

Athens, 12-10-2022 Prot. No. 2538 DECISION 42/2022 (Department) The Personal Data Protection Authority met in Plenary composition at its headquarters on Wednesday 11-10-2021 at 12:00 p.m. at the invitation of its President, in order to examine the case referred to in the present history. The President Konstantinos Menudakos, the regular member of the Authority Spyridon Vlachopoulos as rapporteur and the regular members of the Authority Charalambos Anthopoulos and Konstantinos Lambrinoudakis were present. Present, without the right to vote, were Stefania Plota, specialist scientist-lawyer, as assistant rapporteur and Irini Papageorgopoulou, employee of the Authority's administrative affairs department, as secretary. The Authority took into account the following: of the Mayor Y With the no. prot. C/EIS/5347/30-07-2020 complaint submitted to the Authority by A (hereinafter "complainant") against a. (hereinafter "complainant" or "Municipality"), b. of Coordinator F, c. of the Special Committee of Article 152 of Law 3463/2006 of the House of Decentralized Administration, and d. of the Primary Prosecutor's Office, for violations of the provisions of Regulation (EU) 2016/679 and Law 4624/2019. The complaint alleges violations of civil, administrative and criminal law, of which the Authority examines only non-compliance with the right of access to personnel data 1-3 Kifisias Avenue, 11523 Athens T: 210 6475 600 E: contact@dpa.gr www.dpa.gr 1 character of the complainant and any illegal processing of a criminal court decision within its jurisdiction. In particular, the complainant states that Mayor Y with the no. ... Administrative Act accepted the application to change the surname of his adult daughter from "A" to "B" which is the surname of her mother, with whom the complainant has been divorced by consent on ... The complainant states that the said Administrative Act is voidable, not only as illegal and, specifically, as not meeting the objective status of the relevant provisions, but also because it established its legality with the processing of special categories of personal data of the complainant-father of the applicant, based on submitted evidence of criminal decisions of the Supreme Court concerning him, without his consent. Furthermore, the complainant claims that the Municipality, invoking article 5 of Law 4624/2019, refuses to grant him access and grant him copies of the Administrative Act and all relevant documents related to the processing of his personal data. As a result of the aforementioned Act of the Municipality, the complainant states that they were rejected: i. the Special Administrative Appeal according to articles 118 of Law 4555/2018 and 25 KDDiad before the Supervisor OTA. of F for access to the documents, on the grounds that the Municipality's written response to this is not an enforceable administrative act in the sense of administrative law, ii. the appeal before the Special Committee of article 152 of Law 3463/2006 as a law unfounded for the same reason under point (i) above, iii. the application for the granting of a Prosecutorial Order for access to the Administrative Act and the data of the file on the grounds that the complainant is considered a third party in relation to his

daughter's personal data, while he maintains that the father cannot be a third party in relation to the daughter of. He also claims that the refusal to satisfy the above requests deprives him of the possibility of "appeal for annulment" of the Municipality's Act and the real damage suffered by his daughter is intensified and the defamation of his person is widened. For these reasons, he requests the intervention of the Authority, so that the Municipality grants him all his special category personal data processed under 2 of the Municipality, as well as the Administrative Deed and all documents related to this processing in the file, in particular the relevant opinions. The Authority, in the context of examining the above complaint, sent the no. prot. C/EXE/5347-1/27-10-2020 document only to Municipality Y as controller regarding the alleged processing operations, in order to provide his views. The complained Municipality with no. prot. G/EIS/7777/11-11-2020 document stated that: i. the complainant's daughter with no. first... in her application she requested the change of her last name, providing the evidence-documents for the foundation and justification of the request, such as the decision of the Supreme Court, ii. the Municipality in accordance with the provisions of the N.D. 2573/1953, as supplemented by those of par. 1 no. 8 of Law 2130/1993, and the decision of the Ministry of Internal Affairs with no. 78810/18-12-1984, in combination with no. F.42301/12167/95 decision of the Ministry of Internal Affairs, par. C, sec. 1, 2, 3, 4, as well as the provisions of article 13 par. 1 & 2 of Law 2119/1993, issued under no. first ... his decision to change the surname of the complainant's daughter, iii. the Mayor must, as the exclusively competent body, assess the reasons given by the applicant for the change of his surname and check exclusively whether it affects public order and not whether in this case father-adult daughter relationships are affected, without requiring the consent of a third party, iv. public bodies are allowed to process personal data, when the processing is necessary for the fulfillment of a duty, performed in the public interest or in the exercise of public authority delegated to the controller and therefore the use of the personal data invoked by the complainant was deemed necessary for the issuance of the act of the then Mayor Y, v. "the decision in question does not contain personal data of the complainant and the Municipality has never processed his personal data, in violation of the existing legislation. On the contrary, both the personal data of the complainant's daughter, who is also the subject of their processing, and the data - documents that the applicant presented to our Municipality, in order to establish and justify her request and which concern the complainant (such as decision of the criminal division of the Supreme 3 Court), were never made public by the administration and no third party became aware of them", and vi. the complainant requested the revocation of the Administrative Act without establishing a legal interest. Subsequently, the complainant countered with no. prot. C/EIS/628/25-01-2021 document the above views of the Municipality,

