

PERSONAL DATA PROTECTION AUTHORITY Athens, 04-09-2019 Prot. No.: C/EX/6010/04-09-2019 DATE 28/2019 The Personal Data Protection Authority met, at the invitation of its President, in a regular meeting at its headquarters on 23.07.2019, in order to examine the case referred to in the present history. Mr. Menoudakos, President of the Authority, and the regular members of the Authority Spyros Vlachopoulos, as rapporteur, Konstantinos Lambrinoudakis, Charalambos Anthopoulos and Eleni Martsoukos were present. Regular members Konstantinos Christodoulou and Antonios Symvonis, as well as their alternate members Georgios Nouskalis and Panagiotis Rontogianis, did not attend due to disability, although they were legally summoned in writing. 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: 1) With the no. prot. C/EIS/1375/20.02.2017, C/EIS/5618/25.07.2017 and C/EIS/7272/07.09.2018 reports to the Authority, the Union of Atheists complains about the following: 1 A) Inscription of religion in degrees of primary and secondary education. With the Authority's decision 77A/2002, the Authority sent a recommendation and a warning to the Ministry of Education to ensure that religion is not listed on the diplomas of primary and secondary education, on the grounds that the inscription of religion on the diplomas degrees is not legal, because it goes against the fundamental principle of the necessity of processing personal data (Article 4§1 b' of Law 2472/1997). However, the ministry did not comply, contrary to the recent decisions of the Minister of Education 92091/D2/5.6.2018, 92094/D2/, 92096/D2, 93368/D2/07.06.2018 and 98370/D2, among the mandatory information religion is also included in the set of qualifications (baccalaureate, certificate of dismissal or studies) of Gymnasiums, Lyceums, Music Gymnasiums/Lyceums and Artistic Gymnasiums and Lyceums. Similarly, according to PD 201/98, the religion is compulsorily indicated on the educational qualifications of students of primary education (leaving certificate of the sixth grade of the primary school), on their proof of transfer from one primary school to another as well as on the certificate of studies. It is not only written on the progress certificates (promotion from one primary school class to the next). It is also collected and kept in the Administration of the respective school, as one of the mandatory recorded and kept elements of the student's identity. B) Record of religion in the myschool computerized system. According to articles 6 -A' and 7 of PD 201/1998 (A' 161) and only with regard to primary education, the contact details of the student's parent/guardian are registered as well as the first and last name, the name of the father and mother, the place, prefecture, date of birth, registration number (for boys) or Census (for girls) nationality, religion, profession of father and mother as well as residential address. Also

according to article 10 of PD 104/1979 (A' 23) "1. The data recorded in the Student's Personal Record at the time of the student's first registration and the duration of his/her attendance at the school are as follows: a) Identification data, i.e.: Surname, first name, father's name, father's occupation, mother's name, year of birth, Municipality or Community in which the student is registered, register or census number, religion, b) Entry data 2, i.e.: The type of title, by virtue of which the student is registered, c) Performance data, i.e.: Detailed and general by subject annual oral and written grades, d) Details of studies and conduct, i.e.: Total absences per quarter, as well as sanctions imposed by the competent body or awards awarded, e) Details of guardian, i.e.: Surname, name, residential address of the guardian . 2. The data entered in the Student Register upon the student's first registration and the duration of his/her attendance at the school are as follows: a) Identification information, i.e.: Surname, first name, father's name, mother's name, year of birth, Municipality or Community to which registered, register or poll number, religion. b) Entry data, namely: The type of title, under which the student is enrolled. c) Exit details, namely: The type of title by virtue of which the student is dismissed or transferred. d) Performance data, i.e.: The annual score of each of the courses, as well as the general annual grade of these. e) Elements of behavior, namely: The characterization of the behavior of each student." As the Union of Atheists complains, according to the Authority's decision 139/2014, "religion exists in the design of the system as a field existing from previous systems and has not been populated, nor does it appear in the tabs of the application...", but in the online guide using the myschool system, religion is one of the fields of the student's personal data, while it is a prerequisite field for performance checks, diplomas and other reports. Also, if the operator entering the data into the system does not click on the field "RELIGION", then the final document will have the word RELIGION and nothing below it. But if he clicks and opens the options menu, then if the student doesn't want a religion, it will necessarily say YΘ (no religion). This necessarily means that once the myschool operator presses this option, they cannot reverse the process. The problem therefore is that the XTH is a determination. One may not want to declare anything, including CTH, but is technically forced to. 3 C) Registration of religion in higher education. When enrolling in a higher education institution, students are asked to declare, among other things, their religion, without being informed about the purpose of collecting this data or how it is processed. In communication with the university, this practice was justified for the choice of a religious or political oath during the graduation ceremony, but on the one hand the religion can change in the time between registration and the degree, on the other hand for the choice of the oath a declaration is sufficient of the student after completing his studies and before the ceremony. This statement is not necessary as even a Christian Orthodox student may prefer a political

