Athens, 04-05-2023 Prot. No. 1135 A P O F A S H 19 /2023 The Personal Data Protection Authority met at the invitation of its President via video conference, on Tuesday, March 14, 2023, in order to examine the case , mentioned below in the history of this decision. The President of the Authority, Konstantinos Menudakos, the regular members of the Authority Spyridon Vlachopoulos, Charalambos Anthopoulos, Christos Kalloniatis, Aikaterini Iliadou and the alternate members Demosthenes Vougioukas, as rapporteur and Maria Psalla, in place of the regular members Konstantinos Lambrinoudakis and Grigorio Tsolias, were present. who, although legally summoned in writing, did not attend due to disability. Present without the right to vote were Anastasia Tritaki, legal auditor - lawyer, as assistant rapporteur and Irini Papageorgopoulou, employee of the administrative affairs department, as secretary. The Authority took into account the following: With the no. prot. C/EIS/464/23-01-2023 request for treatment, A requests the review of the Authority's Decision 10/2022, which was notified to him with prot. no. C/EX/498/22-02- 2022 document. With the complaint No. C/EIS/2500/12-04-2021, A and B brought before the Authority, among others, the following: Complainant C, who lives on the ground floor of a duplex, in which they live and the complainants, has installed cameras, one of them under the balcony of the complainants with whom he is a co-owner (undivided) of the property in question. The above cameras, as claimed by the complainants, receive image and sound and are connected to a recording device. Also, the control field of the cameras includes areas, such as the shared central entrance of the building's stairwell, the building's pilothouse and the property's garden, 1-3 Kifisias St., 11523 Athens, Tel: 210 6475600, Fax: 210 6475628, contact @dpa.gr / www.dpa.gr while the purpose of the processing appears to be the protection of persons and property of the residence. They further argued that the system has specific technical characteristics, from which it follows that it operates, in violation of the GDPR, as it receives an image from a non-domestic area of the complainant, while none of the conditions of the Authority's Directive 1/2011 are met. Finally, they claimed that a right of opposition has been exercised against the accused without a response. The Authority, in the context of the investigation of the complainants, sent an informative letter to both the complainant and the complainants and, following their responses and other communications, sent a request for clarifications to the complainant. With his reply, the complainant brought to the attention of the Authority the following briefly mentioned: a) The system consists of three cameras, placed in a part of the pilot for the exclusive use of the remaining (i.e. apart from the complainants) tenants and there are no video surveillance screens, nor can recording audio, but the video surveillance system only receives real-time image and only very occasionally as he himself connects via mobile phone to the camera (via the Internet). Therefore, the facility in question is outside the scope of the GDPR, since there is no

recorder and no recording is done, so obviously no archiving is done. b) A sign has been placed on the pillar before the entrance to the common area and the person entering the area from the front door sees the sign in front of him, when he is still clearly outside the coverage of the camera. c) The property is a single (without establishment of horizontal ownership) undivided property of the complainants and the complainant. The tenants are six (6): the complainant's family of four who live in one apartment and the two complainants who live in the other. The property, for practical reasons of smooth coexistence of all, has been demarcated, over 20 years, into sections for exclusive use (where others do not enter, pass or remain), and common areas. Premises for exclusive use are two residences, one main use space used primarily as an office (third apartment with office, living room, full bathroom, not mentioned in the complaint, for the exclusive use of the complainant), two auxiliary storage areas, and the entire ground floor level (front yard, rear yard, pilothouse, 2 except for the "corridor" between the front door and the central common entrance to the main stairwell of the building). Shared spaces are only the "corridor" and the central staircase of the building with its wide stairs. The south yard (front and back) and the south pilothouse, where the cameras are installed, are for the exclusive use of the other tenants (except the complainants), all of whom agree to the cameras. Accordingly, the north yard (front and rear) and the north pilothouse are for the exclusive use of the complainants. In order to prove the exclusivity of use, various elements are mentioned, such as the fencing of the pilot house, various constructions and modifications, the condition of the yard and the way it is used, d) There used to be a video doorbell at the common entrance which was broken, beyond the possibility of repair, while the complainants deny constantly replacing, which causes difficulties for the complainant and a safety risk. of where to use areas exclusive to the complainant, e) Cameras with items 2 and 3 and the right two thirds of camera 1 cover not only the complainants enter/pass/stay, therefore their privacy is not affected and their consent is not required. Camera 1 covers the common entrance of the building in the left third of the received image. As for this part of the coverage, it replaces the video doorbell installed from the original construction of the building, and indeed with the same functionality but without sound. Therefore, the left third of camera 1's coverage must be treated as being provided for by the tenement by-law, even though no by-law exists, and as a forced solution to replace the pre-existing video doorbell, given the complainants' abusive refusal to maintain the property. f) The initial information to the complainant from the Authority was that legality is governed by the provisions of Directive 1/2011 and the GDPR. The directive in question expressly provides for a decision to be taken with a required majority of 2/3 of the tenants, in which each tenant has one vote. In the context of good administration, for the evaluation of the majority the complainant has followed in good faith

