

Athens, 20-02-2018

Prot. No.: G/EX/540-1/20-02-2018

PRINCIPLE OF DATA PROTECTION

OF A PERSONAL CHARACTER

A P O F A S H 17 /2018

(Department)

The Personal Data Protection Authority met in composition

Department at its headquarters on 14.2.2018 at 10:00 a.m. following an invitation from

Its President, in order to examine the case mentioned in the history

of the present. They were attended by the Deputy President, George Batzalexis,

obstructing the President of the Authority, Constantinos Menoudakos, and the

alternate members Panagiotis Rontogiannis, Charalambos Tsiliotis, as

rapporteur, and Grigorios Tsolias to replace the regular members of Antonio

Simvoni and Spyridon Vlachopoulos and Charalambou Anthopoulos respectively, the

who, although legally summoned in writing, did not attend due to obstruction.

Present without the right to vote was Fereniki Panagopoulou, legal auditor

- lawyer, as assistant rapporteur and Irini Papageorgopoulou, employee of

department of administrative and financial affairs, as secretary.

The Authority took into account the following:

With the no. first... (ADPPH C/EIS/540/22.1.2018), correct assessment

thereof, the Athens Naval Hospital (hereinafter Hospital) forwards to the Authority

application of A through the power of attorney of Marias Hartokollis and by

in this way he submits a question to the Authority if the applicant can receive

copy of B's examination record from the external surgery book

clinic in such a way as to show the numbering sequence received by said clinic

examination record for judicial use and specifically in support of it

action for defamation of personality that he has brought against B before
of the Multi-Member Court of First Instance of Athens (ordinary procedure) with a fixed hearing
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on ... and GAS In the list of those who appeared with reference to relevant
documents, B provides medical opinion no. ... of abroad
operating room of the Athens Naval Hospital, according to which
he is said to have suffered some injuries. A wants to prove that the said
requested examination is not related to the external surgery and claims that
it was not incorporated first, but was compiled at a later time. As cm
therefore, disputes the authenticity of the document. According to his claims
A to the addendum-rebuttal to B's motions and general allegations,
the opinion in question does not initially have a protocol number, but states
date of issue This examination allegedly took place on ..., when the
an examination took place after her alleged beating. Further, according to them
claims of the plaintiff, the numbering of the protocol with the index a raises
suspicions of its subsequent integration.

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,

THOUGHT ACCORDING TO 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. Because article 1511 of the Civil Code provides, among other things, that every decision of the parents regarding the exercise of parental care must aim at interest of the child, as well as that the court decides on the assignment of parental care or the manner in which it is exercised based on his interest child.

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3. Because, in the considered case, A is requesting as a third party (art 2 pcs. i' of Law 2472/1997) the granting of sensitive personal data (health data) concerning his ex-wife B. From his data file of the case it appears that the purpose of processing consists of refutation of the proposals it has submitted, but not in support of it defamation suit that he himself has brought against B before him Multi-member Court of First Instance of Athens (ordinary procedure) with a fixed hearing date ... and GAS Specifically, in the list of subpoenaed persons of relevant documents, B provides a medical opinion no. ... of external surgery clinic of the Athens Naval Hospital, according to which herself allegedly suffered some injuries. A wants to prove that the called examination in question is not related to the external surgery and claims not to have incorporated the former, but to have been compiled into a later one time. Therefore, he disputes the authenticity of the document and the evidence its value, which, however, is not connected to the object of the pending trial of

payment of monetary compensation to rehabilitate the moral damage that suffered, due to the alleged violation of the right to personality of.

4. This proposed processing purpose is consistent with aforementioned provision of article 7 par. 2 item c' of Law 2472/1997. However, the principle of data proportionality is not met (article 4 par. 1 letter b) of Law 2472/1997), for the requested processing. In particular, the processing in question consists in the granting of a medical certificate regarding the registration examination of B from the external surgery book in such a way as to it shows the numbering order that the examination record in question has taken in order to it is proved whether the examination in question actually took place on the date which it is stated and consequent if the medical certificate is genuine and has probative value, but not in its critical facts with the above subject of a pending trial, but in the possible exercise of domestic violence acc on the part of the plaintiff-applicant, whose investigation is not connected with it aforementioned subject of said trial. Consequently, the applicant-plaintiff did not reinforces with this element the action brought against B for insult personality. After all, he himself does not invoke this element in any way it is convenient and necessary for the support of the above object of the lawsuit

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his, and the defense of his related rights before him of the above-mentioned court, with the result, as already said, that the principle of proportionality between the requested processing of personal data data and the intended purpose.

As a result, it is not possible to provide the requested license for the processing of the defendant's sensitive personal data and

opponent of the plaintiff in the above action of the same.

FOR THOSE REASONS

The Authority does not grant permission to the Athens Naval Hospital to grant A
copy of B's examination record from the external surgery book
clinic, as specified in the reasoning.

The Honorable President

The Secretary

George Batzalexis

Irini Papageorgopoulou