oath. Therefore, keeping a record of students' religion is illegal and pointless. In particular, the Union of Atheists complains that the Chemistry Department of the Aristotle University of Thessaloniki (AUTH) asked the students during their registration at the Department's secretariat for the academic year 2016-2017 during the identification process to declare their religion. D)

Exemption from the Religious Studies course. The current Ministry of Education circular No. 12773/Δ2/23-01-2015, according to which exemption from the Religious Studies course is granted after a responsible declaration by the student himself (if he is an adult) or by both parents of him (if he is a minor), in which it will be stated that the student is not an Orthodox Christian and therefore invokes reasons of religious conscience, violates the right of citizens to the protection of their sensitive personal data and their religious freedom and contradicts both the Decisions No. 77A/2002 and 94/2015 of the Authority, as well as with its Opinion 4/2015. Also, based on article 4 par. 11 of the GDPR and article 43 of its preamble, the voluntary disclosure of religion to the public authorities, i.e. the observance of the responsible statements that the students are not X.O. based on the consent of the data subject is not understood as a legal basis for observing the responsible declaration in the public school record, due to the fact that the given consent is not free, since if the interested parties do not declare that they are not Christian Orthodox they will be forced to the adverse consequence of the attendance of the confessional course of Religious Studies. 4 2) The Hellenic Union for Human Rights (hereinafter EIDA) with no. prot. C/EIS/8099/12.10.2018 her complaint requests the intervention of the Authority, in order to compel the Minister of Education to amend the no. 92091/D2/5.6.2018 and 92094/D2/ ministerial decisions, removing religion and citizenship from the degrees mentioned therein, but also in general from every degree, of any level of education, because a) the mention of religion violates the provisions of articles 13 and 9A of the Constitution and goes against the fundamental principle of proportionality and necessity of processing the personal data and b) the nationality of the minor students on the one hand is not related as an element to the purposes of issuing the certificates in question, which consist of proving the successful completion of a stage of education, and consequently its collection does not serve any purpose of public interest, on the other hand, it can be considered to fall within the prohibition of processing data revealing ethnic origin, according to Article 9 of the GDPR, since the relationship between nationality and ethnic origin is well-known and widely documented (see German Federal Anti-Discrimination Agency, Guide to the General Equal Treatment Act: explanation and examples, Berlin 2010, p. 16 and CJEU C-54/07, Firma Feryn). And this if it is taken into account that these are usually minor students, whose citizenship may change in the future. In addition and above all, in the case of foreign students, they may acquire Greek citizenship after fulfilling the conditions laid down in the law, but the citizenship listed on the