the way indicated in article 15 of the directive, namely 2/3 of the tenants. The installation has the required majority based on tenants (4 in favor, 2 against) and also based on apartments (2 in favor, 1 against). g) Before commissioning, repeated meetings were held in person 3 in the presence of both complainants, during which they were thoroughly informed and all the questions they raised were answered verbally. The complainants may not have agreed (voting in the minority), but they are fully aware, h) The complainants state that a request was made to update and delete the data that has been recorded and concerns them, but before the complaint no such request had been submitted, while as there is no register , there is no recording, therefore no archiving, there is no data to be handed over to them or to be deleted, i) At the request of the complainant's lawyer to A for the distribution process, this was referred to his lawyer, who explained that the complainants set as condition for disengaging the distribution process the non-distribution "alienation of ... everything". In order to disengage the distribution, the complainant counter-offered to sign an agreement under which the camera that the complainants say is watching them on their balcony would be disconnected until the distribution process was fully completed, and they would not obstruct that process, so that proceed at the fastest possible pace. The complainants refused, which the complainant believes proves the sham of the complaint. j) Burglars have already broken into the property twice. The first time during the absence of everyone, with significant material losses and a particularly strong psychological burden from the violation of the hearth. The second time (12/1/2020), the burglars were noticed. In both cases the police were called and arrested. The second invasion was the catalyst for the installation of the system, demonstrating the inadequacy of the existing one. During the period of the second invasion there were repeated cases of invasions in the surrounding buildings. k) Directive 1/2011 (articles 1 par. 1 and 5) provides for the possibility of some limitation of the protection of privacy if the intended purpose weighs more, in case of failure to achieve a majority in favor of the establishment. The very small restriction on the privacy of the complainants cannot be overestimated and the supreme legal good of human life is clearly of greater value than the anyway mild restriction on privacy by a non-recording/archiving casual camera, which , 4 in fact, existed before the installation with the original construction of the building  of an installed video door camera with the same functionality. The Authority invited the parties involved to a hearing before the Department of the Authority on 7/12/2021, who, after receiving a deadline, presented their views in relation to the complaint in writing, bringing the following to the attention of the Authority: a) The complainants with the No. Prot. C/EIS/8306/21-12-2021 their memorandum remained in what they had already presented before the Authority and indicated that there is an additional risk from a possible recording of the material, as it is easy to be recorded under the

