

GREEK EMPIRE

PRINCIPLE OF PROTECTION OF E OMEN

OF A PERSONAL CHARACTER

Athens, 20-02-2018

Prot. No.: G/EX/1453/20-02-2018

A P O F A S I NO. 14 / 2018

(Department)

The Personal Data Protection Authority met in composition

Department at its headquarters on Wednesday 31-01-2018 at 10:00 a.m. following an invitation from

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

present. They were attended by the Deputy President, Georgios Batzalexis, who was disabled

of the President of the Authority Constantou Menoudakos, and the alternate members

Panagiotis Rontogiannis, as rapporteur, Grigoris Tsolias and Charalambos Tsiliotis, in

replenishment of regular members Antonios Symvonis, Charalambos Anthopoulos and

Spy don Vlachopoulos instead. Present without the right to vote was Georga

Panagopoulou, specialist scientist - examiner, as assistant rapporteur, and Irini

Papageorgopoulou, employee of the administrative affairs department, as secretary.

The Authority took into account the following:

With no. 41/2016 Decision the Authority decided that the functioning of the system

video surveillance at the facilities of the "The Good Shepherd" Shelter by Company a

Let's protect Piraeus Children is tolerable, under the then conditions of (under)staffing and

functionary of the House, and for a period not exceeding one year. During the interval

the Authority called the Piraeus Child Protection Company to inform it

regarding any change in these conditions, in order to determine whether

the principle of proportionality is respected during the operation of the system in question

video surveillance within the premises of Stegi. Due to the importance of the issue, h

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Authority notified the decision to the Minister of Justice and the Children's Advocate,  
in order to deal with the issues related to the insufficient  
staffing of the Home and the incomplete and inappropriate provision of care to them  
high altitude

The Piraeus Child Protection Company sent the Authority with no. first...  
document (ADDPH C/EIS/2023/11-07-2017) with which he informed about the need  
expansion (increase in the number of cameras from 18 to 32) and continued operation of  
video surveillance system, due to insufficient staffing and increased needs for it  
safe living of hosted minors.

Then the Authority sent the Piraeus Child Protection Company with no.  
prot. GN/EX/2023-1/17-10-2017 document with which he requested the presentation of data  
about the reasons that forced the increase in the number of its cameras  
video surveillance system, detailed diagram of the areas monitored with  
marked on it the positions of the cameras and image ranges from the shooting level of the  
cameras. The Piraeus Child Protection Company responded with no. first...

(ADDPH C/EIS/3417/23-11-2017) document with which he provided the requested data a. With  
this document documents the need to use and expand the system  
video surveillance due to the extremely insufficient staffing, the very large area  
facilities and increased security risks.

In this regard, it was also sent with no. prot. C/EX/7140/05-10-2017 document to  
Minister of Justice with which the Authority requested to be informed about the actions in  
which the Minister has done regarding its staffing with appropriate personnel  
Stegi Anil kon "The Good Shepherd". The Minister replied with no. first...  
document (ADPPH C/EIS/9722/27-12-2017) in which he mentions actions regarding the  
staffing of the Children's Home "The Good Shepherd", actions that were not

resulting in the resolution of the issue.

The Authority, after examining the aforementioned data, heard the rapporteur and the clarifications of the assistant rapporteur, who then left before the conference and decision-making, and after thorough discussion,

#### CONSIDERED ACCORDING TO THE LAW

1. The question of the use of video surveillance systems for the purpose of protection persons and goods is regulated in no. 1/2011 Directive of the Authority (available at

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its website [www.dpa.gr](http://www.dpa.gr)). According to article 5 of the above Guide let, which refers to the application of the principle of proportionality, the legality of our processing considered in the context of the purpose pursued by the person in charge of processing and in accordance with the principle of proportionality, which requires video surveillance systems to be yes appropriate and necessary in relation to the intended purpose, which should not may have been achieved by milder means (Article 4 of Law 2472/1997). Affordability and the necessity of video surveillance is assessed based on the risk posed by the person in charge processing he wants to deal with in relation to the intended purpose.

In addition, the installation points of the cameras and the way of receiving the data must be identified in such a way that the data collected is not more than is absolutely necessary for the fulfillment of its purpose process and do not violate the fundamental rights of the persons found in the supervised area.