which he had requested and received from the Authority, stating that i. according to article 10 of the GDPR, the processing of data concerning criminal convictions and offenses is carried out only under the control of an official authority and the concept of the law "official authority or public authority" refers exclusively to "the public authorities responsible for the prevention, investigation, detection or prosecution of criminal offenses or the execution of criminal sanctions" in accordance with Directive (EU) 2016/680, articles 1, 2, 3 and Law 4624/2019, no. 43 and 44 and, therefore, the Municipality illegally processed the said data concerning it, ii. "my daughter, who has reached the age of majority, submits the application for change on , that is, almost .. months after the father had authentic legal knowledge, due to parental care, of all the protected personal data of my daughter [...] it has no legal effect , in the present case, the incorrect assertion of the Municipality that the father has the status of a "third party" vis-à-vis the daughter. The father never acquires the status of a "third party" in relation to the child, even the adult", iii. re-requests access to the entire file held by the Municipality and the exercise of all the Authority's powers vis-à-vis the Municipality, the institutions of the Decentralized Administration and the Primary Prosecutor's Office for actions and omissions in relation to the GDPR. Subsequently, the Authority with no. prot. C/EXE/678/19-02-2021 document requested further clarifications from Municipality Y, also forwarding the rebuttal document of the complainant and the Municipality responded with the no. prot. C/EIS/1557/04-03-

2021 document, in which he stated that i. the name change applicant submitted a decision of the criminal division of the Supreme Court, in order to establish what she stated in her application, ii. according to the N.D. 2573/53, under no. original Φ131360/22379/13/8-11-2013 document of the Ministry of the Interior and under no. F.42301/12167/1995 YA, the administrative process of changing a surname, aims 4 to solve serious problems created by the use of the specific surname and one of the serious reasons that can justify the change of the surname is also when this is of bad reputation, due to the actions of another person, and proof of serious problems created by the use of the specific surname is required and the application must specify in detail the purpose for which the change is sought. In the disputed case, the said court decision taken into account with the content of the request and the other documents submitted by the applicant led to the issuance of the administrative act, iii. the use of the complainant's personal data by the administration was due and required, since they were part of the administrative file and took place in the context of the execution of the duties and the exclusive competence of the Mayor for the exercise of public authority, assigned to him by law and, therefore, the applicant correctly submitted the following judgment public documents and management reviewed them, iv. based on the complainant's requests to the

Municipality from ..., ... and ... for the granting of copies of the file, it emerges and proves that the complainant's request was to grant the entire administrative file and he never limited this request, requesting his access to documents concerning only his personal data and v. the non-existent and slanderous accusations against the executives of the Legal Department of the Municipality for deficient performance of their duties and their unfortunate connection with the action of the pre-judicial circuit will be judged before the competent authorities and courts. The complainant then submitted the no. prot.