responsibility of the accused and his assurance of non-recording is not enough for them. They pointed out again that the entire property is a single undivided property, without constitution and without regulation, for which the two complainants have full ownership of 59.375%, therefore, without the approval of the majority of the co-owners, the slightest intervention is not allowed either for privacy reasons or even for other reasons, from any co-owner. According to the allegations of the complainants, based on the applicable building permit, the area, which the complainant claims to have exclusive use of is (a) the common pilot and garden area, and (b) the parking space in the southern common pilot area which corresponds to the southern maisonette apartment of the property with an entrance on the 1st floor where the two complainants live, and in fact does not constitute an entire parking area. This space is jointly owned and shared and is not divided, nor is it demarcated for any regulation by constitution of properties or regulation by notarial deed. The reference to the existence of a third apartment is not included in any kind of notarial deed, nor does it correspond to what is included in the Building Permit or in any other official ownership document (e.g. declarations in the land register). On the contrary, the space is one of the two total warehouses of the basement level, monitoring the two apartments-maisonettes of the building, and does not affect the majority of the tenants for the approval of the system, the evaluation of which, on the one hand, does not exist and on the other hand is absent due to the opposition of the majority of the co-owners, b) The complainant in his memorandum no. prot. C/EIS/8363/23-12-2021 argued that the complaint should be rejected and the case put on file, given that the establishment it does not fall within the scope of the provisions of GDPR 5 as there is no recording and therefore no filing system. If the Authority examines based on the "notarized" status of the property, it considers that the complaint should be rejected and the case closed, since it is a purely domestic use, since, as "one thing", the property is not divided into private and common areas and therefore the cameras monitor purely domestic areas, otherwise the complaint must be filed, given that the installation is absolutely legal as it had and has the required majority (however this is calculated, i.e. 2/3 of tenants or 2/ 3 apartments). As far as the installation is concerned, there is no question of a majority of co-owners, given that it has been done entirely in an area of exclusive use, all co-owners/users of which agree to the installation, and the practice applied for 20 years in the context of the private use agreement , both by the complainant and the complainants, is to install and post whatever anyone wants in these spaces, without absolutely any consent or consultation with the rest. the following: Subsequently, the Authority issued Decision 10/2022 by which it ruled, among other things, a) that in a video surveillance system installed in a private house, the reception and processing of images or sound when the field of control of the camera includes non-private spaces (public, shared or

spaces belonging to third parties), with the result that the relevant processing falls within the scope of the legislation for the protection of personal data and its legality is examined in combination with the application of principles of personal data protection, b) that in cases of processing through such video surveillance systems, the legal basis that is usually applied is Article 6, paragraph 1, paragraph f of the GDPR "the processing is necessary for the purposes of the legal interests pursued by the controller processor or a third party, unless these interests are overridden by the interest or the fundamental rights and freedoms of the data subject that require the protection of personal data, in particular if the data subject is a child" and that further, a basic condition for the legality of the processing is the observance of the principle of proportionality, the application of which is specified in articles 6 and 7 of Directive 1/2011 of the Authority, but also in its Special 6 Part, c) that with regard to the more specific issue of the installation of a video surveillance system in complexes residences, direction is provided by article 15, in the Special Part of Directive 1/2011 of the Authority and that, as stated in this article, the installation of a video surveillance system in residential complexes for the safety of common areas and the persons who circulate in them can only be carried out by decision of the body responsible for the management of the complex (e.g. of the General Assembly of the apartment building) in accordance with the provisions of the relevant Regulation, and not by any tenant individually, and, if there is the consent of two thirds of the tenants of the apartment building. For this opinion, one vote must be counted per inhabited apartment (or used – non-vacant – apartment, when it is not used as a residence) as specified by the Authority and confirmed through opinion 5/2017. Responsible for processing the video surveillance system, i.e. competent to decide on the purpose and manner of use of the system, is the association of persons of the co-owners that operates through the G.S. co-owners of the complex and the relevant regulation, where it exists, d) that with regard to the conditions for installing a camera at the entrance to an apartment solely and solely for the purpose of protecting the persons who live or work there, as well as the goods of the tenants of the apartment, in No. 5/2017 Opinion of the Authority specifies that the range of the camera must be limited to the absolutely necessary space in front of the entrance door, taking the least possible image from a common area (see paragraph 6 of Opinion 5/2017). If the recording of image data is carried out and the range of the camera for technical reasons, in particular due to the location of the apartment entrances, cannot be limited to the absolutely necessary space in front of the apartment entrance, the prior consent of the tenants of the floor residing in affected apartments (one vote per affected apartment), otherwise 2/3 of them (see paragraph 12 of the above opinion). e) that in this case the complainant accepted that the video surveillance system works and that its scope is not limited to his strictly private areas. The spaces from

