

Athens, 21/02/20

PRINCIPLE FOR DATA PRIVACY

Prot. No.: G/EX/1461/21/02/20

FOR OPIC CHARACTER

A P O F A S H 2/2020

(Department)

The Personal Data Protection Authority met in

composition of the Department at its headquarters on 19.02.20 following the invitation of the President

of her, in order to examine the case mentioned in her history

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

of the President of the Authority K. Menoudakou, and the alternate members of the Authority

G. Tsolias, E. Papakonstantinou, E. Dimogerontakis, as rapporteur, in

replacement of regular members X. Anthopoulos, K. Lambrinoudakis and E.

Martsoukou respectively, who, although legally summoned in writing, were not

attended due to obstruction. Present without the right to vote were K. Karveli,

specialist scientist-lawyer, as an assistant rapporteur, who left after

discussion of the case and before the conference and decision-making and E.

Papageorgopoulou, employee of the Authority's administrative affairs department, as

secretary.

The Authority took into account the following:

With the no. prot. C/EI /5370/06-08-2019 her complaint to the Authority, A

denounces D.E.H S.A. for non-satisfaction of the right of access to

data concerning it.

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As, in particular, it mentions in its complaint to the Authority,

complainant had submitted an access request to the Protection Officer

Personal Data of PPC S.A. requesting a copy of the physical and of their electronic communications for the period from 2015 to the present, but received no relevant response.

Following these, the Authority sent, as part of investigating the complaint, the no. prot. C/EX/5370-1/15-10-2019 document to provide clarifications to PPC S.A., which in its response from ... and with protocol number ... the Authority, stated that a) he received from the complainant the from ... electronic message requesting a copy of the physical and electronic communication for the period from 2015 to the present, b) after a thorough review of its competent services it was found that there is no physical and electronic communication from and to the complainant, c) i. the provision under no. ... it concerns professional tariff and electrifies individual business, restaurant ..., where belongs to the complainant, bears the name "X" and is located at ... on the street ... No. ..., ii. proceeded, following the complainant's request, to adjust the up to then its debts from electricity consumption, iii. the complainant terminated the electricity contract and changed electricity provider for the number of the above electricity supply, iv. despite him settlement, the complainant still owed prior ones overdue debts and did not make any payment for repayment for a period of more than three years, v. in accordance with article 1 par. 3 of the Code of Electricity Supply to Customers "The old Supplier, in case of non-compliance, on the part of the Customer, with the terms of the settlement overdue debts, reserves the right to submit to the respective Administrator command disable the provision, even if it has been concluded supply contract with a new supplier". PPC SA as predecessor supplier submitted a request to the administrator (DEDDIE S.A.), for deactivation

of the provision, as the complainant did not comply with the terms of the settlement. THE administrator actually disabled the provision. vi. on her day interruption, the complainant contacted PPC S.A. and asked to reconnect the electric current to the above supply. For this communication a written note has also been drawn up by the service of 11770. PPC S.A. informed the complainant that the reconnection will take place shortly

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the debt is paid, d) for the year 2015 until today there is no correspondence physical and electronic from PPC S.A. to the complainant and vice versa, except the electricity consumption bills and the writing note of telephone service number 11770, documents which do not constitute correspondence or communication.

Following this, the Authority with no. prot. C/EX/325/15.01.20 call of called PPC S.A. to attend the meeting of the Department of the Authority on 29.01.20, in order to hold a company hearing on the possible violation of the current legislation for the protection of personnel data character. During the hearing on 29.01.20 Dimitrios Drosogiannis was present, lawyer, ..., who, orally developed his views regarding her case and in particular stated that PPC S.A. received from the complainant from ... an electronic message requesting a copy of the physical and of their electronic communication for the time period from 2015 to the present, and after a thorough check by its competent services, it was found that it was not there is physical and electronic communication from and to the complainant, except the electricity consumption bills and the writing note of telephone service number 11770, documents which do not constitute correspondence or communication.

