

GREEK EMPIRE

Athens, 15-01-2018

PRINCIPLE OF PROTECTION OF E OMEN

OF A PERSONAL CHARACTER

Prot. No.: G/EX/307/15-01-2018

A P O F A S I NO. 1/2018

(Department)

The Personal Data Protection Authority met in composition

Department at its headquarters on Wednesday 06-12-2017 following the invitation of its President,

as a result of the postponement of the session from 01-11-2017 and in continuation of the session from 08-11-2017

meeting, in order to examine the case mentioned in its history

present. They were attended by the Deputy President, Georgios Batzalexis, who was disabled

of the President of the Authority, Constantou Menoudakos, the regular member Spyros

Vlachopoulos and alternate members Panagiotis Rontogiannis, as rapporteur, and

Grigorios Tsolias, in replacement of the regular members Anton ou Symvonis, and

Charalambou Anthopoulos respectively, those who, although only summoned in writing, did not

attended due to obstruction. The meeting was attended by the order of the President

Ioannis Lykotraftis and George Panagopoulou, expert scientists – auditors as

assistant lecturer. Irini also attended, by order of the President

Papageorgopoulou, employee of the Administrative Department of the Authority, as secretary.

The Authority was submitted with no. prot. C/EIS/3215/19-04-2017 complaint,

according to the company with the name "Souvlakoman a" has

installed a video surveillance system without meeting the legal requirements

function and through which workers are monitored.

Following this complaint, the Authority carried out on 03-10-2017

on-site inspection at the premises of the company "Alkis Alqi Zarballa"

(hereinafter "data controller"), in accordance with article 19 para. h) of Law 2472/1997.

The control was carried out at the restaurant of the person in charge on the street...,

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by the employees of the Auditors Department of the Secretary of the Ioannis Authority

Lykotrafi and George Panagopoulou (hereinafter "control team"), after the no.

prot. C/EX/6972/28-09-2017 order of the President of the Authority.

Prior to carrying out this on-site inspection, the register was examined

of notifications kept by the Authority, where no notification was found for

data processing through a video surveillance system.

The control was sudden, without prior notification of the person in charge

let's edit. In order to conduct it, in addition to the on-site research, it was carried out

dialogue with A, the owner of the business, and B's accountant, namely,

although they were initially absent, after being informed by the store staff,

they arrived at the site and were served with the order to carry out an inspection.

As part of the audit, the audit team carried out an on-site audit of

premises of the company's store.

After the completion of the on-site audit, the audit team submitted to

Start it with no. prot. C/EIS/7326/12-10-2017 conclusion of the audit (hereinafter "Conclusion").

As stated in the Finding and recorded in the findings:

- The video surveillance system is not limited to entry and exit areas or in the treasury, but it also covers workplaces where they move almost exclusively employees.
- The video surveillance system also includes cameras that monitor the area of the bank seats.
- The video surveillance system receives an image from both the public street and the

sidewalk, outside the main entrance of the store.

- Our editor has not posted boards to update them

subjects.

- The controller has not submitted to the Authority a notification of art

due to a video surveillance system.

The person responsible for processing, then, with no. prot. G/EX/7604/23-10-

2017 document of the Authority was only summoned to a hearing before the Authority at the session

of 01-11-2017 to provide further clarifications and express his views on the

subject. Together with his summons, the above Opinion was served. The one in charge

edit, he requested the postponement of the discussion of the case with no. first

C/EIS/7813/31-10-2017 his document, which was granted to him for 08-11-2017. THE

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Authority informed about the postponement to the person in charge of processing with no. first

C/EX/7888/02-11-2017 document.

The meeting of 08-11-2017 was attended by A, the owner of the company

"Souvlakoman a" and Stavros Mustak already with AMDSA..., who exhibited

verbally expressed their opinions and answered questions from the members of the Department. At

then, our processor received a deadline and timely filed the

No. prot. G/EIS/8245/16-11-2017 memo. Our controller also testified

the one with no. prot. GN/EIS/3334/16-11-2017 notification of video surveillance system.

In said memo it is stated, among other things, that the person in charge of our processing

installed the video surveillance system for the purpose of protecting persons and

goods and following repeated incidents of theft and burglary.

The Authority, after examining all the elements of the file and referring to

of the session of 08-11-2017, after hearing the rapporteur and the

clarifications of the assistant rapporteurs, who then left before the

conference and decision-making, and after thorough discussion,

THOUGHT ACCORDING TO THE LAW

1. According to article 2 par. a' of Law 2472/1997 and recitals 14-17

in accordance with Directive 95/46/EC, audio and video data, if

refer to persons, constitute personal data.

2. The storage and reading of a facial image, which is collected by a system

video surveillance, which operated permanently, continuously or at regular intervals,

in a closed or open place of gathering or passage of persons, recommends

processing of personal data in whole or in part

automated within the meaning of articles 2 par. d' and 3 par. 1 of Law 2472/1997.