diploma at the time of acquiring the degree will forever reveal their ethnic origin and/or dual their nationality, elements that can lead to adverse discrimination, especially in recruitment procedures in the private sector. In the context of investigating the above complaints, the Authority requested with the nos. prot. G/EX/1375-1/2017 and G/EX/7682/2018 and G/EX/8099-1/2018 respectively her documents to AUTH and the Ministry of Education their views on the accused. The AUTH under no. Prot. C/EIS/1554/2017 in his relevant document to the Authority replied that students were never asked to declare their religion for identity verification during their registration. A question about religion is only asked because it is foreseen by the computerization system, and this is because the 5 Secretariat must know at the end of the students' studies, whether during the swearing-in ceremony they will take a religious or political oath, in order to draw up the necessary swearing-in documents . If students do not wish to declare it in the first place, they can declare it before the swearing-in ceremony. Also according to the a.p. 17501/4.2.2019 answer of the AUTH to the Ministry of Education on this issue, the procedures of the institution have been modified appropriately and at no stage of the studies, from registration to graduation, is the religion of the students not collected or processed. The Minister of Education from 18.2.2019 and with no. prot. 24927/GD4 his answer (authority no. C/EIS/1499/25.02.2019) stated the following: A) Regarding the inscription of religion on the graduation certificates of Primary Schools, Middle Schools and High Schools, there is a pending procedure before the European Commission . In addition, based on circular 61723/Γ2/13.06.2002, the exemption of Secondary Education students from the Religious Studies course, prayer and church attendance must be based on a declaration by the student, if he is an adult, or by his parents if he is a minor , in which he will state that he is not a Christian, without it being mandatory to mention the religion to which he belongs. In case of exemption from attending the Religious Studies course in the "religion" section of the diploma there is no reason to write an indication. B) Regarding the entry of religion in the myschool computerized system, the entry of religion in myschool is provided only for secondary education (article 11 par. 1 para. .A.). For primary education there is no provision of the p.d. 79/2017 which provides for the registration of religion. Such a provision existed in article 6 par. 1 para. a' of the p.d. 201/1998, which was expressly repealed by article 21 par. 1 of the p.d. 79/2017. For this reason the familiar field of myschool remains empty and is not filled out. For secondary education, processing is optional. The student or his guardian is not obliged to disclose his religion. In particular, in the myschool information system only information is registered which, based on a provision of the law, is registered in the official books or forms of the Ministry of Education. According to article 11 6 par. 3 of no. 10645/GD4/22.01.2018 H.A., information that is not shown on the identity cards or birth certificates is not entered in the

official books and forms, unless they are declared with a responsible declaration of the parents or guardian. The religion is not indicated on the identity cards or the birth certificates and therefore, it is not registered in the official books and forms, so by extension neither in the myschool system, unless it is declared with a responsible statement. This responsible statement is submitted voluntarily, in order for the secondary school student to be subject to the provisions of the law favorable to him, which organize the effective exercise of the right to religious freedom and in particular to exempt him from attending the Religious Studies course. Also, a responsible declaration of religion is provided for the justification of absences of students, followers of the Roman Catholic doctrine, the Jewish religion and the Muslim religion, on specific days of the respective holidays. In primary education, there is not the same framework for organizing students' presence-absences, therefore there is no need for the student to justify his absence from the lesson on the day of the above religious holidays. It is, in other words, a declaration of responsibility that is submitted voluntarily, so that the student enjoys the right to religious worship, and the justification of absences is required by religious equality (S. 4 & S. 13). Consequently, this treatment does not limit the right to religious freedom, but on the contrary organizes its more effective exercise. The registered data are used to extract statistical data and are sent to the Hellenic Statistical Authority. C) Regarding the registration of religion in higher education, there is no provision based on which the disclosure of religion is requested for the registration of students in HEIs, and according to the a.p. 17501/4.2.2019 answer of the AUTH, the procedures of the institution have been modified appropriately and now at no stage of the studies, from registration to graduation, the religion of the students is not collected or processed. D) Regarding the responsible statement of exemption from the Religious Studies course, this statement does not reveal the religious beliefs of the student, as the content of his religious belief is not revealed, and neither does it constitute a violation of religious freedom, but a means of exercising it, 7 since in view of the content of the Religious Studies course, the student exercises his religious freedom by being excused from attending it. As to the legal nature of the statement, it is not an exemption from a constitutional obligation, since the student is not requesting an exemption from a constitutional obligation, but is exercising his individual right to determine his education based on his religious and philosophical beliefs. In particular, the Ministry argues that according to the jurisprudence of the SC and ECtHR, the State has discretion regarding the organization of the Religious Studies course. The administration, exercising this discretion, made the Religious Studies course compulsory, with the simultaneous possibility of exemption from it for reasons of exercising the student's religious freedom. Since the course is in principle compulsory, the right to exemption can only be exercised following an application, which will include a minimum justification of the declaration