The Authority, after examining the elements of the file, the hearing procedure and after hearing the rapporteur and assistant rapporteur, who withdrew after the case was discussed and before the conference and reception decision, after thorough discussion

SEVEN E ACCORDING TO THE LAW

1. The General Regulation (EU) 2016/679 (General Protection Regulation of Data - hereinafter GDPR), which replaced Directive 95/56 EC is in application from May 25, 2018.

in accordance with the provisions of article 15 par. 1 GDPR, the subject of data subject has the right to receive confirmation from the data controller on whether or not the personal data concerning him are being processed and, if this happens, the right of access to personal data and the detailed information

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in the sub-cases of the said paragraph, while from par. 3 of the same article it is provided that the controller provides the data subject and a copy of the personal data being processed.

For the satisfaction of the right of information and access no the invocation of a legal interest is required, since this exists and constitutes basis of the subject's right of access in order to obtain knowledge information concerning it and which have been registered in a file, which is kept by controller, so that the basic principle of law for the protection of personal data, which consists in its transparency processing as a condition of any further control of its legality acc on the part of the data subject (see GDPR 16/2017). Likewise, no it is required to invoke the reasons why the data subject

wishes to exercise the right of access.

If the controller does not act on his request

subject of the data, informs within one month of its receipt

request the data subject for the reasons why not

also acted on the possibility of filing a complaint with a supervisory authority and

of legal action (article 12 par. 4 GDPR). The deadline in question

can be extended by two more months, if required, received

considering the complexity of the request and the number of requests (Article 12

par. 3 of the GDPR). It is pointed out that the controller even when not

keeps a file with data of the subject, is not exempt from this reason

from his obligation to answer even in the negative (tE 2627/2017).

Also, in accordance with the provisions of article 58 par. 2 item i of the GDPR,

each supervisory authority has, among other things, the authority to impose administrative

fine under article 83, depending on the circumstances of each individual

case.

2. From the elements of the file and the hearing process they emerged

The following:

Complainant A by electronic letter to the Responsible

Protection of Personal Data of PPC S.A., had submitted a request

of her access to their physical and electronic communication for the time period

from 2015 to date, but did not receive a relevant response. PPC through him

Personal Data Protection Officer through the provision document

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clarifications (no. ...) to the Authority, replied that there is no physical and

electronic correspondence requested by the complainant from the year 2015 to

today. In addition, he stated that the administrator (DEDDIE SA) proceeded to

deactivation of the supply, following a request from PPC S.A., as the complainant did not comply with the terms of the settlement and did not proceed to payment of overdue debts.

However, PPC SA, as data controller, did not respond to complainant within one month of receiving the request and did not inform, as owed the complainant within one month of receiving the request, for her inability to immediately respond and satisfy her request as well as for the reasons for the delay, requesting a further extension of the deadline, v violation of the provisions of article 12 par. 3 and 4 of the GDPR. The same offense i.e. the delayed response of PPC S.A. as a controller after the lapse of one month from the receipt of the request it was established with the earlier decision 15/2019 of the Authority.

3. In view of the specific violation that is, after the lapse one month from the receipt of the request, PPC SA, as responsible processing, did not respond to the complainant regarding the weakness immediate satisfaction of her request, and taking into account her relapse due to the previous same violation established with the aforementioned one decision of the Authority 15/2019, the Authority unanimously judges that in the specific case, based on the circumstances established, should be applicable of the provision of article 58 par. 2 sec. GDPR to be enforced effectively, proportionate and dissuasive administrative fine according to art. 83 GDPR for the punishment of this illegal behavior.

FOR THOSE REASONS

The Authority taking into account the above:

It imposes on PPC S.A. an effective, proportional and deterrent measure administrative fine appropriate to the specific case in accordance

with the special circumstances thereof, amounting to five thousand (5,000.00) euros.

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The Deputy President

The Secretary

George Batzalexis

Irini Papageorgopoulou

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