C/EIS/3329/21-05-2021 Memorandum, in which it states that i. "the father "data subject" of the whole file", as he is a data subject of special categories due to the processing by the Municipality of the decision of the Supreme Court concerning him, as well as all other documents, because all the information refers to the complainant as "identified by the name "A" or identifiable due to his paternal status and relationship with the applicant daughter, claiming that the denial of access "is subject to logic, facts and the law", as his 5 daughter ... months after reaching the age of majority " belongs to the family founded by the father after her mother", as well as that all the information and documents that she contributed to the Municipality [...] concern the period before her coming of age which the law authentically and by irrefutable presumption defines the father as a necessary knower but also legally responsible for whatever harm befalls his child. Also, regarding the special category data concerning him, he points out that their processing by a state body is prohibited even with his daughter's well-documented consent, ii. the processing by the Municipality of the decision of the Supreme Court constitutes a violation of the provisions of the GDPR, without its immediate notification, iii. "the justification of the Municipality's legalization in terms of making use of the decision of the Supreme Court is doubly misguided. On the one hand, because it makes use of legislation 4624/2019, which was not in force at the time of the Administrative Act on ... and on the other hand, because it invests in the person of the Mayor Police and Judicial powers - which he does not legally have - making him a public authority to investigate offenses that are the subject of of EU Directive 2016/680 which legislatively artlessly incorporated legislation 4624/2019", iv. the Municipality altered the decision of the Supreme Court by falsifying it, because at the time of the processing of the decision it had been eliminated -on...- the merits of the charges listed by the Municipality against him, v. the Municipality commits defamation against the complainant, ruling on the reputation of the surname "...", vi. "the decision of the Supreme Court is also the basis of the complainant's appeal before ... as case A vs ... for significant violations of Greek justice", vii. The surname of the children is determined by the parents with their joint irrevocable declaration, according to article 1505AK and the provision implemented by the Municipality for the surname change is not applicable, and viii. the Municipality committed the same offenses against

the second daughter of the complainant, who also submitted an application for a change of surname after coming of age on

In view of the above, the Authority invited i. the complainant, A and ii. Municipality Y, as legally represented, to attend the meeting of the Authority's Plenary Session on 06-23-2021, in order to hear the complainants on the 6 possible violation of the current legislation for the protection of personal data. At the meeting in question, the complainant also attended as a representative of the Municipality Y n ..., Legal Counsel of the Municipality. Those present, after orally developing their opinions, submitted to the Authority within the set deadline, on the one hand the complainant under no. prot.

C/EIS/4431/05-07-2021 memorandum and on the other hand the complained Municipality under no. prot.

G/EIS/4396/02-07-2021 memorandum. The complainant, during the above hearing and also with his memorandum, pointed out, among other things, that the personal data used by the Municipality, i.e. the decision of the Supreme Court in violation of Article 10 of the GDPR and all the sensitive personal data that his daughter contributed, fall under the personal data of the father, as they refer to the name A or in relation to the father, and the Municipality did not comply with the principles of article 5 GDPR, namely the principles of legality, transparency and accountability. He also claimed that the law that was applied regarding the change of surname did not apply to his daughter because she was not subject to the law and that, because the data that she provided concerned a time before her majority, it should not be used by the Municipality. Municipality Y, during the above hearing and also with its memorandum, stated, among other things, that i. The complainant's requests from the year ... until the current year (before the Authority) were aimed at his access to the entire administrative file of a third party, without these requests ever being limited to the granting of specific documents or documents that only concern his personal data.