of intent, otherwise the course would be optional. Given that there is a discretionary power of the legislator and the legally acting Administration to make the course mandatory, the provision of exemption after a declaration does not violate any provision of supra-legislative force and is constitutionally tolerated. A contrary interpretation presupposes the acceptance of the view that the administration has a binding authority to make the Religious Studies course optional, an interpretation that finds no support in jurisprudence. Also, the content of the statement is definitive and not affirmative, it is the minimum possible that could be foreseen according to the lessons of common experience and logic and is necessary in view of the compulsory nature of the course, suitable for the exercise of the right to religious freedom and *stricto sensu* proportional, as it is the minimum possible content that the student's statement could have. Consequently, there is no violation of the provisions for the protection of personal data. Finally, the Director of the school, to whom the student's statement is addressed, does not disclose the content of the statement to another administrative body or to third parties and does not interfere in the student's private life, as his control consists of merely upon receipt of the responsible declaration, and checking the correctness or otherwise of its drafting and its completeness, if, that is, it contains the minimum required verbal content, and does not carry out any substantial control of it, that is to investigate and confirms that there is indeed a question of the student's religious conscience. Following this, the Authority with summons Nos. G/EX/3983/04.06.2019, G/EX/3984/04.06.2019 and G/EX/3985/04.06.2019 called respectively the EIDA, the Ministry of Education and the Union of Atheists to attend the meeting of the Authority on 11.06.2019, in order to discuss the above complaints. During the hearing on 04.07.2019 postponed from 11.06.2019 Fotis Fragopoulos, President of the Union and Vassilios Sotiropoulos, its attorney, appeared on behalf of the Atheists Union. From the Ministry of Education, Research and Religious Affairs came the... . Ioannis Ioannidis, President of the Hellenic Union for Human Rights, was also present. The attorney of the Atheists Union during the above hearing of 04.07.2019, but also with his memorandum No. C/EIS/4945/12.07.2019 stated the following: a) regarding the mention of religion on the graduation certificates primary, secondary and high school, the Ministry of Education itself stated during the hearing process that there is absolutely no reason for the existence of the specific field b) the very existence of the field of religion, even when it has not been completed, is a form of processing, since the purpose of the field is to complete it. According to article 4 par. 2 of the GDPR, the form of processing is the collection of data, but also the search for information itself. The printing of diplomas in the form of a document with the field religion is a preparatory act of data collection and a type of information search and therefore falls within the scope of the GDPR c) consent is not understood as a legal basis for processing, when the controller is a public

authority, such as the public schools and such as the Ministry of Education which is the controller of the myschool information system and file d) in any case, the legality of the collection of religion cannot be compatible with educational purposes, as according to article 5 par. 1 (c) of the GDPR, the data must be appropriate, relevant and limited to what is necessary for the purposes for which they are processed. Religion data is not relevant to the services provided to students and therefore, their collection and processing is unnecessary e) in cases of students who belong to religions other than the prevailing one, in order to grant them justified absences on the respective religious holidays or to be granted an exemption from the Religious Studies course or to be classified under special provisions that provide for easier access to higher or higher schools, the record, based on the principle of data minimization, is not required to be made in the form of an indication of religion, but it is possible in a milder way, such as by noting the law that recognizes the respective religious holiday or the scoring f) especially with regard to the process of exemption from the Religious Studies course, with decision 660/2018 of the Plenary of the CoE it was defined that, by virtue of of article 16 of the Constitution, in conjunction with article 2 of the First Additional Protocol of the entire ECHR, parents can decide to have their children attend a Religious course with confessional (Christian) content. It was also decided incidentally that the exemption procedure with the mandatory submission of a responsible statement that "the student is not a Christian Orthodox" does not conflict with a contrary provision of the law, but is done for the exercise of the right to freedom of religious conscience. However, the correct thing is that the submission of a responsible statement with the above content reveals, even indirectly, sensitive data, since it reveals that the student is not an Orthodox Christian, a reason for which he may receive unfair discrimination on the basis of religion. g) the Religious Studies course introduced by the Ministry of Education, in accordance with the decision 660/2018 of the Council of Ministers, mainly concerns a specific religion and belief, but without at the same time providing for the exemption procedure that will not introduce unfair discrimination, because on the one hand exemption for Orthodox Christians is prohibited and on the other hand the request for exemption must be specifically justified with reference to the reasons of conscience for which it is not desirable to attend the course. This justification of conscientious reasons registers their sensitive data and clearly introduces unfair discrimination, while at the same time the curriculum does not provide an alternative solution that serves the needs of parents to ensure the religious and moral education of their children in accordance with their own the beliefs. For these reasons, the exemption procedure is not in accordance with the international framework and law for the exemption from the Religious Studies course, nor with the provisions of the GDPR which impose the minimization of data h) overall, the recording of religion, either as simple field, either

