

Decision on appeal with registration № PPN-01-321 / 15.05.2018 DECISION» PPN-01-321 / 2018 Sofia, July 29, 2019

Commission for Personal Data Protection ("Commission" / "CPDP") composed of: Chairman - Ventsislav Karadzhov and members - Tsanko Tsolov, Tsvetelin Sofroniev, Maria Mateva and Veselin Tselkov , at a regular meeting held on 29.05.2019, pursuant to Art. 10, para. 1 of the Personal Data Protection Act in connection with Art. 57, paragraph 1, letter "e" of Regulation 2016/679, considered on the merits a complaint Reg. № PPN-01-321 / 15.05.2018, filed by M.B. against the Minister of the Interior in his capacity as controller of personal data. The administrative proceedings are by the order of art. 38 of the Personal Data Protection Act (PDPA). The complaint was sent simultaneously to the CPDP, the General Directorate of the National Police (GDNP) and other state bodies. Attached to it is an Application for deletion of personal data addressed to the GDNP. On June 27, 2018, the CPDP received a letter that according to an application with ent. № 328600-34382 / 15.05.2018 there is a Decision for deleted data from the GDNP with reg. of the Ministry of Interior. In addition to the appeal, it is noted that one month after the decision, the applicant's mother (and his attorney) spoke with an employee of the ODMVR VT, who was assigned the execution of the decision. The latter assured that the personal data had been deleted in accordance with the decision. Subsequent repeated inspections by police patrols established that the applicant had not been erased at all, despite the decision of the Ministry of the Interior, ie that the Ministry had not implemented its own decisions. On January 2, 2019, Mr. M.B. has personally seen on a tablet in a patrol car that his data has not been deleted. The applicant requested that administrative proceedings be instituted against the Ministry of the Interior because his personal data processed and stored in the Ministry of the Interior's files had not been deleted, although a decision had been issued which the Ministry of the Interior had only issued but not complied with. Asks for assistance in implementing the decision and for sanctioning the Ministry of Interior for violating the law. The decision № 328605-271 / 18.06.2018 of the Ministry of Interior is attached to the complaint and the supplement to it. In the conditions of the official principle laid down in the administrative process and in fulfillment of art. 26 of the APC, the person against whom the complaint is directed has been notified for initiating proceedings. The opportunity under Art. 34, para. 3 of the APC for expressing an opinion with relevant evidence on the allegations presented in the complaint. The Commission received a reply that the complaint was unfounded. With regard to the "other victim" mentioned in the complaint, for which dates of filing and registration numbers of two applications for deletion of personal data entered in the Ministry of Interior are indicated, the Commissioner notes that there is a ruling on all of which the applicant was notified

according to the requirements of the Administrative Procedure Code. On the complaint of MB It is noted that on application № 328600-34382 / 15.05.2018 on the list of GDNP an inspection was performed and an individual administrative act was issued to the director of GDNP - decision № 328605-271 / 18.06.2018, which deleted the personal data of the applicant, processed in the information funds of the Ministry of Interior. The decision was sent to the physical address and e-mail address indicated by the applicant, as well as to the ODMVR V.T. for execution. For this purpose, the commission has implemented the decision, for which a protocol has been prepared № URI 328605-271 / 18.06.2018 on the list of ODMVR V.T. During the control of the implementation in GDNP on 19.07.2018 it was established that the decision has been implemented. In connection with the present complaint, a re-examination established that the allegations in the complaint are unfounded and the cited personal data for criminal proceedings from 2016-2017 of the Regional Court S. are not processed by the Ministry of Interior. The Commissioner notes that by order № 81213-1255 / 03.11.2016 the Minister of Interior has authorized the Director and Deputy Directors of GDNP to review and rule on received applications for access to personal data. When considering the application for deletion of personal data of Mr. MB Section Four "Deletion of Personal Data", Chapter Two "General Rules for Processing Personal Data in the Ministry of Interior" of Instruction № 8121h-1122 of 12 September 2015 on the Procedure for Processing Personal Data in the Ministry of Interior, issued pursuant to Art. 29, para. 2 ZMVR. In order to exercise its powers, the Commission must be properly seised. The considered complaint contains the obligatorily required requisites, specified in art. 30, para. 1 of the Rules of Procedure of the Commission for Personal Data Protection and its administration, namely: there are data about the complainant, nature of the request, date and signature, in view of which the complaint is regular. The appeal is procedurally admissible - filed within the term under § 44, para. 2 of the TFP of LPPD by a natural person with a legal interest. It is the subject of an allegation of unlawful processing of the complainant's personal data and is directed against a personal data controller. The complaint is addressed to a competent body to rule - the Commission for Personal Data Protection, which according to its powers under Art. 10, para. 1 LPPD in connection with Art. 57 (1) (f) of Regulation 2016/679 deals with complaints lodged by data subjects. At a meeting of the Commission held on 13.02.2019, the complaint was accepted as procedurally admissible and as parties in the administrative proceedings were constituted: complainant - M.B. and the respondent - the Minister of the Interior, in his capacity as controller of personal data. The parties have been regularly notified of the meeting of the Commission for consideration of the complaint on the merits scheduled for April 3, 2019. In view of the contrary allegations about the actual implementation of decision № 328605-271 / 18.06.2018 of the Director of GDNP, which