Against the right of the complainant, the interests, fundamental rights and freedoms of his daughter clearly prevail, which require the protection of her personal data (Article 6 para. 1 f GDPR). And any access to all the documents of its administrative file (third party), would reveal information, which due to its nature, especially due to its superior legal interests, must remain confidential (article 33 of Law 4624/2019), and it would dramatically affect both the applicant for the surname change on a personal 7 level and the already strained family situation and relationship. ii. The use of the complainant's personal data, i.e. the court decision, concerning his criminal conviction, was carried out under the exclusive and complete control of the Municipal Authority (official authority), while its processing was not only permissible, but also necessary for the justification of the of an administrative act issued on the change of surname, in accordance with the existing legislation (n.d. 2753/53 and YA F.42301/12167/12-7-1995). iii. The complainant had been informed several times orally about the use of the decision in

question, about the purpose and legal basis of this processing, about the fact that there were no other recipients, apart from the Municipal Authority, who would receive knowledge of it, as well as about the way of its inclusion in the possession of the Municipality (article 55 of law 4624/19), a fact that was never disputed by the complainant. iv. processing of the personal data of both the complainant and his daughter, in accordance with articles 5 and 6 of Regulation (EU) 2016/679 was absolutely legal, given that it became necessary for the fulfillment of a duty, performed in the exercise of public authority that had been assigned to the controller and specifically in the context of implementation by the Municipal Authority of the provisions of the N.D. 2553/1953, which aim to solve serious problems created by the use of a specific surname. iv. In accordance with the provisions of section C of YA F. 42301/12167/12-7-1995 (Government Gazette B'608/1995), for the change of surname an application is submitted by the interested party, in which the purpose for which the change is sought, while the competent administrative authority (Mayor) issues a reasoned decision by which it accepts or rejects the application (par. 3 para. C of the above YA). Since the justification is required by the provisions related to the issuance of the deed, it must be present, at least briefly, in the document in which the deed is formulated. Otherwise, it may also appear from the file's information, as in the present case. Furthermore, proof of serious problems created by the use of the specific surname is required on the part of the applicant, while the control by the Municipal Authority of the request for a change of surname and the documents attached to it in order to establish the existence of the cited serious reasons was mandatory (see .documents 8 Ministry of Interior with AP Φ131360/22379/13/8-11-2013 and Φ131360/4335/12/24-2-

2012). The Authority, after examining the facts of the file, after hearing the rapporteur and the assistant rapporteur, who withdrew after the discussion of the case and before the conference and decision-making, and after thorough discussion, HELD IN ACCORDANCE WITH THE LAW 1 From the provisions of Articles 51 and 55 of the General Data Protection Regulation (Regulation (EU) 2016/679, hereinafter "GDPR") and Article 9 of Law 4624/2019 (Government Gazette A' 137) it follows that the Authority has the authority to supervises the implementation of the provisions of the GDPR, this law and other regulations concerning the protection of the individual from the processing of personal data. Furthermore, from the provisions of articles 57 par.1 item. f of the GDPR and 13 par. 1 item g´ of Law 4624/2019 it follows that the Authority has the authority to deal with A's complaint against Municipality Y for the non-satisfaction of the right of access to personal data concerning him and to exercise, respectively, the powers granted to it by the provisions of articles 58 of the GDPR and 15 of the law 4624/2019. On the contrary, the issue of the legality of the decision issued by the Municipality escapes the competences of the