2. The most special case of the operation of video surveillance systems in a school and other places where minors are active is regulated in article 18 thereof above Guide let. In this article it is pointed out, among other things, that the system allowed to operate only during the hours when the supervised area was not operating, with except special cases of large-scale installations (under conditions, after

approval of the Authority).

More generally, the operation of video surveillance systems in places where minors are active must be done with great care, given that no

It is easy to assess the consequences that such processing can have for

the free development of the personality of minors: Specifically, there is

and the risk of limiting the development of the concept of their freedom, if they believe from

young age that it is normal to be monitored by cameras (see also

Opinion 2/2009 of the Article 29 Working Group, as well as the Decision

77/2009 of the Authority).

3. Also, according to article 7 of Guideline 1/2011, the system should not

it is used for the surveillance of the workers inside the workplaces, except

special exceptional cases where this is justified by nature and circumstances

work and is necessary for the protection of their health and safety

workers or the protection of sensitive workplaces (e.g. military factories,

banks, high-risk facilities). For example, in a typical office space

business, video surveillance must be limited to entry and exit areas, without

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to monitor specific office rooms or corridors.

4. However, the Housing was a case that needs special treatment because

of the stay – on a 24-hour basis – in its premises, following a court decision,

minor children. Therefore, the first observation is that it is not possible

that the provision of the Guide regarding permitted operation of the system be applied

video surveillance during the hours when the supervised area was not working.

5. Regarding the target with the video surveillance system in question

purpose, this is recommended, according to the express and categorical statement of those responsible

of the Shelter, exclusively for the protection of minors residing in the Shelter, and

indeed in their protection both: a) from inherent risks due to the internal arrangement of the spaces where minors are accommodated - as they extend into three floors of 500 sq.m. each one – with the result that it becomes particularly difficult n monitoring the children, who live in them, even under normal conditions conditions as well as b) from risks, arising from the inadequacy of the staff, both numerical and qualitative, due to the insufficient qualifications of the employee personnel, given that none of the employees is a teacher, not all of them are correctional officers seconded from prisons with distinctly different recruiting performances, knowledge and experience than they need to have the persons charged with the monitoring of minors for it effective performance of their duties.

6. Taking into account the above, its principle must be examined proportionality with regard to the operation of the specific video surveillance system, in the interior of the House. In other words, you should decide if it is tolerable processing of personal data of both minors and working at the "The Good Shepherd" Shelter in the manner that has been disclosed, i.e. without registration. The affordability and necessity of video surveillance will must be assessed based on the risk that the controller wants to dealt with in relation to the intended purpose. In the specific case o risk concerns the physical and mental health of minors and you should consider whether there are other means more suitable for the intended purpose.

7. The extremely insufficient staffing of the "The Good Shepherd" Shelter, since the staff is very small in number and does not have the required expertise, no allows the provision of the care that it is legally obliged to provide and indeed in minors of which the State has taken care of. Taking

considering this reality, it seems that for now the intended purpose, which yes, the protection of both the physical and mental health of minors, facilitated through the use of the video surveillance system, with the appellant number of cameras, as it allows remote monitoring of children in extensive areas of the Roof, occupying an area of three (3) floors, during mentioned above, but it is not guaranteed. This should concern primarily the State, which benefits, in the opinion of the members of the Department Authority, to take, as soon as possible, the appropriate measures, in particular, for the protection of the physical and mental health of minors by assigning the monitoring of minors in personnel, which will be sufficient in number and will possesses the appropriate qualifications for the execution of the above project.

#### FOR THOSE REASONS

The Authority considers once again that the operation of the video surveillance system on facilities of the "The Good Shepherd" Shelter from the Child Protection Company Piraeus remains tolerable, and for a period not exceeding one year, within where the Authority hoped to have settled the issue of Mr. as the servant personnel.

During this period, the Authority called the Piraeus Child Protection Company to inform her about any change in these conditions, in order to judge whether the principle of proportionality is respected during the operation of art due to a video surveillance system within the premises of the Shelter.

Due to the importance of the issue, this is being communicated to the Minister of Justice and the Children's Advocate, in order to take responsibility for the issues related to the insufficient staffing of the Shelter and the incomplete and non-providing adequate care to minors.

The Deputy President

George Batzalexis

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The Secretary

Irini Papageorgopoulou