

Athens, 07-05-2020

Prot. no.: G/EX/3105/07-05-2020

PRINCIPLE FOR DATA PRIVACY

FOR OPIC CHARACTER

A P O F A S H 9/2020

The Personal Data Protection Authority met, after

invitation of its President, to a regular meeting via teleconference on 07-

04-2020 following the meetings of 25.02.2020, 03.03.2020 and 10.03.2020

at its headquarters, in order to examine the matter described in its history

present. The President, Konstantinos Menudakos, and the regular members were present

Pyridon Vlachopoulos, Konstantinos Lamprinoudakis, Charalambos Anthopoulos,

as rapporteur and Eleni Martsoukou, also as rapporteur. the meeting

the experts also attended, by order of the President, without the right to vote

scientists Fotini Karvela, auditor, Konstantinos Limniotis,

IT controller, Euphrosyne Yugle, IT controller and Eumorfia-

Iosifina Tsakiridou, legal auditor, as assistant rapporteurs, as well as Irini

Papageorgopoulou, employee of the Department of Administrative Affairs, as

secretary.

The Authority took into account the following:

in accordance with article 40 par. 1 of Regulation (EU) 2016/679 (General Regulation

of Data Protection – hereinafter, GDPR), the Member States, the supervisory authorities, the

European Data Protection Board (hereinafter, EDPB) and the Commission

encourage the development of codes of conduct that aim to contribute

in the correct application of the GDPR, taking into account their special characteristics

various areas of processing and the special needs of the very young, the little ones

and medium enterprises. in par. 2 of the same article it is stated that associations

and other bodies representing categories of controllers or processors may draw up codes of conduct or modify or extend existing codes of conduct, in order to determine the application of the GDPR, as regards: a) the legitimate and with processing transparency, b) the legal interests pursued by those in charge processing in specific contexts, c) the collection of personnel data character, d) the pseudonymization of personal data, e) the informing the public and data subjects, f) the exercise of rights of data subjects, g) information and protection of the children and how to obtain the consent of the parent care of the child, h) the measures and procedures referred to in articles 24 and 25 and the measures to ensure the security of the processing that refers to article 32, i) the notification of personal data breaches character to the supervisory authorities and the notification of said violations of personal data to the data subjects, j) the transmission of personal data to third countries or international organizations, or k) out-of-court procedures and other dispute resolution procedures for resolution of disputes between controllers and data subjects regarding regarding the processing, without prejudice to the rights of the subjects thereof data pursuant to articles 77 and 79 of the GDPR.

in accordance with article 40 par. 5 of the GDPR, associations and other bodies that represent categories of controllers or processors and intend to draw up a code of conduct or amend or to extend an existing code, submit the draft code to the supervisory authority which are competent in accordance with article 55. The supervisory authority gives an opinion on the

compliance of the draft code, amendment or extension with the GDPR
and approve the said draft code, amendment or extension, if it considers that
provides sufficient appropriate guarantees. When the draft code or amendment or
extension is approved in accordance with the above and when the relevant code
of ethics does not relate to processing activities in more than one
Member States, the supervisory authority registers and publishes the code (see Article 40
par. 6 of the GDPR). As long as the code is related to processing activities in
more than one member state, the procedures are followed

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are described in paragraphs 7, 8 and 9 of the same article.
Furthermore, as mentioned in par. 3 of the same article, beyond their compliance
by controllers or processors subject to
GDPR, the codes of conduct approved under paragraph 5 thereof
article and have general validity within the Union (based on paragraph 9 of the same
of article) can also be observed by data controllers or executors
the processing not subject to the GDPR, in order to provide the
appropriate safeguards in the context of personnel data transfers
character in third countries or international organizations, according to the conditions that
referred to in article 46 paragraph 2 letter e).

It is pointed out that the observance of an approved code of ethics may
be used as evidence of compliance with its requirements
paragraph 1 of the article. 32 regarding the security of processing (see
article 32, par. 3), while further compliance with approved codes
ethics by controllers or processors
is duly taken into account when assessing the impact of processing operations
performed by said controllers or processors, in particular

for data protection impact assessment purposes (see article 35, par. 8). Besides, according to article 83 par. 2, when making a decision regarding the imposition of an administrative fine, as well as regarding its amount administrative fine for each individual case, are duly taken into account, among others, the observance of approved codes of conduct.

The Personal Data Protection Authority, after listening to them rapporteurs and the assistant rapporteurs, who subsequently left, and after thorough discussion,

SEVENTH E ACCORDING TO THE LAW

1. according to article 9 of Law 4624/2019, which aims – among other things - the adoption of measures to implement the GDPR, the supervision of their implementation provisions of the GDPR in the Greek Territory is exercised by the Authority

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Personal Data Protection (hereinafter, Authority).

2. in accordance with article 40 par. 4 of the GDPR, the code of ethics contains mechanisms that allow the body referred to in article 41 par. 1 to carries out the mandatory monitoring of compliance with the provisions of the controllers or processors who have undertaken to implement it, subject to the duties and powers of the supervisory authorities that are competent according to article 55 or 56.

3. Article 41 paragraph 1 of the GDPR states that, subject to the duties and the powers of the competent supervisory authority in accordance with articles 57 and 58, the monitoring of compliance with a code of conduct under it Article 40 can be conducted by an organization (hereinafter, the monitoring organization) possessing the appropriate level of expertise in relation to

object of the code and is accredited for this purpose by

competent supervisory authority.

4. Article 41, in its entirety, does not apply to the processing carried out

by public authorities and public bodies¹ (see par. 6 thereof). However, in

cases of codes of conduct for controller compliance

or processors who are not public authorities or public

bodies, the existence of the aforementioned monitoring body – which

it must be accredited for this purpose by the competent supervisory authority - it is

mandatory (see in this regard the guidelines 1/2019 of the EP EP, paragraph

27).

5. The general requirements to be met for body accreditation

monitoring are described in paragraph 2 of article 41 of the GDPR.

6. in accordance with article 41 par. 3 of the GDPR, the competent supervisory authority submits

the plans for the accreditation requirements of the monitoring body in the EP

in accordance with the coherence mechanism referred to in Article 63 thereof

GDPR.

¹ according to article 4 par. a' of Law 4624/2019, as ""public body" means the public

authorities, the independent and regulatory administrative authorities, the legal entities under public law, the

local self-government organizations of the first and second degree and the legal entities and the

their enterprises, state or public enterprises and organizations, private legal entities

of law that belong to the state or are subsidized by at least 50% of the annual budget

them or their management is defined by it.

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FOR THOSE REASONS

The Authority decides the definition of requirements for the accreditation of institutions

monitoring, as defined in article 41 of the GDPR, and who

relate to a code of conduct for which the Authority is competent in accordance with Article 55 of the GDPR. These accreditation requirements, which are based on guidelines 1/2019 of the EP EP, they do not concern, in the first place, the case bodies monitoring codes of ethics of the article. 40 par. 3 of the GDPR, n which has been excluded from the above guidelines and will be examined especially in other EC guidelines.

These accreditation requirements are submitted to the ED in accordance with the coherence mechanism provided for in article 63 of the GDPR and will be made public by the Authority after the completion of said procedure.

The president

The Secretary

Constantinos Menoudakos

Irini Papageorgopoulou