

(Department)

Athens, 21-03-2021

Prot. No.: 721

The Personal Data Protection Authority met in

composition of the Department via teleconference on 15-03-2023 at 10:30 a.m., after

at the invitation of its President, in order to examine the case which

refers to the history of the present. They were attended by George Batzalexis,

Deputy President, standing in the way of the President of the Constantine Authority

Menoudakou, and the alternate members Demosthenes Vougioukas, as rapporteur,

and Maria Psalla in replacement of the regular members Konstantinou

Lambrinoudakis and Grigorio Tsolias respectively, who did not attend due to

obstacle although they were legally summoned in writing. Present without the right to vote,

the auditor was Georgia Panagopoulou, specialist IT scientist, as

assistant rapporteur and Irini Papageorgopoulou, employee of the department

of administrative affairs, as secretary.

The Authority took into account the following:

It was submitted to the Authority under no. prot. C/EIS/1890/07-02-2022 of A (hereinafter

(hereinafter "complainant") for download

"complainant") v. Cosmote

electronic SMS messages with account details of another subscriber.

Specifically, the complainant states that "For about 3 months now

I receive informational messages on my mobile, regarding the issuance of an account

another subscriber's fixed line, informational messages about

offer and lack of free airtime or MB concerning others

subscribers, and I generally get messages that have nothing to do with me."

The Authority sent the complainant with no. prot. C/EXE/416/15-02-

2022 document, with which he informed about the content of the submitted

complaint and invited her to submit her views on it in writing

complaint.

The company responded with document G/EIS/6225/20-04-2022, in which

reported that the wrong match of her phone number

complainant to another subscriber's contact information is due to

single human error, and issue resolved.

Then the Authority with no. prot. C/EXE/1653/30-06-2022 document

drew attention to Cosmote regarding adherence to the principle of accuracy

during the processing of personal data (Article 5 of the GDPR), and

informed that in the event of new incidents of non-compliance with the terms of the article

the prescribed administrative sanctions may be imposed.

But the complainant came back with the no. prot. G/EIS/9739/28-09-2022

document, stating that messages are still being sent incorrectly

SMS.

Then the Authority, in order to complete its examination

case, call me with no. prot. C/EXE/2741/31-10-2022 document, dated

denounced company, at the meeting of the Department on 11-16-2022,

attaching it with no. prot. C/EIS/9739/28-09-2022 new document of

complainant.

Then the Authority, in order to complete its examination

case, call me with no. prot. C/EXE/2821/09-11-2022 the complainant

company, at the meeting of the Department on 16-11-2022.

This meeting was attended on behalf of Cosmote by B,

Deputy Director of Digital Experience Transformation, C Deputy Director of Customer

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Service Excellence, and Eleni Gerutsi, lawyer ... as well as D, responsible
data protection of OTE Group.

After the meeting the complained company submitted the no. first

C/EIS/12193/30-11-2022 memorandum, in which he summarized what he had already mentioned

about the complaint and pointed out that from April 2022 it has

security mechanism implemented, according to which a message is sent

OTP (one time password) when a mobile phone number is declared as a contact

communication to a landline, belonging to another subscriber, for the purpose of

confirmation of said choice by the user of the connection.

The Authority, after examining the elements of the file, after hearing him

rapporteur and the clarifications from the assistant rapporteur, who attended without

right to vote, after thorough discussion,

THOUGHT ACCORDING TO THE LAW

1. According to article 5, paragraph 1 d' of the GDPR, for the processing to be legal

personal data (simple and special categories), must be processed

to be governed by the principle of accuracy of data, according to which

data should be accurate and, where necessary, to

are updated. All reasonable steps should be taken to immediately

deletion or correction of inaccurate personal data,

in relation to the purposes of the processing ("accuracy"),

2. According to article 17 GDPR, sec. 1, d the data subject has the

right to request the deletion of personal data concerning him

without undue delay and the controller is obliged

to delete personal data if the personal data

character were processed illegally.

3. According to article 12, paragraph 3 of the GDPR, the data controller provides to the data subject information about the action that carried out on request under Articles 15 to 22 without

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delay and in any case within one month of its receipt request.

4. In this particular case it appears that incorrect contact information were freely declared by a Cosmote login holder without being asked proof or identification that they belong to him. After exercising the rights of the complainant the details of the telephone connection and of complainant's emails were released from the subscriber contract.

However, it was found that they remained functional in service

Subscriber's MyCosmote. The correction of the contact details in due service was completed on 03/11/2022, after they were reviewed information provided through the complaint.

5. The complainant stated in her memorandum that since April 2022 she has security mechanism implemented, according to which it is sent OTP (one time password) message when mobile number is declared as a communication contact on a landline, belonging to another subscriber, with a purpose the confirmation of said choice by the user of the connection.

Based on the above, the Authority unanimously considers that it should be imposed on denounced company as controller or the one referred to in the ordinance administrative sanction, which is considered proportional to the gravity of the violation.

FOR THOSE REASONS

The Authority addresses the complained company COSMOTE KINETES

TELECOMMUNICATIONS S.A. according to article 57 par. 2 b) GDPR reprimand for the established violation of the principle of the accuracy of personal data (article 5 par. 1 d' of the General Data Protection Regulation) as well as for the established violation of the deadline for the satisfaction of the right to erasure (article 12 par. 3 of the GDPR).

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The Deputy President

George Batzalexis

The Secretary

Irini Papageorgopoulou

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