

Athens, 16-09-2022

Prot. No.: 2298

Decision of the President of the Authority no. 2/2022

(One-person body)

The President of the Authority as a one-person body according to articles 17 par. 1 of n.

4624/2019 (Government Gazette A' 137), within the framework of the powers provided for in the articles,

4 par. 3 para. a' and 10 par. 4 of the Regulation of Operation of the Authority (Official Gazette

B'879/25.02.2022) and the powers provided for in article 15 par. 4 para. c'

and 8 of Law 4624/2019 in conjunction with Article 58 par. 2 f of the Regulation (EU)

2016/679 (GDPR), considered the case mentioned below in its history

of this decision.

The Authority took into account the following:

1. Because with the reference/complaint No. C/EIS/9312/03-08-2022, A submitted to the Authority a report of the Special Service of ... from which it appears that he received the ... on the mobile phone number with a unique number subscriber "... " short text message (SMS), which appears to have sent by the number "... " and through which A was invited to visit website through which spyware would be installed on his terminal device. The Authority examines both the said report and ex officio the installation of software on a user terminal device without consent and the related processing of personal data.

2. Because when sending and using SMS they are generated and processed movement and location data which, if they refer to a natural person, are personal data, within the meaning of article 4 paragraph 7 of the GDPR and which are processed for various purposes, including

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whose observance for the purposes described in Chapter A of the law.

3917/2011.

3. Because, in accordance with article 6 of Law 3917/2011, the data kept for the purposes of this law, data is kept for a period of 12 months from date of communication and are destroyed at the end of the calendar retention period with an automated process by the provider, except of those that have been legally accessed. Therefore, the data that have been produced when the above brief was sent to ... message and are kept for the purposes of this law must be destroyed after ... .

4. Because the Authority has based on article 15 par. 4 para. c' and 8 of Law 4624/19 in combination with article 58 par. 2 GDPR the authority to issue ex officio temporary order for immediate total or partial, temporary restriction of processing.

5. Because the deletion or destruction of personal data constitutes form of processing based on article 4 para. 2 of the GDPR.

6. Because in order for the Authority to exercise its audit powers and to ensure the protection of the rights of the data subject it appears necessary to maintain and not delete the above data personal (motion data and location data).

FOR THOSE REASONS

THE BEGINNING

Orders the electronic communication service providers WIND HELLAS

TELECOMMUNICATIONS MONOPROSOPI SA, VODAFONE PANAFON Anonymous Greek

Telecommunications Company and COSMOTE - MOBILE TELECOMMUNICATIONS SOLE REPRESENTATIVE

ANONYMOUS COMPANY, as they suspend the processing of the destruction of

personal data related to the telephone

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numbers listed above and produced or made subject

processing when sending the aforementioned short text message

on ..., until a new decision is issued by the Authority.

The president

Konstantinos Menudakos

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