as a submission of responsible declarations, or as a registration in the myschool information system is against the GDPR. The President of the Hellenic Union for Human Rights, Ioannis Ioannidis, during the hearing on 04.07.2019, stated the following: a) the listing of religion violates the provisions of Articles 13 and 9A of the Constitution and goes against the fundamental principle of proportionality and necessity processing of personal data and b) the nationality of the minor students is not related as an element to the purposes of issuing said certificates, which consist of proving the successful completion of a stage of education, and consequently its collection does not serve any purpose of public interest. Furthermore, the indication of nationality can be considered to fall under the prohibition according to Article 9 of the GDPR, of processing data revealing ethnic origin, as the relationship between nationality and ethnic origin is known and multiple documented, and it should be taken into account that we are referring to minor students as a rule, whose citizenship may change in the future. In addition and above all, in the case of foreign students, they may acquire Greek citizenship after fulfilling the conditions laid down in the law, but the citizenship listed on the diploma at the time of acquiring the degree will forever reveal their ethnic origin and/or dual their nationality, elements that can lead to adverse discrimination, especially in recruitment procedures in the private sector. The Ministry of Education through its representatives during the hearing of 04.07.2019 and with its memorandum No. C/EIS/4945/12.07.2019 to the Authority, stated the following: a) religion is not collected in a' secular education 11 b) it is collected and processed in secondary education qualifications and study certificates c) in the "myschool" system there is the field "religion" for both secular and secondary education, but it is not a mandatory field d) there is no justifying reason for listing it e) the process of admitting Muslim students to secondary education is not connected to the "myschool" system f) citizenship is listed as a potential and not mandatory field in secondary education ( in the degrees and in the myschool system) but it could also be deleted g) in accordance with article 11 par. 1, and 2 of no. 79942/GD4/21.05.2019 H.A. (B'2005) on the subject: "Registrations, transfers, attendance and matters of organization of school life in secondary schools", in the Personal Record and the Student Register it is foreseen to collect and record, among other things, the religion and the nationality of the students. Also in par. 3 of the above article, it is stated that "Information that is not written on the identity cards or birth certificates is not entered in the official books and forms, unless they are declared with a responsible declaration of the law 1599/1986 (A' 75) of the parents or the student's guardian". The religion is not indicated on the identity cards or the birth certificates and therefore, it is not registered in the official books and forms, as well as in the "myschool" information system, unless it is declared with a responsible declaration of the student's parents or guardian. Therefore, the inscription of the religion



on the Identity Cards and, by extension, on the High School Diplomas in the event that this is not indicated on the identity card or on the birth certificates, is done by submitting an explicit declaration of responsibility by the parent or guardian of the minor student or of the student himself, if he is an adult and under no circumstances can it be done automatically by the Director of the school, regardless of the attendance of the Religious Studies course by the student. In accordance with par. 1 of article 24 of the above Y.A. "All student absences are recorded in the Attendance Book (absence log). For the characterization of the students' attendance, the following are not taken into account:....c) Absences of students: aa) of the Roman Catholic Doctrine during the feasts of Mnestiros Joseph, of Saint Dorea and from the day before to the day after the Latin Easter, bb) of the 12th of the Jewish Religion on the day before and on the 1st of the Jewish Year, the Day of Atonement, as well as the day before and on the day of the Jewish Passover, cc) of the Muslim Religion during the days of the Eid-Al-Fitr holidays (Sheker Bayram) and Eid-Al-Adha (Qurban Bayram), as well as the day after them. In order not to take into account the absences in this case, a Responsible Declaration of Law 1599/1989 (A' 75), as amended and valid, must be submitted by the student or his/her guardian if he/she is a minor /h, for the religion...". Consequently, the entry of the religion in the Student Register and the Individual Card is made after a Responsible Declaration by the guardian or the student himself/herself, if he/she is an adult, either because he/she wishes to be entered or for reasons non-counting of absences. The Authority, after examining the elements of the file, the hearing and after hearing the rapporteur and the assistant rapporteur, who withdrew after the discussion of the case and before the conference and decision-making, after a thorough discussion, CONSIDERED LAW 1)

