular Procedure, Summons after referral, General Court ..., General Court ..., trial ... after adjournment from the original hearing ...) upon summons upon referral brought by A against GROUPAMA PHOENIX.

The Authority, after examining the elements of the file, after hearing him rapporteur and the clarifications from the assistant rapporteur, who attended without right to vote and withdrew after the discussion of the case and before the conference and decision-making, after thorough discussion,

IN ACCORDANCE WITH THE LAW

1. Because the provisions of articles 2 par. b', 4 par. 1 and 7 par. 2 item. c of Law 2472/1997 determine the terms and conditions for the legal processing of sensitive personal data related to health. The provisions of articles 5 par. 3 and 13 par. 3 item. b' of Law 3418/2005 (Code of Medical Ethics) provide for exceptional administration medical

certificates to a third party, as long as he has a legitimate interest and proves it and the conditions for lifting medical confidentiality. Because, further, Article 11 par. 3 of Law 2472/1997 stipulates that if the data is disclosed to third parties, the subject is informed of the announcement before them.

2. Since article 1 of Law 2496/1997, as replaced by art.

278 par.7 of Law 4364/2016, provides, among other things, that with the preparation of insurance contract, the insurance company (insurer) undertakes it obligation towards the policyholder (policy holder) or the third party, against an insurance premium, to pay the insurance in cash or in kind when it is due any incident from the provisions of Law 2496/1997.

3. Because, in the considered case, GROUPAMA PHOENIX requests with it capacity of the third party (Article 2 item i of Law 2472/1997) the provision of information that they also include sensitive personal data (health data) concerning to A. He requests the granting of a certificate with the details of all invoices-

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service receipts issued by the "HYGEIA" hospital at name of A and more specifically requests the numbers of the invoices, the sums of money corresponding to them, what they related to (e.g. materials, hospitalizations, medicine), the amount that has been covered by A's insurance company and the corresponding documents, the amount of money paid by A, if any pay the amount and in case of a negative answer, the amount that is missing. From the evidence in the case file it appears that the purpose processing consists in refuting the action brought by A against of GROUPAMA PHOENIX before the Magistrate's Court X (Regular Procedure, no. filing ..., trial ...), which has been referred for trial pursuant to under no. ... of a referral decision of the Magistrate's Court X in Polymeles

Court of First Instance of Athens (Regular Procedure, Summons after Referral, General Court ..., EAK ..., trial ... following postponement from the original trial ...) after referral and following a summons filed by A against GROUPAMA PHOENIX. With his lawsuit, A requests that GROUPAMA PHOENIX pay him jointly and severally and in the entire amount corresponding to the costs of the operation and of his hospitalization at the "HYGEIA" hospital and which he claims that he was forced to pay himself. according to GROUPAMA's claims PHOENIX, A has not yet proved that he has an obligation to pay him the cost of surgery and his hospitalization, which, as he claims to have paid himself and the relevant amount is requested in his lawsuit. As cm therefore, requests to receive from the requesting hospital, a certificate with the above mentioned data, which will contain health data of A, in this case these to be taken into account by the court, in order to judge whether the applicant is insured company has the above obligation.

4. Because the intended processing purpose is consistent with aforementioned provision of article 7 par. 2 item c' of Law 2472/1997, while at the same time, the principle of data proportionality is fulfilled (Article 4 par. 1 pc. b' of Law 2472/1997) as the granting of the requested data is judged relevant, appropriate and necessary for the intended purpose of the defense right before a court (refutation of A's action against her GROUPAMA PHOENIX pending for adjudication before the Multimember Court of First Instance of Athens).

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FOR THOSE REASONS

The Authority grants a license to the Diagnostic and Therapeutic Center Athens Hygeia S.A. to grant GROUPAMA PHOENIX a certificate with the above

mentioned content, which he will use in the context of the lawsuit

of her dispute with A after the "HYGEIA" Hospital has previously informed

the A.

The Honorable President

The Secretary

George Batzalexis

Irini Papageorgopoulou

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