ordered the deletion of personal data, the Commission ordered an investigation into the case. The examination of the complaint has been postponed to May 29, 2019, of which the parties have been regularly notified. The following was established from the inspection: In connection with its activities, the Ministry of Interior maintains automated information systems / AIS /, in which information is processed, incl. and personal data of individuals. In connection with the fulfillment of the inspection task set by the order of the Chairman of the CPDP, the inspection team inspected the AIS, in which the personal data of the complainant MB were processed. The inquiries were made by three names and PIN of the complainant, as well as by the number of the procedural Application material (pre-trial proceedings) № 71 / 22.02.2016 of the Regional Court S. at the ODMVR - V.T. and NAHD № 203/2017 of the District Court S., as follows:

- Integrated Regional Police System / IRPS / - it provides operational and management information supporting the work of the police in the national and territorial directorates of the Ministry of Interior and their units. The system introduces, controls, updates and stores operationally interesting information about the sites related to the work of police bodies through its subsystems: application material, persons with police and court registration, control of dangerous goods, other police activities, police surveillance. The exchange of data between the IRPS and the other systems is realized automatically on the data transmission network of the Ministry of Interior. The system contains data on the physical identity of the complainant MB, marital status, education, distinctive features and data on the Applicant's material № 1076 / 06.07.2010 in his capacity as a victim. To document the results of the report, 8 were taken. screen printouts containing all available information in the face system - a total of 62 lines of records.
- Central Police Register / CPR / - the same: integrates and provides operational, investigative and summarized management information in order to support the direct activities of crime detection services; centralizes the information on the police registration of persons who have committed crimes of a general nature; contains all the information from the regional IRPS to the RDVR and DNSGP and is updated daily. The system contains summary information on all Applicant materials related to the complainant M.B. The reference does not contain information about the Application Material № 71 / 22.02.2016 of the Regional Court S. to ODMVR - V.T. To document the results of the report, 1 piece is taken. screen printout.
- Integrated information system "Information" / IIS "Information" - is a centralized information system for accessing information, processed in the information funds of the Ministry of Interior. The information in the information funds, accessed through IIS "References", is entered, processed, updated and deleted through the applications of other AIS. IIS "Information" provides access to the information funds of the following AIS: - National Register of Bulgarian Personal Documents / NRBLD /; - Search activity and NMAP-N.SIS; - Border control; - Traffic

Police - registration of vehicles and their owners; - Address registration of foreigners / ARCH /; - Visas; - Commercial register; - Central Police Register in the part: register of persons, Bulgarian citizens, with court and police registration; register of persons, Bulgarian citizens, for whom there is a completed document - notification of an established perpetrator of a crime / SWIP /; When searching the system according to the set criteria, it was established that there were no data on crimes committed by the complainant M.B. The AIS NRBLD contains the required data on civil status and a photo of the person. The reference does not contain information about the Application Material № 71 / 22.02.2016 of the Regional Court S. to ODMVR - V.T. To document the results of the report, 2 copies were taken. screen prints. · Automated information system "Document Management" - it covers processes for registration and processing of paper and electronic documents created and received by the Ministry of Interior. The system is centralized and web-based and serves the needs of all structures, regardless of their location; The system contains information on incoming and outgoing correspondence with the complainant M.B. To document the results of the report, 2 copies were taken. screen prints.

· Automated information system for management of the Administrative and Criminal Activity / AIS AND / - the same covers all processes, reflecting the administrative and criminal activity towards the natural person in his capacity as a driver, as well as data for the road vehicle.

In the course of the inspection, GDNP employees were invited, with the appropriate competence, who demonstrated to the inspection team the functionality and the way of access, incl. and a remote one, to AIS AND via a mobile device / tablet /, representing a workstation for remote access. According to the same officers - police inspector AT and police inspector IG, when working on car patrols, through workstations for remote access, the employees of the Ministry of Interior have the opportunity to make inquiries concerning the control of traffic on the roads. Also, employees can only access information about the fact of searching for a person or a vehicle. Any possibly available information about the person processed in the information funds of the Ministry of Interior, relevant to the inspection, if necessary, the patrol can receive only from the duty officer in the Operational Duty Center / Operational Duty Part of the Ministry of Interior. Information on application materials and criminal proceedings cannot be accessed through remote access workstations.

This system contains information reflecting the administrative and penal activity against the complainant M.B. in his capacity as a leader, incl. data on three violations of the Road Traffic Act. The reference does not contain information about the Application Material № 71 / 22.02.2016 of the Regional Court S. to ODMVR - V.T. To document the results of the report, 1 piece is taken.

screen printout.

