

GREEK EMPIRE

PRINCIPLE OF PROTECTION OF E OMEN

OF A PERSONAL CHARACTER

Athens, 09-11-2018

Prot. No.: G/EX/6698-1/09-11-2018

A P O F A S I NO. 69/ 2018

(Department)

The Personal Data Protection Authority met in composition

Department following an invitation from its President to its headquarters on Wednesday 07-11-2018,

in order to examine the case referred to in the present history.

They were attended by the Deputy President, Georgios Batzalexis, who was in his way

of the President of the Authority, Constantos Menoudakos, Constantos Lambrinoudakis,

regular member, and the alternate members Panagiotis Rontogiannis, as rapporteur, and

Grigorios Tsolias, replacing the regular members Antons Symvonis and

Charalambou Anthopoulos, respectively, those who, although only summoned in writing, did not

attended due to obstruction. The meeting was attended by the order of the President

Georgios Rousopoulos and Constantos Limniotis, expert scientists – auditors, as

assistant lecturer. Irini also attended, by order of the President

Papageorgopoulou, employee of the Administrative Department of the Authority, as secretary.

The Authority took into account the following:

It was submitted to the Authority by the company EUROBANK ERGASIAS

S.A." (hereinafter Eurobank and Bank) the no. prot. G/EIS/6698/07-08-2018

notification of a personal data breach incident, in accordance with

the no. 33 of the General Regulation (EU) 2016/679 (General Protection Regulation

Data – henceforth, GDPR). The initial notification was supplemented with the nos.

prot. C/EIS/7004/24-08-2018 and C/EIS/7097/30-08-2018 documents of the Bank.

According to the notification in question, the incident involved five

1-3 Kifis St., 11523 Athens, Tel: 210 6475600, Fax: 210 6475628, contact@dpa.gr / www.dpa.gr

individual cases of notification by email

of receipts and documents in a different transaction, from its branches

Bank. The Bank proceeded to investigate and stop the functionality

sending them to the branches, until the operation is redesigned to

human errors are excluded, even if they originate from his misstatement

customer of the Bank.

The Bank states that it became aware of the five incidents on: 10-07-2018,

25/07/2018, 27/07/2018, 30/07/2018 and 01/08/2018, while submitting the notification to

03/08/2018. As a reason for the late submission of the notification in relation to

what is provided for in article 32 of the GDPR for the submission deadline (as analyzed

below) reports the investigation and confirmation of incidents and causes

of these. The affected natural persons, customers of the Bank, were informed

by phone about the incident and its possible consequences, on 9 and 10/8/2018 and

the calls are recorded for proof.

The Authority, after examining all the elements of the file, after listening to him

rapporteur and the clarifications of the assistant rapporteurs, who then left

before conference and decision, and after thorough discussion,

THOUGHT ACCORDING TO THE LAW

1. The GDPR, which replaced Directive 95/56/EC, has been in force since 25

May 2018. Article 4 of the GDPR states that "personal data" yes yes

"any information concerning an identified or identifiable natural person

(data subject)". In the same article, it is also defined as processing "everything

or series of actions carried out with or without the use of automated means, in

personal data or in sets of personal data, such as

collecting, recording, organizing, structuring, storing, adapting or change, retrieval, information search, use, disclosure by transmission, dissemination or any other form of disposal, association or combination, limitation, deletion or destruction". Furthermore, let anyone (the natural or legal person, the public authority, agency or other body) which, "alone or jointly with another, determine the purposes and manner of processing personal data character".

2

In the second article, the breach of personal data is defined as "h breach of security resulting in accidental or unlawful destruction, loss, alteration, unauthorized disclosure or access of transmitted personal data, stored or otherwise processed".

2. The principles governing the processing of personal data are defined in article 5 par. 1 of the GDPR – among them, as indicated in article 5 par. 1 item in this, personal data are processed way that guarantees the appropriate security of personal data, among others their protection from unauthorized or illegal processing and accidental loss, destruction or damage, using appropriate techniques or organizational measures ("integrity and confidentiality"). Further, in paragraph 2 of the second article, it is stated that the person in charge of processing shall bear the responsibility and yes to position to accept compliance with paragraph 1 ("accountability").

3. With reference to the incident of personal data breach, o GDPR sets specific obligations for data processors. Specifically, in article 33, it is stipulated that in the event of a personal data breach, o controller shall notify us immediately and, if possible, within 72 hours of the moment it becomes aware of the fact of the breach of personal data

character to the competent supervisory authority, unless the breach of personnel data character may not cause a risk to their rights and freedoms natural persons. When the notification to the supervisory authority is not made within 72 hours, accompanied by a justification for the delay.

In paragraph 3 of the aforementioned article, the minimum elements are defined the notice must contain, while in par. 4 that in case and if not If it is possible to provide the information at the same time, it can be provided gradually without undue delay.

4. In this case, as can be seen from the evidence in her file case, our data controller submitted the data breach notification of a personal nature with a delay of 24 days from the moment of the request first informed about the incident. The reason a he mentions for the delayed notification as described in the history of the present, i.e investigation and confirmation of the incidents and their causes, could not justify the above delay, as the time of 24 days is clearly yes excessive, considering the nature of the incident in question. Besides, relative

3

with the process of submitting a notification to the Authority, the person in charge of processing has the possibility to submit the notification gradually – that is, to proceed with notification to the Authority even if it does not have all the relevant information according to time of initial submission. Consequently, its activation is delayed procedure for handling personal data breach incidents.

The incident was extremely limited, involving only five of her clients Bank and, from the moment its handling procedures began, it seems to faced correctly.

5. In view of the violation that was established, that is, the overdue one

of the twenty (20) days of submitting a notification of a data breach incident of a personal nature, and also taking into account its small gravity incident, that the GDPR has just come into force and that the data controller took action to deal with the incident, the Authority unanimously considers that it should to exercise the right provided for in article 58 par. 2 sec. II GDPR under its authority, such as is referred to in the operative part of the present, and the penalty is proportionate to their gravity violations.

FOR THOSE REASONS

The Authority taking into account the above:

Addresses based on no. 58 par. 2 b' of Regulation (EU) 679/2016 attack at EURO BANK ERGASIAS S.A. for the violation of the late payment submitting notification of a personal data breach incident.

The Deputy President

The Secretary

George Batzalexis

Irini Papageorgopoulou