which an image is taken are "urban planning" shared. The complainant claims that they are premises for exclusive use (with the exception of 7 image segments from a camera which takes an image from a premises which it considers to be shared), but this is not supported by documentary evidence, on the contrary in all documents the premises are shown as shared, therefore the use of the system cannot be considered an exclusively personal/domestic activity as the image taking is not limited exclusively to the premises of a family, but includes communal areas, f) that as the premises are communal, the surveillance should, if it is assumed to be for the protection of common areas, to be decided by the co-owners. As there is no regulation, there should at least, by analogy, be a majority (50%+1) based on ownership percentages (the complainant owns about 40%). In fact, the criterion of votes per apartment does not need to be examined, as it concerns the agreement of the tenants, as a criterion that proves the necessity and proportionality of the system. g) that the complainant, as a controller as he has determined the purpose and means of the processing, uses the video surveillance system for the purpose of protecting the persons of his family and property of their residence. Although the complainant does not explicitly mention it, it appears that the legal basis of the establishment is Article 6 paragraph 1 paragraph f of the GDPR. For the application of this legal basis, it must be considered whether the operation of the video surveillance system is necessary for the purposes of the legal interests pursued by the data controller, unless these interests are overridden by the interest or the fundamental rights and freedoms of third-party data subjects which impose the protection of personal data. h) that the purpose of protecting persons and goods invoked by the complainant can be achieved by other means (e.g. lighting, alarm,  placing a camera only at the entrance to his apartment and indoors). Furthermore, given that the monitored space is shared, its use by the other tenants cannot be excluded, especially as part of the monitored space includes the common entrance of the two apartments. Therefore, the rights of the persons living in the other apartment of the building are excessively violated, as they may be monitored in activities closely related to their private lives. Therefore, the processing in question cannot be legal, as it violates Article 6, paragraph 1 of the GDPR. As for the data controller, as an apartment tenant, the Authority's opinion 5/2017 is directly applicable and therefore, he could only monitor his private areas and a small part of the entrance to his apartment but not the main entrance, without an agreement with the other tenants. The Authority, taking into account the nature and purpose of the processing, the long-standing disagreement between the two sides, their relative relationship and the fact that the processing may have consequences for a specific few natural persons, with its 10/2022 Decision, exercised the corrective authority according to article 58 par. 2 item f GDPR and imposed on the complainant C a ban on the processing of personal data through a video

