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» Decision on appeal with reg. No. PPN-01-574/10.08.2020 Decision on appeal with reg. No. PPN-01-574/10.08.2020

ANSWER

No. PPN-01-574/2020

Sofia, 17.03.2021

The Commission for the Protection of Personal Data (the "Commission"/"KZLD") composed of: Chairman - Ventsislav Karadzhov and members - Tsanko Tsolov and Maria Mateva, at a regular meeting held on 17.02.2021, on the basis of Art. 10, para. 1 of the Personal Data Protection Act in connection with Art. 57, paragraph 1, letter "f" of Regulation 2016/679, examined complaint No. PPN-01-574/10.08.2020, submitted by M.S.

Administrative proceedings are in accordance with Art. 38 of the Personal Data Protection Act (PAPA).

The complainant indicates that on 15.07.2020 in a meeting under the \*\*\* according to the inventory of the Asenovgrad District Court, according to which the defendant, the plaintiff B.T. presented a certificate reflecting her foreign travels.

The certificate dated 11.06.2020 of the "Bulgarian identity documents" sector at the Ministry of Internal Affairs and Communications Plovdiv was issued to B.T. as a defendant in case \*\*\*\*\* according to the inventory of the Plovdiv District Court. An inquiry into this case established that the applicant and B.T. are not parties to it.

Mrs. M.S. asks for assistance in order to establish who, why and on what basis used her personal data in order to issue the certificate in question.

In the conditions of the official beginning laid down in the administrative process and in fulfillment of Art. 26 of the APC, the interested authority - the Minister of Internal Affairs, who is the administrator of personal data in the sense of the Ministry of Interior, is notified of the initiation of the proceedings. The possibility under Art. 34, para. 3 of the APC for expressing an opinion with relevant evidence on the allegations made in the complaint.

A representative of the Minister states that on 10.06.2020, in the "Bulgarian Identity Documents" sector at the Ministry of Internal Affairs and Communications Plovdiv, an application was submitted by B.T. for issuing a certificate with data from the information funds of the Ministry of the Interior.

The application states that Mr. B.T. wishes to be issued with a certificate that shows what foreign trips Mrs. M.S. in the period

from 2018 to the present. When submitting his application, Mr. B.T. presented certificate No. \*\*\*\*\*, issued by RS Asenovgrad, entitling him to receive the information. As can be seen from the court certificate, B.T. is a plaintiff under c.d. No. \*\*\*, to which the applicant is also a party.

Sector "Bulgarian identity documents" at the ODVMR Plovdiv issued the certificate attached to the complaint. During its preparation, a clear factual error was made, as it was written \*\*\*\*\* of RS Plovdiv, instead of the actual city. \*\*\* of RS Asenovgrad.

Pursuant to Art. 34, para. 3 of the APC, the applicant was also given the opportunity to familiarize himself with the opinion expressed by the respondent and the evidence presented. A deadline is provided for expressing an opinion, making an objection or a request. No opinion was received within the statutory period.

With this established, the CPDP examined the complaint, finding the following:

The considered complaint complies with the regularity requirements under Art. 29 of the APC, Art. 38, para. 2 of the Labor Code and under Art. 28, para. 1 of the Regulations for the Activities of the Commission for the Protection of Personal Data and its Administration (PDKZLDNA) – there are data on the complainant; nature of the request; date of knowledge of the violation; person against whom the complaint is filed; date and signature.

The complaint is procedurally admissible - filed within the period under Art. 38, para. 1 of the GDPR by a data subject with a legal interest. The same has as its subject an allegation of violation of rights under Regulation 2016/679 or the PPE. The complaint was referred to the body competent to make a decision - the Commission for the Protection of Personal Data, which according to its powers under Art. 10, para. 1 of the Labor Code in connection with Art. 57(1)(f) of Regulation 2016/679 deals with complaints submitted by data subjects. The prerequisites for admissibility are also present under Art. 27, para. 2 of the APC.

The Commission for the Protection of Personal Data is an independent supervisory authority that protects individuals when processing their personal data and when accessing this data, as well as monitoring compliance with Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27, 2016 on the protection of natural persons in relation to the processing of personal data and on the free movement of such data (in short "the Regulation" or Regulation 2016/679) and the Personal Data Protection Act (PDPA). One of the tasks of the CPLD under Art. 10, para. 1 of the Labor Code in connection with Art. 57(1)(f) of Regulation 2016/679 is to consider complaints submitted by data subjects and to investigate the subject of

the complaint as far as is appropriate. The expediency in considering appeals is pre-procedurally developed in Art. 38, para. 4 AZLD – when the complaint is clearly unfounded or excessive, the complaint can be left without consideration by a decision of the Commission.

Regulation 2016/679 and the Personal Data Protection Act (PDPA) define the rules regarding the protection of natural persons in connection with the processing of their personal data, as well as the rules regarding the free movement of personal data. The aim is to protect fundamental rights and freedoms of natural persons, and in particular their right to protection of personal data.

The processing of personal data by personal data controllers, both in the public and in the private sphere, is lawful and permissible if any of the legal grounds exhaustively listed in Art. 6(1) of Regulation (EU) 2016/679:

- a) the data subject has consented to the processing of his personal data for one or more specific purposes;
- b) the processing is necessary for the performance of a contract to which the data subject is a party, or to take steps at the request of the data subject prior to the conclusion of a contract;
- c) the processing is necessary for compliance with a legal obligation that applies to the controller;
- d) the processing is necessary to protect the vital interests of the data subject or another natural person;
- e) the processing is necessary for the performance of a task of public interest or in the exercise of official powers granted to the controller;
- f) the processing is necessary for the purposes of the legitimate interests of the controller or a third party, except when such interests are overridden by the interests or fundamental rights and freedoms of the data subject that require the protection of personal data, in particular when the data subject is kid.

It is not disputed that in RS Asenovgrad there has been formed a g.d. No. \*\*\* of the year between the applicant and B.T.

In the course of the case B.T. requested and received from the court a court certificate, on the basis of which another certificate was obtained from the "Bulgarian Identity Documents" Office at the Ministry of the Interior, which would show when the defendant M.S. entered and left the country.

According to Art. 186 of the Civil Procedure Code (CPC), official documents and certificates are submitted by the parties. The court can demand them from the relevant institution or provide the party with a court certificate on the basis of which it can obtain them. The institution is obliged to issue the requested documents or explain the reasons for not issuing them.

The case under consideration is precisely such, which is why the "Bulgarian Identity Documents" sector, which is in the structure of the personal data administrator - the Minister of the Interior, has a legal obligation to fulfill the order of the court certificate. This makes the processing of personal data lawful on the basis of Art. 6, paragraph 1, letter "c" of Regulation 2016/679, which is why the complaint is unfounded.

The written evidence presented in the file confirms the opinion of the Minister of the Interior that a mistake was made when writing the number of the civil case in the prepared agreement.

Thus motivated and based on Art. 38, para. 4 of the Labor Code in connection with Art. 38, para. 1 of the Regulations for the activity of the CPLD and its administration, the Commission for the Protection of Personal Data

**RESOLVE:**

Leave complaint No. PPN-01-574/10.08.2020 filed by M.S. against the Minister of the Interior, without consideration as manifestly unfounded.

This decision can be appealed within 14 days of its delivery through the Commission for the Protection of Personal Data, before the Administrative Court of Sofia - city.

**CHAIRMAN:**

**MEMBERS:**

Vencislav Karadjov /p/

Tsanko Tsolov /p/

Maria Mateva /p/

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