Authority. 2. Article 5 of the GDPR defines the processing principles that govern the processing of personal data. Specifically, it is defined in paragraph 1 that personal data: "a) are processed lawfully and legitimately in a transparent manner in relation to the data subject ("legality, objectivity, transparency"), b) are collected for specified, explicit and legitimate purposes and are not further processed in a manner incompatible with these purposes (...), c) are appropriate, relevant and limited to what is necessary for the purposes for which they are processed ("data minimization") (...)". 3. According to Article 5 para. 2 of the GDPR "the controller bears responsibility and must be able to demonstrate compliance with the processing principles established in paragraph 1 ("accountability")". As the Authority has judged, with the GDPR a new compliance model was adopted, the central point of which is the principle of accountability in the context of which the data controller is obliged to plan, implement and generally take the necessary measures and policies, in order for the processing of the data to be in accordance with the relevant legislative provisions. In addition, the data controller is burdened with the special duty to prove himself and at all times his compliance with the principles of article 5 par. 1 GDPR, both with regard to the data subject for reasons of transparency of the processing, and, in particular, before the Supervisory Authority. It is no coincidence that the GDPR includes accountability (Article 5 para. 2 GDPR) in the regulation of the principles (Article 5 para. 1 GDPR) governing the processing, giving it the function of a compliance mechanism, essentially reversing the "burden of proof" as to the legality of the processing (and in general compliance with the principles of article 5 par. 1 GDPR), shifting it to the data controller, so that it can be validly argued that he bears the burden of invoking and proving the legality of the processing. Thus, it constitutes the obligation of the data controller, on the one hand, to take the necessary measures himself in order to comply with the requirements of the GDPR, on the other hand, to prove his compliance at all times, without even requiring the Authority, in the context of conducting research-audits of its powers, to submit individual-specialized questions and requests to establish compliance. 4. Furthermore, in view of article 8 paragraph 1 of the Charter of Fundamental Rights of the European Union, article 9A of the Constitution and recital 4 of the GDPR, the right to the protection of personal data is not absolute, but is assessed in relation with its function in society and is weighed against other fundamental rights, 10 according to the principle of proportionality. The GDPR respects all fundamental rights and observes the freedoms and principles recognized in the Charter, as enshrined in the Treaties, in particular respect for private and family life, residence and communications, protection of personal data, freedom of thought, conscience and religion, freedom of expression and information, freedom of enterprise, the right to an effective remedy and an impartial tribunal, and cultural, religious and linguistic diversity. ("data subject"); 5.

According to the definitions of Article 4 of the GDPR it is understood as "personal data: any information concerning an identified or identifiable natural person the identifiable natural person is one whose identity can be ascertained, directly or indirectly, in particular by reference to an identifier such as a name, an identity number, location data, an online identifier or one or more factors that characterize the physical, physiological, genetic, psychological, economic, cultural or social identity of the said natural person" and as "controller ... the public authority, agency or other entity that, alone or jointly with others, determines the purposes and manner of processing personal data". 6. According to recital 26 of the Preamble of the General Regulation "The principles of data protection should be applied to any information that concerns an identified or identifiable natural person". According to Opinion 4/2007 of OE 29, the term "personal data" includes information that affects the private and family life of individuals in a narrow sense, but also information that concerns any activity of the individual, such as employment relationships or the financial or social behavior of the individual, while "from the point of view of the nature of the information, the concept of personal data includes any kind of statements about a person. It covers both "objective" information, such as the presence of a certain substance in his blood, as well as "subjective" information, opinions or estimates.[...] The 11 information does not need to be true or proven to qualify as "personal data ». Indeed, data protection rules already foresee that some information may be incorrect and give the data subject the right to have access to that information and to challenge it through appropriate means of legal protection." It therefore includes information about individuals, regardless of their position or capacity, that is available in any form. Information can be considered to "relate" to an individual when it relates to that individual, i.e. when by reason of its content, purpose or effect it is associated with a specific person, and its use is capable of impacting on the rights and his interests, as judged in the Nowak Decision of the CJEU¹. According to the position expressed in said Decision, "the use of the expression "any information" in the context of the definition of "given personal character", included in Article 2, point a¹, of Directive 95/46, is an indication of the purpose of the Union legislator to give a broad meaning to this term, which is not limited to sensitive or personal information, but may potentially cover any type of information, both objective and subjective, in the form of an opinion or assessment, provided that the information "concerns" the person concerned. This last condition is met when, due to its content, its purpose or its effect, the information is linked to a specific person.[...] The same information can concern several natural persons and therefore constitute for them a given personal character, according to within the meaning of Article 2(a) of Directive 95/46, provided that the identity of the persons concerned is known or can be ascertained.' 7. According to the provisions of article 15 par. 1, 3 and

