

PRINCIPLE FOR DATA PRIVACY

Athens, 30-01-2019

Prot. No.: G/EX/747/30-01-2019

FOR OPIC CHARACTER

A P O F A S H 1 /2019

(Department)

The Personal Data Protection Authority met in

composition of the Department at its headquarters on Wednesday 12.12.2018 following his invitation

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

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

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

alternate members

of the Authority Panagiotis Rontogiannis, Evangelos

Papakonstantinou and Grigorios Tsolias, as rapporteur, in place of

of regular members Antoniou Imbonis, Konstantinos Lambrinoudakis and

Charalambou Anthopoulos, respectively, who, although they were summoned legally

in writing, they did not attend due to obstruction. They were present without the right to vote

Kalli Karveli, specialist scientist-lawyer, as assistant rapporteur, who

withdrew after the case was discussed and before the conference and reception

decision and Irini Papageorgopoulou, employee of the administrative department

and financial affairs, as secretary.

The Authority took into account the following:

With the no. prot. G/EI /3826/16.06.2016 appeal to the Authority by A

complains that TA Y SA.

(former AMEL) does not satisfy the right

of his access to his CV which he submitted himself ... to the company,

in order to participate in the hiring process for a job at

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AMEL METRO. As he specifically mentions in his appeal, despite the

his repeated requests to the Administration of TA Y S.A. and related

prosecutor's orders, TA Y S.A. still refuses to do so

provide a copy of his CV.

in the context of investigating the appeal, the Authority sent a document to be provided

clarifications to TA Y S.A., which in from ... and with no. first...

its response to the Authority (No. Prot. Authority C/EI /6155/12.07.2018) stated that:

a) there is no objection to the submitted questions of the applicant b)

there is no resume of the applicant in the company's file, the

which has been filed with the former AMEL S.A. with protocol number ..., such as

the applicant mentions in his applications to the company c) the only document with

no. first ... which exists in the protocol of the company formerly AMEL S.A. from

its incorporation up to and including its transformation into TA Y S.A. due to uniform numbering

is of ... , with a different subject and a different recipient d) to the company AMEL S.A. not

there was no call for expressions of interest for staff recruitment

... e) CVs submitted by citizens at the offices of AMEL S.A.

were not evaluated, if there was no need to fill specific positions and

f) resumes or employment applications submitted to the former

AMEL SA are not in the file of TA Y S.A. given that recruitment

are now done through A OP.

Following this, the Authority with no. prot. G/EX/7613/26.09.2018 and

C/EX/7612/26.09.2018 calls respectively called TA Y SA. and the

appellant A, to attend the meeting of the Department of the Authority on

03.10.2018, in order to discuss the appeal of A.

Against

the hearing

on 03.10.2018 were attended by the applicant A,

in person, and Marianna Kordopati, attorney at law of TA Y

S.A. and Panagiotis Paloukis, Head of its Legal Service, the

who, after developing their views orally, then submitted accordingly

reminders to the Authority.

In particular, the appellant during the above hearing of 03.10.2018, but also

with the no. prot. G/EI /7937/8.10.2018 his memorandum stated the following: On ...

submitted a CV to the company AMEL. The employee received it, the

filed in the electronic file of CVs with number... . the applications

which he subsequently submitted to TA Y SA, requesting a copy of the CV

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of a note he had submitted to the former AMEL, incorrectly mentioned him

number ... as a protocol number, except for TA Y S.A. did not inform him

never, as it should, that this number does not correspond to a protocol number. When

realized it, filed the complaint under no. chief ... prosecutor's office

order to grant the requested data, but to date it has not

receive a response.

The authorized lawyers of TA Y S.A. during the above hearing

03.10.2018, but also with the no. prot. G/EI /8171/15.10.2018 their memo,

stated that a) the applicant with his application to TA Y S.A. from ...

he asked to be handed over his curriculum vitae which he claimed that

had filed the ... in the company protocol with number ..., that is

appeared seven years after the alleged CV submission

in the former AMEL S.A. and requested access to his personal data, time

during which any claim against the company was already time-barred, b) no
it was possible to grant his request, given the lack of a file
resumes and the consequences of the lack of the resume
note and the same in any file of the company c) from nowhere
arises and consequently it is not proven that a CV was submitted
of the complainant in the company d) given that the company TA Y formerly AMEL
S.A. operated as a private business and did not maintain a record of resumes
notes of candidates for employment in any of its positions
company, there is no relevant file to process, e) the Prosecutor
Court of First Instance of Athens with the order of ... rejected the appeal of A,
judging that the submission of his CV does not result
complaining to the former AMEL SA, that for seven years he did not do anything
action, nor was he interested in the fate of his application, that it does not appear that the
formerly AMEL S.A. issued a call for expression of interest for coverage
of service needs at the time the complainant maintains that he testified
curriculum vitae, that it turned out that AMEL S.A. it had no basis
data entry of biographical notes, that the company did not evaluate
even applications or resumes, that the number ... corresponds to a document
earlier and with unrelated content and that the legal representatives and
employees of the company TA Y S.A. acted within the limits of legality
and that in any case a period of seven years has elapsed, by which time

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any actions performed were prescribed, given that the complainant was negligent
for a long time to be interested in his case f) likewise the shoulder
of Public Administration Inspectors-Auditors with the ... Audit Report on
of relevant complaints submitted by A, considered that it is not confirmed by

some file of TA Y S.A. the protocol number mentioned by complainants that he received during the submission of his curriculum vitae 2008, and the recruitment of employees that took place in 2009, took place without the partnership of A EP, because they were not under its jurisdiction at the time and finally, g) TA Y SA responded to all similar requests of the complainant within reasonable time, even though the himself appeared seven years after referring to the submission of his CV to the former AMEL S.A., observing beyond what is necessary its obligation to respond to their requests citizens.

The Authority, after examining the elements of the file, the hearing procedure and after hearing the rapporteur and assistant rapporteur, who withdrew after the case was discussed and before the conference and reception decision, after thorough discussion

SEVEN E ACCORDING TO THE LAW

1. in accordance with the provisions of article 12 par. 1, 2 and 4 of Law 2472/1997, the data subject has the right by submitting the relevant request to the controller to know if personal data that the concern are or were the subject of processing as well as to request and receives without delay from the data controller all data of a personal nature concerning it. If the controller does not answer within fifteen days or if his answer is not satisfactory, the data subject has the right to appeal to the Authority.

The same right is expressly provided for in the GDPR (Article 15), in paragraph 3 of which it is stated that the data controller provides the subject of the data and a copy of the personal data submitted to

processing.

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2. From the information in the file and from the hearing process, no
it emerged that the referenced resume was filed and registered
of the complainant in TAY S.A., formerly AMEL S.A., nor that the
complained company kept a physical and/or electronic record of submissions
voluntarily resume or registration database
biographical notes, and the number mentioned by the complainant
3810/July 2008 corresponds to an earlier document with unrelated content.

Therefore, file creation and data processing did not occur
of a personal nature.

FOR THOSE REASONS

The Authority rejects the appeal of A.

The Deputy President

The Secretary

George Batzalexis

Irini Papageorgopoulou

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