In the course of the inspection, the inspection team shall request relevant documents in connection with the assigned inspection as follows:

- Letter from GDNP with ref. № 3286p-11269 / 08.03.2019 to the Director of ODMVR - V.T. regarding the request for information for the implementation of Decision № 328605-271 / 18.06.2018 of the Director of GDNP for deletion of personal data of MB on Application material № 71 / 22.02.2016 of RU S. to ODMVR - V.T. and NAHD № 203/2017 of the District Court S., processed in the automated and non-automated information funds of the Ministry of Interior;
- Certified copy of the answer from ODMVR - V.T. with reg. P URI 366r-5492 / 15.03.2019 for the performed actions for deletion of personal data of MB, processed in IRPS of ODMVR - V.T. on Application material № 71 / 22.02.2016 of RU S., for which the Protocol URI 366r-11162 / 27.06.2018 was prepared, approved according to Order URI 366h-1636 / 04.06.2018 of the Director of ODMVR - V.T. - Commissioner H.H .;
- Certified copy of the Decision for deletion of personal data on the Application with ent. № 328600-34382 / 15.05.2018 according to the inventory of GDNP by MB, with entries on the back for the date of implementation.

From the inspection and the analysis of the collected written evidence, the inspection team found that the personal data of the complainant M.B. regarding Application material (pre-trial proceedings) № 71 / 22.02.2016 of the Regional Court S. to ODMVR - V.T. and NAHD № 203/2017 of the District Court S., are not available and are not processed in the automated and non-automated information funds of the Ministry of Interior. information on application materials and criminal proceedings.

At the open hearing the applicant was represented by an authorized person. The Commissioner maintains what is stated in the addendum to the complaint that the decision to delete personal data has not been implemented.

The respondent party - the Minister of Interior, is represented by a representative of the Ministry of Interior. He objects to improper representation. On the merits of the complaint he states that the decision has been executed, which is confirmed by the inspection carried out by the CPDP.

Regarding the authorization - the complaint is filed by a person with a power of attorney, certified by the order of art. 83, para. 1 in connection with Art. 81 of the Law on Notaries and Notarial Activity. For the purposes of representation in the initiated administrative proceedings against the Ministry of Interior on 03.04.2019 from 13:00, including in case of postponement and until the end of the administrative proceedings, the proxy has re-authorized a third party. The re-authorization is without

notarization of the signature. Following the adjournment of the appeal for another date, the proxy and re-authorizations were instructed that a proper power of attorney should be presented. However, the instructions given at the next meeting were not followed. Indeed, Art. 18, para. 2 of the APC stipulates that before the administrative bodies the citizens may be represented by other citizens with a written power of attorney with a notarized signature, which is not observed in this case, but the CPDP finds the statement of Ms. B., expressed in letter ent. № PPN-01-321 # 12 (18) /27.03.2019 and the presented power of attorney for sufficient to allow re-authorization to participate in the open meeting. The deviation from the administrative procedure rules in this case is not significant.

In the light of the foregoing, the Commission has examined the complaint on the merits, finding it unfounded on the basis of the following:

As can be seen from the information and evidence presented, the complainant has exercised his right to request the deletion of personal data processed for him from the files of the Ministry of Interior under Art. 28a, item 1 of LPPD (applicable wording, SG No. 103/2005) and in particular - under State Procurement No. 71/2016 of RU-S. The application shall be duly pronounced by a person authorized by the administrator, with whom the applicant's request has been granted.

The applicant subsequently stated that the administrator had only ostensibly complied with his request, but had not actually complied with it, as his personal data continued to be processed and was available to car patrols. The applicant's allegations are not supported by the findings of the file.

As can be seen from the Protocol for deletion of data on LPPD in IRIS, processed by ODMVR - VT, pursuant to a decision of the Director of the General Directorate "National Police", appointed by the Director of ODMVR VT Commission has deleted by deleting the processed personal data on 28.06.2018. In addition, two additional checks were carried out to implement the decision - on 19.07.2018 and after notification of the proceedings instituted in the CPDP. Both inspections found implementation of the decision.

The one carried out by CPDP employees also established the execution of the decision for deletion. The conclusion of the inspection team is the following: "From the inspection and the analysis of the collected written evidence, the inspection team found that the personal data of the complainant M.B. regarding Application material (pre-trial proceedings) № 71 / 22.02.2016 of the Regional Court S. to ODMVR - V.T. and NAHD № 203/2017 of the District Court S., are not available and are not processed in the automated and non-automated information funds of the Ministry of Interior... "

For the sake of completeness, it should be noted that the inspection team found that when working on patrols through remote access workstations, police officers generally do not have access to information on application materials and criminal proceedings, as stated in the complaint.

In view of the above, the controller has fulfilled his obligation and has effectively implemented his own decision to delete the personal data of the complainant, therefore the complaint is unfounded.

Guided by the above and on the grounds of Art. 38, para. 3 of LPPD, the Commission for Personal Data Protection
HAS DECIDED AS FOLLOWS:

Leaves a complaint reg. № PPN-01-321 / 15.05.2018, filed by MB against the Minister of the Interior in his capacity as controller of personal data, without respect as unfounded.

This decision is subject to appeal within 14 days of its service, through the Commission for Personal Data Protection, before the Administrative Court Sofia - city.

THE CHAIRMAN:

MEMBERS:

Ventsislav Karadzhov

Tsanko Tsolov

Tsvetelin Sofroniev / p /

Maria Mateva / p /

Veselin Tselkov / p /

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