4 GDPR: "1. The data subject has the right to receive from the data controller confirmation as to whether or not the personal data that 1 See CJEU C-434/2016 case Nowak Mr. Data Protection Commissioner, of 20-12-2017 para. 34-39. 12 concerning it are being processed and, if this is the case, the right to access the personal data and the following information [...].b) the relevant categories of personal data, c) the recipients or categories of recipients to whom they were disclosed or are to be disclosed the personal data, in particular the recipients in third countries or international organizations, [...] g) when the personal data is not collected from the data subject, any available information about its origin, [...]. 3. The controller provides a copy of the personal data being processed. [...] 4. The right to receive a copy referred to in paragraph 3 does not adversely affect the rights and freedoms of others.' According to the rationale Thought 63 of the GDPR "This right should not adversely affect the rights or freedoms of others, [...]. However, these factors should not result in the refusal to provide any information to the data subject". Furthermore, article 32 of Law 4624/2019 introduces limitations to the obligation to inform as follows: "1. The obligation to inform the data subject in accordance with Article 14 paragraphs 1, 2 and 4 of the GDPR does not exist, when the provision of the information: a) in the case of public bodies: aa) would endanger the proper performance of the duties of the controller , within the meaning of Article 23 paragraph 1 items a) to e) of the GDPR, or bb) would endanger national security or public safety and therefore, the interest of the subject recedes. [...] 3. The obligation to inform the subject of personal data in accordance with Article 14 paragraphs 1 to 4 of the GDPR, except for the exceptions mentioned in Article 14 paragraph 5 of the GDPR, does not apply to the extent that through its fulfillment it would be disclosed information, the which due to their nature, in particular due to the superior legal interests of a third party, must remain confidential". Also, according to article 33 par. 4 of Law 4624/2019 "the right to information of the subject of personal data in accordance with article 15 of the GDPR does not apply, to the extent that information would be disclosed through the information, 13 which according to by provision of law or due to their nature, in particular due to the superior legal interests of a third party, they must remain confidential". 8. With reference to the right of access, in view of both articles 12 and 15 of the GDPR in conjunction with recital 63 of the GDPR, of article 33 of Law 4624/2019 which introduces, by virtue of article 23 of the GDPR, restrictions on the right of access, as the Authority firmly accepts, the data subject has the right to know whether personal data concerning him or her is being processed, as well as to receive knowledge thereof, without the need to invoke a legitimate interest² and every data subject should have the right access to personal data collected and concerning him and to be able to exercise this right easily and at reasonable regular intervals, in order to be aware of and verify the legality of the processing. The data controller, in any

case, has an obligation to respond, even negatively, to a relevant request of the subject, while non-response is an independent violation of the GDPR. Also, according to the Authority's jurisprudence³, the subject exercises the right of access without requiring the exercise of the right to be surrounded by a specific formula or to be exercised in a solemn manner, nor to include the reasons why the data subject exercises said right . 9. In the case under consideration, based on the information in the file, Municipality Y is responsible for processing the personal data contained in the administrative file regarding the request of the complainant's daughter for a surname change. Taking into account that the file in question kept by the complained Municipality concerns the change of the last name of a third person, the complainant could not in principle be considered the subject of the personal data in all the documents of the file in question. However, to the extent and to the extent that there are personal data in the specific file concerning the 2 See in particular, Authority decisions 32/2019, 144/2017 195/2014 193/2014 and 75/2011.

3 See Authority Decisions 16/2017, 36/2021. 14 complainants, which also include documents containing judgments and opinions of a third party about him, the Municipality had to examine the complainant's request in the context of satisfying the right of access, to investigate which of the elements in the file are at the same time personal data of the complainant and if there is a legal reason for not granting them, in accordance with the legal framework for the protection of personal data. The right of access to personal data concerning the subject is exercised without requiring a specific formula or to be exercised in a solemn manner, at a specific time or stage of the administrative procedure, nor including the reasons for which the data subject exercises it⁴ and the controller should respond to it regardless of the legal form in which the request is taken. 10. In this case, it is established that the complainant's right of access to the personal data contained in the documents of the complainant's daughter's surname change request file was essentially exercised and that the Municipality did not consider the relevant request in violation of the complainant's right of access according to articles 15 par. 1 of the GDPR and 33 of Law 4624/2019. 11. With reference to the competence of the Municipality to process a criminal court decision containing data concerning the complainant for the issuance of the Administrative Deed of change of surname of the complainant's daughter, which was issued before the GDPR came into force, and specifically the... under the regime of Law 2472/1997, which is therefore applicable in this case. According to articles 2 par. b and 7A par. 1 item a of Law 2472/1997, as it was in force at the time of the processing in question, "sensitive data means the data concerning [...] the relevant criminal prosecutions or convictions" and "the controller is exempted from the obligation to notify the article 6 and from 4 See Decisions APD 16/2017, 36/2021 15 obligation to obtain a license under article 7 of this law in the following cases: a) when the processing is carried out

