

Athens, 26-08-2021 Prot. No.: 1949 DECISION NO. 28/2021 (Department) The Personal Data Protection Authority met as a Department at its headquarters on 13-01-2021 at the invitation of its President, in order to examine the case referred to in the present history. Georgios Batzalexis, Deputy President, in the absence of the President of the Authority, Constantinos Menoudakos, and the alternate members Evangelos Papakonstantinou and Grigorios Tsolias, as rapporteur, in place of regular members Konstantinos Lambrinoudakis and Charalambos Anthopoulos respectively, who, although legally summoned in writing, did not appear attended due to disability. The meeting was attended, by order of the President, by Haris Symeonidou, expert scientist - auditor, as assistant rapporteur and Irini Papageorgopoulou, employee of the Authority's administrative affairs department, as secretary. of The Authority took into account the following: With the no. prot. G/EIS/2564/9-4-2020, G/EIS/2590/10-4-2020, G/EIS/2591/10-4-2020, C/EIS/2592/10-4-2020, C/EIS/2593/10-4-2020, C/EIS/2594/10-4-2020 their identical complaints against the General Children's Hospital "P. & A. Kyriakou", the complainants A, B, C, D, E and F complained to the Authority that during their visit to the' Unit of the Pediatric Clinic of the University of Athens, of the General Children's Hospital "P. & A. Kyriakou", were informed that from the beginning of... 2019, the Director of the Medical Service of the Hospital entered the Unit..., processed personal data 1-3 Kifisias Avenue, 11523 Athens T: 210 6475 600 E: contact@dpa.gr www.dpa.gr 1 health of the complainants (or their minor children represented by them) who were treated at the clinic, and received photocopies of them. The Authority, with the Archiving Acts of 16.4.2020 and 21.4.2020, placed each of the above complaints with the same content in the file, with the following additional justification: a) As indefinite because it is submitted without elementary documentation of the issues presented: The complainant does not documents a fundamental violation of the personal data legislation, nor submits a request to the data controller for the exercise of a specific right of the data subject, in order to find out what he requested, when and on what basis. b) As obviously unfounded, because it is based on an obviously incorrect interpretation of the law: The taking of photocopies and the eventual processing of the personal data included in the medical file of the minor child of the complainant - according to the complaint - by the Director of his Medical Service University Children's Hospital & St. Kyriakou does not constitute data processing by third parties, but processing that takes place within the sphere of the controller. c) As unacceptable because the prescribed pre-procedure was not followed (the data subject has not previously addressed the controller in the appropriate manner): No request has previously been submitted to the controller, i.e. the University Children's Hospital. & St. Kyriakou, for violation of a specific right of the data subject. Subsequently, the complainants with no. prot.

C/EIS/6578/29-9-2020 "Out-of-court Statement - Protest and Invitation" to the Authority (according to the Authority's interpretation, request for treatment), protesting the rejection and filing of their complaints, they requested a review of the case . In the said treatment request, the complainants invoke the following: A) Regarding the vagueness due to incomplete documentation, the complainants: - complain that the Authority's reasoning does not state what information would be needed in order to consider a complaint (definite), - oppose that in this case the facts contained in their applications (complaints) are very clear, 2 - they wonder why, since the complaints were vague, the Authority examined their substantive validity, as can be seen from the second reasoning, and finally - regarding the allegation that they did not submit an application to the data controller for the exercise of a specific right, so that it is clear what they requested, when and with what basis, the complainants state that with their complaints they submitted three applications - their complaints to the Hospital, from which it appears that some of these were addressed to the Governor of the Hospital "P. & A. Kyriakou", but, as they report, they never even answered them about what procedure had to be followed or if "there is someone "in charge of processing personal data and who he is". They further state that from research they did on the internet they discovered that "there is no data controller at the Hospital, not even appointed" and "much more there was no Management at the Hospital at this time (April 2020)", therefore they wonder "so how to address a non-existent controller?" B) Regarding the filing of the cases as obviously unfounded, since the complained processing was not carried out by third parties, but by the Director of the Medical Service of the Hospital, i.e. within the sphere of the controller, the complainants object that "no personal data controller was appointed data at the Hospital and there was no Administration at the Hospital, since the term of office of the members of the previous one had expired" and based on this they argue that the filing of their complaints lacks a specific and detailed justification. C) Finally, in relation to the reasoning that the complaints were inadmissible due to non-observance of a preliminary procedure, the complainants state that: - the relevant preliminary procedure, i.e. the previous submission of an application to the controller is not defined by the Law as mandatory, but as optional, since the Authority "may" not consider a complaint if this preliminary procedure is not followed, - the Hospital lacked Administration, therefore, according to the complainants, "there was no data controller" and finally, - in any case, some of them knowingly they had already addressed the Hospital for the violation of personal data (their own and their children's respectively), as can be seen from the supporting documents they submitted electronically, which the complainants believe were not taken into account. 3 The Authority, after examining the elements of the file, after listening to the rapporteur and the assistant rapporteur, who then left, and after a thorough discussion, DECIDED

IN ACCORDANCE WITH THE LAW 1. Article 24 par. 1 of Law 2690/ 1999 (KDDiad) stipulates that "If the relevant provisions do not provide for the possibility of exercising, according to the next article, a special administrative or individual appeal, the interested party, for the restoration of material or moral damage to his legal interests caused by individual administrative deed may, for any reason, with his application, request, either from the administrative authority that issued the deed, its revocation or amendment (remedial request), or, from the authority that heads the one that issued the deed, the its annulment (hierarchical appeal)'. In the true sense of the provision, the request for treatment aims to revoke or modify the challenged individual administrative act for legal or factual defects of it that go back to the regime under which it was issued. 2. As can be seen from the content of the present application, the applicants, on the one hand, complain about the legal correctness of the filing acts and therefore in essence introduce annulment claims, on the other hand, they repeat the claims of their complaints, which, however, have already been taken into account and evaluated against the examination of the case in order for the Authority to issue the contested filing acts. Therefore, the applicants seek a review of the legal correctness of the contested archiving acts, moreover, without citing or presenting new evidence, from the assessment of which a different judgment could arise under the legal conditions. Because, therefore, the applicants do not bring to the attention of the Authority any new facts capable of establishing the revocation or modification of the 16.4.2020 and 21.4.2020 acts of archiving cases notified to them under no. prot. G/EX/2564-1/23-4-2020, G/EX/2590-1/23-4-2020, and G/EX/2594-1/28-4-2020 transmission documents. C/EX/2592-1/28-4-2020, C/EX/2591-1/28-4-2020, C/EX/2593-1/28-4-2020 3. Therefore, the Authority insists on from 16.4.2020 and from 21.4.2020 filing acts notified to the complainants under no. prot. 4 C/EX/2564-1/23-4-2020, C/EX/2590-1/23-4-2020, C/EX/2591-1/28-4-2020, C/EX/2592 - 1/28-4-2020, G/EX/2593-1/28-4-2020 and G/EX/2594-1/28-4-2020 transmission documents. E, F. FOR THESE REASONS, the Authority Rejects the application no. prot. C/EIS/6578/29-9-2020 request for treatment of A, B, C, D, The Deputy President Georgios Batzalexis The Secretary Irini Papageorgopoulou5