surveillance system that receives images from common areas of the property where his family and the complainants live, and his obligation to inform the Authority in writing about the implementation of the decision within a period of one week from the receipt of the Decision. Subsequently, with document No. G/EIS/3058/02-03-2022, the complainant informed the Authority that he stopped the processing of personal data through a video surveillance system, in accordance with Decision 10/2022 of the Authority, with the reservation of all his rights, while with the Authority's document No. C/EXE/683/15-03-2022, the complainants were also informed about the cessation of processing. Following this, the complainant A submitted against the above with no. 10/2022 of the decision in question with no. prot. C/EIS/464/23-01-2023 application (treatment), with which he requests the modification of the Decision, claiming, among other things, that with the no. 10/2022 Decision, the Authority did not, against the applicant's claims, enforce the necessary "uninstallation-removal" of the video-audio-surveillance system (3 video-audio-surveillance cameras and other equipment with motion detection radar, cabling, etc.) for the violation of article 15 of the Authority's Directive 1/2011 already established by the Authority, nor in the imposition of an administrative fine for the case of non-compliance with the "uninstall-remove" order. With the above request for treatment, the appellant claims, among other things: 9 a) that in article 15 of the Directive 1/2011 of the Authority, but also in the reasoning of the contested Decision No. 10/2022, reference is made to the "facility" and not in the operation of video surveillance systems, b) that the effectiveness of the challenged Decision is not guaranteed, if it does not also include the "uninstallation-removal" of the system, c) that there is a series of decisions of the Authority (earlier Decision 23/2021, later Decisions 34/2022 , 50/2022 and 60/2022), the ordinance of which includes an order from the Authority to uninstall/remove the systems and impose an administrative fine in case of non-compliance, d) that only the illegal installation (and not only the operation) is sufficient to create the feeling of surveillance of the citizens and to influence and insult their personality, as well as to limit their freedoms, e) that with the existence of the video-audio-surveillance system special categories of data on political beliefs are processed and the exercise of of their civil liberties, as activities related to political beliefs can be carried out in homes, such as gatherings, f) that for the above reasons the review and "supplementation" of no. 10/2022 of Decision, for reasons of application of the principle of equal treatment and observance of the principle of proportionality. The Authority, following a conference in the formation of a Department on Wednesday, February 15, 2023, found the issuance of contradictory decisions by the Single-person body and the Department of the Authority on the same legal issue, i.e. the authority of the Authority to order only the prohibition of processing through a video surveillance system, consequently and in accordance with articles 8 par. 1 sec. b' and 4 para. 1 st.

j' of the Regulation of Operation of the Authority (Government Gazette B' 879), decided, with Decision 8/2023, to refer the above request for treatment for examination, before the Plenary Session of the Authority, due to its importance and general interest. The above Decision was notified with no. prot. C/EXE/459/22-02-2023 to the applicant, who submitted them with no. prot. C/EIS/1390/23-02-2023, C/EIS/1392/23-02-2023, C/EIS/1419/24-02-2023, C/EIS/1421/24-02-2023, C/EIS/1486/28-02-2023 and C/EIS/1770/09-10 03-2023 memoranda/letters to the Authority, to supplement the above treatment request and report his views on Decision 8/2023. With the above letters/memorandums, the appellant argued, among other things: a) that in Decision 8/2023 Decision 4/2022 of the Single Body was wrongly taken into account in the considered decisions, as in its preamble it is stated that it is issued in the context of the powers of the President who are provided for in articles 4 par. 3 para. a' and 10 par. 4 of its operating regulations, therefore it is not a final decision of the Authority that can be a criterion for comparison with the jurisprudence of the Authority, which was formed with its final decisions, b ) that Decision 8/2023 wrongly did not take into account Decision 60/2022, as precisely because it was taken after a review of another previous decision of the Authority and therefore contrary to what is stated in Decision 8/2023, it constitutes a review of a previous Decision of the Authority and as final decision, is a comparative criterion with the jurisprudence of the Authority and must be taken into account together with the other final decisions of the Authority as relevant jurisprudence, c) that the request for treatment does not request a review of the substance of the case, since the existence of the violations has already been judged in the rationale of Decision 10/2022, d) that following the Authority's Decision 8/2023, the original complainant placed a projector in the area of the cameras that lights up with the motion detection radars of the video surveillance system as soon as they detect movement · from the investigation that the applicant made regarding the camera manufacturing company, found that the cameras' software could cause their indicator lights to go out, but still continue to function fully with absolutely no difference in capabilities, and that the light could also turn off night shooting but without in this case night vision, which is only possible with the help of a projector light for the camera to see at night as well. These at a theoretical level, without of course a third party, who does not have access to the system, being able to prove the operation of the system, nor its non-operation. In addition, the applicant also provided new photos with the above-mentioned no. prot. G/EIS/1421/24-02-2023 memorandum. The Authority, after examining the elements of the file, after hearing the rapporteur and 11 comments of the assistant rapporteur, who was present without the right to vote, after a thorough discussion, DECIDED IN ACCORDANCE WITH THE LAW 1. Because, according to article 24 par. 1 of Law 2690/1999 (KDDiad) "If the relevant

