

Athens, 13-01-2022 Prot. No.: 79 DECISION 3/2022 (Department) The Personal Data Protection Authority met as a Department at its headquarters on 26.07.2021 at the invitation of its President, in order to examine the case that refers to the history of the present. The President of the Authority, K. Menudakos, and the regular members of the Authority, S. Vlachopoulos, were present, as rapporteur, C. Anthopoulos and K. Lambrinoudakis. Present without the right to vote were K. Karvelis, expert scientist-lawyer, as assistant rapporteur, who left after the discussion of the case and before the conference and decision-making, and G. Palaiologos, employee of the Authority's administrative affairs department, as secretary. The Authority took into account the following: On 4.9.20 and with no. first C/EIS/5987/20 his complaint to the Authority, A states the following: On ... of the year ..., he submitted the legal supporting documents in order to fulfill alternative political social service for ideological reasons, in accordance with the provisions of Law 3421/ 2005 as amended and in force. On ... of the year ... he completed the .. months of alternative civilian social service and has not been under any military obligation since then. On ... of the year ... he submitted a digital application in order to be granted a certificate of enlistment status from the stratologia.gr website. On ... he was granted the document no. As he complains, data relating to his political opinions and philosophical beliefs emerge from this certificate, in violation of the provisions of article 22 et seq. of Law 4624/2019 as well as article 9 of the GDPR. For this reason, on ... it submitted a request for deletion under Article 17 of the GDPR of the special categories of data held and still processed by Military Service Φ. In its response document from ... to the request for deletion, Military Service T stated that in the military status certificate which was issued on ..., numbered ..., recorded the enlistment changes related to the fulfillment of alternative social service, without indicating changes related to political opinions, philosophical beliefs or physical ability. Following these, with his complaint to the Authority, he complains that the Military Service Φ did not satisfy his request, and asks the Authority to intervene so that a) the immediate deletion of all unnecessary personal data held by him from every database (digital or paper) of the conscription service, in accordance with the current legislation and the relevant decisions of the Authority and b) to be granted a certificate of conscription stating and certifying only the fact that he has fulfilled his military obligations. The Authority, in the context of investigating the complainants, sent the no. prot. C/EX/5987-1/08.12.20 document to provide clarifications regarding A's complaint to Military Service F, which in no. prot. C/EX/8912/2912.20 her answer stated the following: a) according to articles 49 and 67 of Law 3421/2005, it is not possible to delete data concerning the military monitoring of Greeks, but only to fill in - revocation and not deletion of enlistment changes, b) from the registration of the recognition as conscientious objection and fulfillment of alternative political social service of the

complainant in his enlistment portion, neither his religious, nor philosophical and ideological views are formulated, c) he cannot a enlistment change is registered that the conscientious objector has fulfilled his military obligations since he does not have military status, and d) the information on the issued certificate does not reveal the complainant's religious, philosophical or ideological beliefs. The Authority, after examining the complaint and the elements of its file and after hearing the rapporteur and the assistant rapporteur, who withdrew after the discussion of the case and before the conference and decision-making, after a thorough discussion, OUGHT IN ACCORDANCE WITH THE LAW 1. According to the provisions of article 5 paragraph 1 of the GDPR, personal data should, among other things, a) be processed lawfully and legitimately in a transparent manner in relation to the subject of the data ("legality, objectivity and transparency"), b) to be collected for specified, explicit and legal purposes and not to be further processed in a manner incompatible with these purposes, c) to be appropriate, relevant and limited to what is necessary for the purposes for which they are submitted to processing ("data minimization") and d) be accurate and, where necessary, updated. 2. In accordance with article 42 of the Regulation of Organization and Operation of the Joint Legal Body, enlistment changes are registered in the enlistment rations by the staff of the Service, who are responsible for issuing the relevant administrative act and are confidential information that is not disclosed to third parties, and the type of changes registered in the files is determined by orders issued by the GEETHA. The observance of confidentiality is an obligation and responsibility arising from the current legislation on the protection of personal data, while exceptionally it is possible to notify third parties of changes or information from computerized files and military registers, in accordance with the conditions set by the applicable legislation on the protection of the individual from the processing of personal data and for the reasons exclusively referred to therein. Furthermore, in accordance with article 44 of the Regulation of Organization and Operation of the Joint Legal Body, enlistment status certificates are used in cases where the interested parties wish to certify their enlistment status or to certify all or some of their enlistment changes. In order to make a decision regarding the recording of all or certain changes, the purpose for which the interested party requests the issuance of the certificate is taken into account, and if this is not clearly inferred from the relevant application, the changes in classification and dismissal, award are written on the certificate officer ranks and swearing-in, recognition of time of service and entry into the reserve and time not counted as time of actual military service. For the issuance of the certificates, the provisions of the current legislation for the protection of the individual from the processing of personal data are taken into account. Changes that refer to ineligibility for military service or to the granting of a postponement for health reasons or a shift in classification for health reasons or a crisis

of physical fitness are indicated in accordance with the applicable legislation for the protection of the individual from the processing of personal data. However, it is possible, if the interested party expressly requests it in his application, to include these changes, as they have been registered in his enlistment portion. For those in disobedience or desertion, a certificate of military status is not issued. 3. In order for personal data to be lawfully processed, i.e. processed in accordance with the requirements of the GDPR, the conditions for applying and observing the principles of article 5 paragraph 1 GDPR must be met cumulatively. Certificates of enlistment status issued by enlistment offices based on the information entered in the enlistment portion must include only such information as is necessary for the purpose for which they are issued. The listing of any other element that does not meet this purpose is unnecessary and goes against the principles of proportionality, affordability and minimization of processing set by the aforementioned provisions of the GDPR. In particular, the main purpose of the certificate of military status of general content, certificate type A, is to certify that someone is no longer subject to military obligations. The entry, therefore, in the certificate of any other data is contrary to the above principles and is therefore illegal. It is understood that the granted certificate legally includes more information or all the enlistment changes as long as they are required by law for the purpose for which the certificate is granted. To this point of view, which is based on the GDPR, the above-mentioned provision of article 44 of the Regulation on Organization and Operation of the Joint Legal Body is harmonized, which stipulates that military status certificates are used in cases where the interested parties wish to certify the military status their status or the certification of all or some of their enlistment changes, that for the listing of all or some of the changes, the purpose is taken into account for which the interested party requests the issuance of the certificate and that for the issuance of the certificates, the provisions of the applicable law are taken into account legislation to protect the individual from data processing of a personal nature.

4. In the case of A's complaint, a certificate was granted of military status type A, "after a relevant application for each legal use", in which three enlistment changes concerning the belonging to those obliged to alternative civil social service as conscientious objection, his presentation for the execution of the alternative

political social service and his dismissal after its execution

of this service, respectively, and makes sure that "he has fulfilled alternative service and currently has no military obligation".

The content of this certificate is not legal, according to the previous considerations, because beyond the confirmation that the complainant does not owe military obligation, the above-mentioned military duties are indicated his changes and the fact that he has fulfilled alternative service, without the this information is necessary for the specific purpose for which the certificate was requested.

FOR THOSE REASONS

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INVITES the Ministry of National Defence, as controller, to issue for the complainant again the certificate of enlistment status type A' with the inscription only given that he no longer has any military obligation.

The President The Secretary

Kon/nos Menudakos

Paleologo Georgia