

(Department) The Personal Data Protection Authority met in composition Department at its headquarters on Wednesday 15.05.2019 upon the invitation of its President, in order to examine the case referred to in the present history. The Deputy President Georgios Batzalexis, obstructed by the President of the Authority Constantinos Menoudakos, and the alternate members of the Authority Panagiotis Rontogiannis, Grigorios Tsolias and Evangelos Papakonstantinou, as rapporteur, in place of the regular members Antonio Symvonis, Charalambos Anthopoulos and Konstantinos Lambrinoudakis respectively, were present, who, although they were legally summoned in writing, they did not attend due to disability. Present without the right to vote were Kalli Karveli, specialist scientist-lawyer, as assistant rapporteur, who left after the discussion of the case and before the conference and decision-making, and Irini Papageorgopoulou, employee of the Authority's administrative affairs department, as secretary. The Authority took into account the following: A, a citizen of the Philippines (born ...), with protocol number C/EIS/4272/31-05-2017 her appeal to the Authority requested her deletion from the National List of Undesirable Aliens (hereafter, EKANA) and the Schengen Information System (SSIS). 1 As can be seen from the document No. ... of the Office of Administrative Care of the General Police Directorate of Attica to the Authority in response to the document No. C/EX/5328/12.07.2017 of the Authority for providing clarifications regarding the existence of an entry in the above lists, the applicant A was initially arrested on ... by police officers of the Department of Foreigners B/A Attica for lacking legal documents to stay in the country. No. ... was issued against her. ... from ... return decision of the competent officer of the Directorate of Aliens of Attica and on ... she was granted a thirty (30) day period of voluntary departure and was not registered on the national list of unwanted foreigners. Subsequently, she was arrested by police officers of the Aliens Department B/A Attica for lacking legal documents to stay in the country pursuant to Article 76 of Law 3386/05 in conjunction with Article 22 of Law 3907/11 and at her expense was issued no. ... from ... return decision of the competent officer of the Directorate of Aliens of Attica and was registered in the National List of Undesirable Aliens and the S.P.S. until ... . On ... her return to her country took place. In particular, she was registered in EKANA and in the S.P.S and it was decided to return her to her country or to the country from which she came, because she was arrested by police officers of the Department of Foreigners of B/A Attica for lacking legal documents to stay in our country, in violation of article 76 par. 1b' of Law 3386/05 in conjunction with article 21 of Law 3907/11 and the administrative decision no. us in the absence of legalizing documents in violation of the above provisions. She was also not granted a deadline for voluntary departure and was ordered to continue her detention until the removal

proceedings are completed, as she is a flight risk. And the ... with the no. ... relevant decision of the competent officer of the Directorate of Aliens of Attica, it was decided to maintain its registration in EKANA and in the S.P.S until the end of the administrative measure of prohibition, i.e. on ..., as long as the reasons for registration are still valid. The Authority, after examining the above-mentioned elements, heard the rapporteur and the clarifications from the assistant rapporteur, who then left, and after a thorough discussion IT WAS CONSIDERED ACCORDING TO THE LAW 1. Because, art. 24 of Regulation 1987/2006, in accordance with the provisions of the previous article 96 of the SESA, regulates the conditions for the registration of third country nationals in the Schengen Information System (SIS II). Also, in article 29 par. 2 and 4 it is provided that in order to maintain the registration in SIS II for a longer period of time, it is deemed necessary to have a timely, within three years, specially reasoned decision of the body deciding on the registration, justifying the need to maintain it beyond of the three years. The competent body decides, after a recorded overall and individual assessment, the need to maintain it, otherwise, the registration is automatically deleted (par. 5 of the Regulation). Furthermore, from the provisions of articles 41, 43, 44 of the aforementioned Regulation in conjunction with the provision of article 19 par. 1 sub-section (e) of Law 2472/1997, it follows that the Authority is competent to examine, following an appeal by the subject, the legality of its registration in the S.P.S. list. (SIS II), in accordance with the above provisions issued by the authority responsible for the registration, of the decision on the need to maintain it beyond the time mentioned in the above provisions and if the above conditions for the registration and the of its maintenance, to order the deletion. 2. Because, the articles 1 and 3 of KYA4000/4/32-Ia/17.10.2012 respectively provide for the conditions for the registration of foreigners in the E.K.ANA.A. and the ex officio review of each registration every three years. In addition, according to art. 6 of the above KYA, for compliance with the E.K.ANA.A. and the processing of the corresponding personal data shall be subject to the relevant provisions of Law 2472/1997 and in particular to art. 4 and 13 thereof. 3. Because according to the provisions of article 76 par. 1 of Law 3386/2005, the administrative deportation of a foreigner is allowed if: a. Has been finally sentenced to imprisonment for at least one year or, regardless of the sentence, for crimes of insulting the state, treason, crimes related to the trade and trafficking of 3 drugs, money laundering, international economic crimes, crimes using means high-tech, currency crimes, crimes of resistance, abduction of a minor, against sexual freedom and financial exploitation of sexual life, theft, fraud, embezzlement, extortion, usury, the law of middlemen, forgery, false declaration, defamation, smuggling, for crimes involving weapons, antiquities, promoting illegal immigrants into the country or facilitating their transportation or promotion or securing accommodation for them to hide and if

his deportation has not been ordered by the competent court. b. He has violated the provisions of this law. c. His presence on Greek soil is dangerous for public order or the security of the country. 4. Because, for the legality of the registration, the body responsible for the registration should in its decision issue a specially reasoned judgment on the "threat" posed by the presence of a foreigner on the national territory (see related Authority Opinion 3/2012) . 5. In the case under consideration, from the information in the file and the clarifications of the Directorate of Aliens of Attica, it emerged that the applicant A was registered by the Directorate of Aliens of Attica in the E.K.A.N.A. and in S.P.S. according to the decision of the competent officer of this Directorate No. From the registration of the foreigner in question to E.K.A.N.A. and in S.P.S. three years have passed and the no. ... from ... decision of the competent officer of the Directorate of Aliens of Attica, by which it was reviewed, in accordance with the provisions of subsection c' par.1 of art. 3 of no. K.Y.A. 4000/4/32-Ia and the registration of the above was maintained, as long as the reasons for registration still apply. Consequently, according to the aforementioned provisions, the registration of the applicant in the S.P.S. and E.K.A.N.A. is legal, as it was entered in the above lists for reasons of public order and security as specifically stated in the historical decision of the competent officer of the Directorate of Aliens of Attica, by which it was entered, 4 and before the expiration of three years from the initial registration, it was decided to maintain its registration in the said lists. Consequently, her appeal must be dismissed as unfounded. For these reasons, the Authority rejects A's appeal for the deletion of her data from the S.P.S. and E.K.A.N.A. The Deputy President The Secretary George Batzalexis Irini Papageorgopoulou5