provisions do not provide for the possibility of exercising, according to the next article, a special administrative or interlocutory appeal, the interested party, for the restoration of material or moral damage to his legal interests which caused by an individual administrative act may, for any reason, with his application, request, either from the administrative authority that issued the act, its revocation or amendment (remedial request), or, from the authority that heads the one that issued it the act, its annulment (hierarchical appeal)". In the sense of the provision, the request for treatment aims to revoke or modify the contested individual administrative act for legal or factual defects thereof which go back to the regime under which it was issued, 2. Because, with the above provisions of article 24 of the Civil Code, the right of each " "interested" administrator, who has suffered material or moral damage from an individual administrative act, to turn to the authority that issued said act before resorting to judicial protection (simple administrative appeal, otherwise a request for treatment). This is an "informal" administrative appeal in contrast to the standard "special" and "individual" appeals of article 25 of the Civil Code. This appeal requests the revocation or modification of the above-mentioned individual administrative act, in order to restore the material or moral damage of the applicant, which was caused by the administrative act in those cases where the law does not provide for the possibility of exercising the above appeals under article 25 of the Civil Code1,

3. Because, as predicted, by Decision 8/2023 of the Department, the Authority, included

of the above request for treatment, considered that there is a case of referral to

Plenary meeting to resolve the issue of general interest if, in the case of no

lawful processing through a video surveillance system, the Authority has the authority to

orders a prohibition of processing through a video surveillance system and/or

1 See indicatively, the one with no. 73/2018 Decision of the Authority.



uninstall the system.

4. Because, the installation and operation of video surveillance systems, permanently

installed in a space, which have the possibility of reception and/or transmission

image or sound to projection screens or recording machines2 through the collection,

retention, storage, access and transmission of personal data,

constitute, as individual acts of processing, interference with his individual rights

respect for private life according to art. 9 S., 7 XTHDEE and 8 ECHR as well as protection

of personal data according to art. 9A S., 8 ESDA and 8 XTHDEE, as judged by

Authority with its Opinion No. 3/20203,

5. Because, according to the Guidelines 3/2019 of the ESPD regarding the

processing of personal data through video devices4, in order to

determine the legality of the installation and operation of the video surveillance system

the conditions of articles 5 and 6 para. 1 GDPR must be met cumulatively and, according to

therefore it must be at a previous time of its installation and operation

system to document internally the legality of the processing and in fact according to

determination of the purpose of the processing may require a relevant assessment

specifically for each camera, depending on where it is placed. In particular on

These Guidelines define the following: "a (...) 5. Video surveillance is not ex

definition necessary if there are other means to achieve the underlying purpose.

Otherwise, there is a risk that the cultural norms will change and

therefore to establish as a general principle the lack of privacy (…)".

6. Because, according to the preamble of Directive 1/2011 of the Authority, which should

interpreted and applied in light of the provisions of Regulation 2016/679/EU: "6.

(…) video surveillance affects the behavior of the persons who are in

specific spaces and, by extension, directs it, a fact that can

creates psychological pressure, as a person who knows that he is being watched

he tries to adapt his behavior to the expectations of the one who every time

he watches it.(…)".

7. Since, the Authority as early as the year 2003, in a case concerning the installation of cameras

2 https://www.dpa.gr/el/enimerwtiko/thematikes_enotites/eisagwgi_videoepitirisi

3 Available at https://www.dpa.gr/sites/default/files/2023-01/60_2022%20anonym.pdf

4 https://edpb.europa.eu/sites/default/files/files/file1/edpb_guidelines_201903_video_devices_en.pdf

in an apartment building, has pointed out that, although from the control carried out no
it was found that the ground floor camera was focusing on common areas, the point at
which she had placed "creates for those entering the apartment building the
impression that their movements are being monitored" (Decision 40/2003)5. Further, the Authority
has repeatedly judged that the risk of limiting the development of its concept
freedom of individuals, may exist even if the video surveillance devices
are out of order, because it creates the feeling that it is very likely to
the citizen is under surveillance, while this risk may be high,
since the personal and social effects of the existence of the cameras and the
sense of continuous monitoring of the fundamental rights of freedom
personality development and respect for the private life of physicists
of persons moving in the specific area are unknown (Decisions 77/2009,
60/2021)6. In addition, the Authority has judged that, on a case-by-case basis, the existence of established
of cameras in its particular area creates in the public the reasonable belief that they
they work, with all the consequences this sensation causes (among which the
“chilling effect”7, see and Decision 23/2021 of the Authority)8.