According to the provisions of articles 5 par. 1 and 9A of the Law, everyone has the right to freely develop their personality as well as the right to protection from the collection, processing and use of their personal data. Also in article 13 par. 1 of the S. the freedom of religious conscience is guaranteed, while according to article 16 par. 2 of the S. education is a basic mission of the State and aims, among other things, to develop the religious consciousness of the Greeks and their development into free and responsible citizens. Also, Article 9 of the ECHR enshrines the right to religious freedom, while Article 2 of the First ECHR Protocol enshrines the more specific right of parents "such as ensuring the education and training (of their children), in accordance with the same religious and philosophical beliefs" , and according to the provisions of articles 1 and 2 of Law 4186/2013, the purpose of the General High School is, among other things, the cultivation of the 13 religious heritage, while the Religious Studies course is one of the compulsory general education courses taught to students of Lyceum. Furthermore, according to the provisions of article 2 para. a' and b' of Law 2472/1997, and article 9 par. 1 of the GDPR, religion is sensitive

personal data. Consequently, its registration in a file and its processing in general are subject to the regulations of Law 2472/1997 and GDPR and fall under the authority of the Authority. Further in accordance with the provisions of article 4 par. 1 item a' and b' of Law 2472/1997 and Article 5 para. 1 of the GDPR, personal data to be lawfully processed must be collected in a lawful and lawful manner for specified, clear and lawful purposes and must exist lawfully and legal processing in view of these purposes, as well as being relevant, appropriate, and no more than is required each time in view of the purposes of the processing. According to the principle of proportionality established by this provision, personal data to be subject to legal processing must be appropriate and necessary for the intended purpose of the processing, which must also be legal. Therefore, data which are not necessary for the purpose of the processing are not lawfully processed. In other words, if the data is not relevant to the purposes of the processing, both the principle of proportionality and the principle of quantitative balance of the data to the purposes of the processing are violated. Also, based on article 4 par. 11 of the GDPR and article 43 of its preamble, for consent to be legal as a legal basis for processing it must have been given freely. It is considered not to have been freely given when there is a clear disparity between the data subject and the data controller, as is usually the case in cases where the data controller is a public authority. 2) From the information in the file and the hearing process, the following emerged: Regarding religion, it is no longer collected and processed in secular education, in accordance with the current decree 79/2017 (Government Gazette A' 109) . It is collected and processed in diplomas and certificates of secondary education [see the decisions of the Minister of Education, Research and Technology 14 92091/D2/2018 (Government Gazette B' 2087), 92094/D2/2018 (Government Gazette B' 2089), 92096/D2/2018 GOVERNMENT B' 2088) and 93368/D2/2018 (Government Gazette B' 2127)] as well as in the Individual Student Card and the Student Register in accordance with article 11 par. 1 and 2 of the joint decision 79942/GD4/2019 of the Minister and the Deputy Minister of Education, Research and Religious Affairs (Government Gazette B' 2005) . In particular, according to paragraph 3 of the same article, the religion, in the event that it is not indicated on the identity card or on the birth certificates, is registered in the Student Identity Card and the Student Register only if it is declared by submitting a responsible statement of the parent or guardian of the minor student or of the student himself, if he is an adult. In this case, as a necessary consequence of the non-submission of a relevant declaration, the religion is not mentioned in the degrees and study certificates. Regarding the exemption of the student from attending the Religious Studies course, according to the current Ministry of Education circular No. 12773/D2/23-01-2015, the exemption from the Religious Studies course is granted after a responsible declaration of the same of the student (if he is an adult) or of both

of his parents (if he is a minor), in which it will be stated that the student is not an Orthodox Christian and therefore invokes reasons of religious conscience. Finally, regarding the registration of religion in higher education, the disclosure of religion is not requested for the registration of students in HEIs, as is confirmed in the document above for AUTH in particular.