3. Basic condition, according to article 1 par. 1 of Law 2472/1997, for the legality of

let us process personal data with the observance of proportionality, under

meaning that the collected data must be necessary and convenient for him

intended purpose, which should not have been achieved by milder

inside.

4. According to article 5 of no. 1/2011 The Authority's guide for use

video surveillance systems for the protection of persons and goods, h

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legality of our processing is examined in the context of the purpose pursued by

responsible for our processing and in accordance with the principle of proportionality, which a

requires video surveillance systems to be convenient and necessary in relation

with the intended purpose, which should not be achieved with

milder means (Article 4 of Law 2472/1997). Its affordability and necessity

of video surveillance is estimated based on the risk that the controller wants

to deal with in relation to the intended purpose.

5. Furthermore, the installation points of the cameras and the way of receiving the data

must be identified in such a way that the data collected does not more than is absolutely necessary to fulfill the purpose of our processing and that the fundamental rights of the persons who are located in the area that is being monitored and that this order is not violated could be seen as a "legitimate expectation of a certain degree of protection of privacy" in a specific area.

6. Also, according to article 7 of no. 1/2011 Guide, the system should not to be used for the surveillance of employees within the workplaces, except in special exceptional cases where this is justified by nature and the working conditions and it is necessary for the protection of health and employee safety or the protection of sensitive workplaces (e.g. military factories, banks, high-risk facilities). For example, in a typical business office space, video surveillance should be limited in entry and exit areas, without monitoring specific rooms offices or corridors. Exceptions may be specific spaces, such as treasury or areas with safes, electromechanical equipment, etc., under the condition that the cameras focus on the property they are protecting and not on their premises workers. Also, in special areas, such as areas with electromechanical ones facilities the shift manager or the safety manager may track in real time the operators of high machinery risk, in order to intervene immediately if an incident occurs sure let's

7. Also, in accordance with article 19 par. 2 of no. 1/2011 Let's guide, cameras are allowed to be placed at the entrance and exit points of the stores, at cash desks and money storage areas, in goods warehouses, while,

according to article 19 par. 4 of our Guide, it is prohibited to operate

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of cameras in places of rest and recreation, in the testing rooms, in the toilets and in the areas where store employees work and is not accessible to public.

8. According to article 12 of no. 1/2011 Guide let, before a person enters the within the range of the video surveillance system, the processor must informs, in a visible and comprehensible way, that he is about to enter a space that videotaped. To this end, they must: a) be posted in a sufficient number and prominently place clearly visible signs, where the person will be written on his behalf where the video recording is made (responsible for editing), the purpose, as well as the person with whom the interested parties can contact to exercise them rights that Law 2472/1997 recognizes in the data subject.

9. As stated in article 10 of no. 1/2011 Let us guide, the person in charge processor is obliged to notify the Authority of the installation of the system video surveillance before the start of our processing, in accordance with article 6 of n. 2472/1997.

In the present case, and taking into account the above elements, they arise

The following:

- The system in question had not been disclosed to the Authority, and therefore it existed violation of Article 6 of Law 2472/1997.
- The video surveillance system in question does not meet the legal requirements which are set in articles 7, 8, 12 and 19 of no. 1/2011 Guide of the Authority, since there were cameras in the workplace, without being justified by nature and them working conditions Also cameras were taking pictures from the table seats restaurant, and no signs were posted to inform the public

regarding the video surveillance system.

- Therefore, it is concluded that the fundamental requirements for the

legality of any collection and processing of personal data,

which the provisions of articles 4 and 11 of Law 2472/1997 set.

Taking into account the above findings, and in view of their gravity

violations found, the Authority unanimously considers that it should be imposed on

responsible for the processing provided for in article 21 par. 1 item b' of n.

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2472/1997 sanction referred to in the operative part of the present and the suspended

proportional to the gravity of the violations.

FOR THOSE REASONS

The Authority taking into account the above:

1) It imposes, based on articles 19 par. 1 item f and 21 of Law 2472/1997, at

"Alki Alqi Zarballa" fined one thousand (1,000) euros for the above

described violations of Law 2472/1997.

2) Orders, based on articles 19 par. 1 item. f and 21 of Law 2472/1997, no

Alki Alqi Zarballa Zarballa as he immediately performed the following actions,

informing the Authority accordingly: a) To remove the camera located in

of the store and the cameras located inside it

shop and get a view from the seating area. b) Yes

modify the field of view of the camera located outside the store

so that it focuses on the entrance and does not get an image from the sidewalk and

public road. c) To modify the recording level of the camera that monitors the cash register

so that it receives an image only from the cash register and not from the preparation counter

orders. d) To destroy any relevant document with personal data

of employees and customers collected by the system installed so far

video surveillance. e) Post notice boards to inform the public about

video surveillance system. f) To submit to the Authority a notification amending it

video surveillance system, after the imposed modifications.

The Secretary

Irini Papageorgopoulou

The Deputy President

George Batzalexis

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