8. Because, moreover, with Decision AP 163/20209, which was issued in a case, in which
had been shown
claim regarding a video surveillance system that does not
was operating, the Supreme Court ruled that "(...) the placement of the cameras in question raised
they (including the plaintiffs) under control and unjustified restriction of their freedom,
as a manifestation of the unbroken development of their personality and hindered them
in the free development of their social activity, since only the sensation
that they are under surveillance was capable of influencing their behavior.
The fact that it was not proven that the creation and processing of

part of the defendants image and sound file of the plaintiffs according to the provisions of

articles 4,5 and 7 of Law 2472/1997, since the position and scope of the appeal

5 Decision 40/2003 of the Authority, p. 5.

6 Decision 77/2009 of the Authority, Sk. 8, Decision 60/2021 of the Authority, Sk. 14.

7 The voluntary (even automatic) adjustment of the person's behavior because of it

tracking event.

8 Decision 60/2021 sc. 10 and Decision 23/2021, sc. 18.

9 AP 163/2020, available at:

http://www.areiospagos.gr/nomologia/apofaseis_DISPLAY.asp?cd=ACGRQ528NLCWIOBC3DAOQWHWTJ8WDE&apof=163

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2020&info=%D0%CF%CB%C9%D4%C9%CA%C5%D3%20-%20%20%C11



system, which allowed images of the plaintiffs to be taken which is also illegal

processing, was enough to create in them the above feeling and

influencing their behavior."

9. Because in case of installing a video surveillance system, even if it is located

out of order, it cannot be ascertained from the subjects if this is set to

operation, permanent or occasional, with direct consequences mentioned above in

creating the feeling that they are being watched and influenced

their behavior,

10. Because according to article 58 par. 2 item f) GDPR: "Each control authority has all

the following corrective powers: (…) f) to impose a temporary or definitive restriction,

including the prohibition of processing, (..)'

11. Because in case of personal data processing through

of video devices, which is carried out in violation of the provisions of the GDPR, the Authority,

has the power, in accordance with article 58 par. 2 item. f), to order

prohibition of processing, which is carried out during operation (download and/or

video and/or audio data transmission) of the video surveillance system,

12. Because, further, taking into account the above and the fact that in

if a video surveillance system is installed, it is not shown if it is located

or is occasionally put into operation, and consequently it is not possible to control the

compliance of the data controller with the GDPR requirements for

legal operation of the system, the Authority considers that in this case, if not

it follows that the conditions in question are met, in addition to its prohibition

processing which is carried out during the operation of the video surveillance system,

in the exercise of its corrective powers, it orders in principle the

its uninstallation, in order to ensure the cessation of processing, unless with

based on the current facts and from all of them

circumstances

of the specific case, it follows that it is not required and

uninstalling it for this purpose,

13. Because, in accordance with the previous considerations, the application for treatment must be granted

and, upon amendment of the challenged Decision 10/2022 of the Authority, to issue an order

to the controller to uninstall the video surveillance devices in question

that receive an image from public areas,

15

FOR THOSE REASONS

The beginning

Accepts the current treatment request.

It instructs the controller C, as within fifteen (15) days from

receipt of this, uninstall the video surveillance devices whose

scope covers the common areas of the property in which they live,

his family and the applicant, as well as to inform the Authority in writing of the implementation of this decision.

The president

The Secretary

Konstantinos Menudakos

Irini Papageorgopoulou