17501/4.2.2019 of this University. 3) In the case under consideration, according to the aforementioned, the inscription of the religion in the Individual Student Card and the Student Register as well as in the high school diplomas and other diplomas and proofs of studies of secondary education students violates the principle of necessity and proportionality. Because the purpose of the relevant processing is exclusively on the one hand the monitoring of the course and on the other hand the official certification of the performance and the successful completion of the student's studies in the respective educational cycle. In view of this purpose, the recording of the student's religion in the data kept at the school as well as in a special field on the high school diploma and other titles and evidence of studies and its 15 subsequent entry in the corresponding file kept by the school (title file) , but also only the imprinting of a field for the declaration of religion in the relevant forms, exceed the purpose of the processing and, therefore, are not legal. Because religion has absolutely nothing to do with the student's performance, nor with his behavior, which is also confirmed in the title. All the more so as the baccalaureate is used by its holder as a formal qualification for a variety of uses outside school (e.g. for participation in selection procedures to hire employees). In the latter case, the mention of religion on the diploma – as well as the failure to complete the relevant field if it exists – could additionally expose the holder of the diploma to discrimination based on his religious beliefs, in accordance with paragraph 1 of article 13 of the Constitution. Consequently, the listing of religion as both optional and even more so mandatory on the diplomas and the display of a relevant field on the relevant forms is not legal, as it goes against the fundamental principle of necessity and the principle of the minimization of data processing of a personal nature (article 4 par. 1 (b') of Law 2472/1997 and 5 par. 1 (c) and 25 par. 2 of the GDPR). Therefore, the relevant field must be deleted (see also Authority decision 77A/2002). Regarding the entry of religion in the myschool computerized system, a) for primary education after the entry into force of the d.d.

79/2017 concerning the organization and operation of kindergartens and in elementary schools, the registration of religion is not provided for by law in the myschool system, b) for secondary education, there is no legal reason that is connected to the purposes pursued by myschool, given, moreover, that with paragraph 1 of article 24 of the aforementioned

under no. 79942/GD4/21.05.2019 Joint Ministerial Decision provides the possibility justifying absences of students, followers of the Roman Catholic doctrine, of Jewish religion and Muslim religion during the days specific religious holidays by submitting a relevant declaration.

4) Regarding the registration of religion in higher education, according to from 18.2.2019 and with no. 24927/GD4 Minister's response of Education at the Authority, there is no provision on the basis of which the

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disclosure of religion for the enrollment of students in HEIs, according to not with the a.p. 17501/4.2.2019 answer of AUTH, the procedures of the institution have been modified appropriately and at any stage of the studies, since registration until graduation, no element is collected and processed associated with the students' religion.

5) The above mentioned in paragraph 3 also applies to the case collection and registration of the given citizenship, given that, as said the representative of the Ministry of Education during the hearing procedure before the Authority, the mention of citizenship is not linked to them purposes served by the high school diploma and could be eliminated, without that his purposes be harmed.

6) Regarding the responsible declaration of exemption from the course of of Religions, on 23.1.2015 circular No. 12773/D2 was issued Ministry of Education, according to which the exemption from the course of Religious education is granted after a responsible declaration by the student himself (if is an adult) or of both his parents (if he is a minor), in which he will it is stated that the student is not an Orthodox Christian and he pleads accordingly grounds of religious conscience.

This statement is not in accordance with the provisions of article 13 par. 1 and 2 of S., which guarantee freedom of religious conscience and religious freedom, as a constitutional principle and as an individual right and with the article 9 of the ECHR, because it goes against the negative religious freedom of students and their parents, who also have the special right to freely educate their children based on religious and their philosophical beliefs, in accordance with Article 2 of the First Protocol of the ECHR, as well as with article 9 of the ECHR and article 2 of the First ECHR Protocol. It also goes against its fundamental principle of the necessity of the processing of personal data (article 4 par. 1 c. b' n. 2472/1997 and 5 par. 1 of the GDPR). Consequently, it would suffice to appeal to the statement of reasons of conscience and not the mention of belief or non-belief belief in a particular religion.

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#### FOR THOSE REASONS

The beginning:

1) RULES that a) the entry of religion and nationality in the data held in the school, in its degrees and certificates of study of secondary education and in the "myschool" information system as well as the existence of corresponding fields in the relevant forms, regardless of whether their completion is optional and b) the declaration that the student does not he is an Orthodox Christian and therefore invokes religious reasons of conscience for his exemption from the Religious Studies course, no are legal for the reasons stated in the reasoning herein

2) INVITES the Ministry of Education, as controller, a) to refrain from the above illegal acts of personal data processing

student data, b) to arrange for the immediate modification of relevant regulations and to take all necessary measures in order not to religion and nationality are now listed in the data kept at school and at degrees and certificates of study her secondary education, as well as in the information system "myschool" and c) to issue any necessary instructions to the concerned educational authorities and school directors so that, henceforth, for the exemption from the Religious Studies course not to require the declaration that the student is not Christian Orthodox, but this right to exercised (by the student himself if he is an adult or by his parents if is a minor), invoking solely reasons of conscience.

The president

The Secretary

Kon/nos Menudakos

Irini Papageorgopoulou