exclusively for purposes directly related to an employment relationship or project or to the provision of services in the public sector and is necessary for the fulfillment of an obligation imposed by law or for the performance of obligations from the above relationships and the subject has previously been informed. [...]". The above provision should be interpreted in conjunction with the obligation of the administrative authorities to exercise their powers, arising from the principle of legality. Besides, in accordance with the administrative procedure for changing a surname provided for in the N.D. 2573/1953 and under no. Φ.42301/12167/12-7-1995 decision of the Minister of the Interior, as interpreted in administrative practice (see no. Φ131360/4335/12 and Φ131360/22379/13 Documents of the Ministry of the Interior), the change of surname is intended to solving serious problems created by its use and proof of said serious problems created by the use of the given surname is required from the applicant for the change of surname. Consequently, if the Municipal Authority deems it necessary for the examination of the request for a change of surname to take into account the aforementioned decision of the Supreme Court, attached to the application, in order to establish the existence of the cited serious reasons, the processing of personal data included in this decision is carried out in principle within the framework of the responsibilities and duties of Municipality Y. In this particular case, in particular, from the data in the file and the hearing, it emerged that the complainant, as the subject of the data contained in the decision of the Supreme Court, did not have be informed before the processing in question, and this failure to inform the subject of the sensitive data concerning a criminal conviction constitutes a violation of the provisions of article 7A par. 1 item 1 applicable to the above mentioned case a of Law 2472/1997. However, the control of the legality of the decision of the Municipality does not belong to the competence of the Authority. 12. According to the above, the Authority finds that: 16 a. The Municipality, as a data controller, did not satisfy the complainant's right of access to the extent and to the extent that it can satisfy it, in violation of Article 15 of the GDPR, as it responded negatively to the complainant's requests without properly examining the request as a right of access based on Article 15 of the GDPR. b. There is a case of exercise of the corrective powers of the Authority in accordance with Article 58, paragraph 2 of the GDPR, for the non-satisfaction of the complainant's right of access. c. According to article 58 par. 2 in conjunction with article 83 par. 2 GDPR, in order to achieve the purposes of compliance with the provisions of the GDPR, it is sufficient to impose the corrective measures of case c of paragraph 2 of article 58 GDPR, without the imposition of an administrative fine is necessary. d. Pursuant to the provision of article 58 par. 2 sec. 3 GDPR, the Authority must instruct Municipality Y, as data controller, to comply with the provisions of the GDPR and Law 4624/2019, satisfying the complainant's right of access. e. He must address, according to art. 19 para. 1 item

c' of Law 2472/1997, to the person in charge of processing a recommendation for the failure to inform the subject about the processing of the Supreme Court's Decision. PRINCIPLE A. Enforces based on article 58 par. 2 item. b' of Regulation (EU) 2016/679 reprimand to Municipality Y for the violation of the provisions of article 15 of Regulation (EU) 2016/679. B. Gives based on article 58 par. 2 item. c' of Regulation (EU) 2016/679 order to Municipality Y to satisfy the right of access of the FOR THESE REASONS 17 complainant judging on a case-by-case basis for each requested document in the context of the examined complaint as a data controller in accordance with the principle of accountability in Article 5 par. 2 of Regulation (EU) 2016/679. C. Addresses based on article 19 par. 1 item. c' of Law 2472/1997 recommendation to Municipality Y for the failure to inform the complainant about the processing of the decision of the Supreme Court in accordance with article 7A par. 1 item. a' of Law 2472/1997. The President Konstantinos Menudakos The Secretary Irini Papageorgopoulou18