



HELLENIC DATA
PROTECTION AUTHORITY

Summary of Annual Report 2021



SUMMARY OF ANNUAL ACTIVITY REPORT 2021



ATHENS 2022

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Foreword by the President

Despite the emergence of new challenges, mainly due to the ongoing impact of the global pandemic, the importance of the landmark GDPR was highlighted in 2021. In a dense year, with reversals and alternations of enforcement, lifting and re-imposing restrictions, technological applications were used to help curb the spread of COVID-19. It is necessary, however, each time to point out that such restrictions and measures are only legitimate if their content and duration of application correspond to the need to address the threat to public health. Therefore, any measure taken and involving the processing of personal data must be necessary and proportionate.

Throughout the pandemic, during which measures involving the processing of personal data and restrictions on individual rights were imposed, the Authority, despite the ongoing problems of understaffing and lack of sufficient resources, responded to the fullest extent possible with the competences and tasks conferred on it by the GDPR and by [national law 4624/2019](#).

Among its many activities in 2021, the Authority issued a number of decisions, opinions and guidelines. I would point out, for example, that following the adoption of the opinion on synchronous distance learning in primary and secondary school units (4/2020), the Authority adopted decision 50/2021. Equally important during the pandemic was the issue of teleworking. Following decision 5/2020 adopting Guidelines for the processing of personal data in the context of tackling COVID-19, guidelines 2/2020 on security measures in the context of teleworking, the Authority also issued in 2021 guidelines (1/2021) along with useful Q&As for the processing of personal data carried out in the course of remote work, both in the private and public sectors.

In addition, it adopted an opinion (2/2021) with comments on the use of a dedicated electronic application on mobile devices, through which the authenticity, integrity and validity of the EU Digital COVID-19 Certificate carried by the natural holder is checked by scanning the relevant QR code. During the drafting phase of this annual report, the Authority completed its ex officio audit in relation to the processing of personal data in the context of the declaration of the self-tests' results (decision 41/2022). Other important opinions of the Authority during 2021 were 1/2021 on the draft law of the Ministry of Infrastructure and Transport aimed at modernising the training and examination framework for candidate drivers and drivers for driving licences, and opinion 6/2021 on a draft Presidential Decree entitled "Measures for the implementation of Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime".

The Authority also requested and received information and clarifications from the competent ministries and services on the commissioning of the analysis of epidemiological data and the anticipation of the evolution of the pandemic to Palantir Technologies and from the Ministry of Citizen Protection regarding the installation and operation by the Hellenic Police of a portable surveillance system.

The issue of the compliance of websites with the specific legislation on electronic communications and the GDPR regarding the use of cookies and trackers, as well as the impact of the CJEU Schrems II judgment is high on the agenda of the European supervisory authorities, following the 101 complaints by the Non-Governmental Organisation None Of Your Business. In this regard, it is reminded that the Authority has issued guidance recommendations 1/2020 on the compliance of data controllers with the specific legislation on electronic communications, especially for trackers and cookies. On the issue of compliance of websites with these recommendations, there has been a significant improvement. However, at the beginning of 2022, it was observed that on several websites, in particular on informative websites, the method of obtaining consent for the use of trackers did not meet specific compliance points. The Authority carried out an ex officio audit action on 30 informative websites. The result of this action was the compliance of the websites that received the Authority's letter (with only one exception). It is noteworthy that the Authority continues to monitor the issue of the use of online trackers and will exercise its audit-investigation function as a matter of priority in this area.

In any case, the examination of complaints is a continuous and perhaps the most demanding obligation of the Authority in terms of effort, which is due to the large number of incoming documents — requests. In 2021, the number of incoming appeals/complaints amounted to 1,160, up by around 19% compared to 2020 (973), while 811 appeals/complaints cases were handled, showing an increase of around 16% over the previous year (700). In 2021, there was almost a five-fold increase in fines after fines totalling EUR 414,000 were imposed. The number of data breaches reported to the Authority under the Regulation amounted to 181, an increase of about 39% compared

to last year (130 in 2020).

At the same time, in 2021 progress was made on the European Commission co-funded project coordinated by the Authority, which aims to facilitate compliance by small and medium-sized enterprises by providing specialised guidance in the form of a compliance toolkit and providing specialised information to those involved in the development of data protection applications and services by design and by default ('[byDesign](#)'). It should be noted here that at the end of 2021, the Authority submitted to the European Commission a proposal to finance a new project, under the distinctive title 'byDefault', which will aim to create a dedicated platform for providing specialised information to Data Protection Officers (DPOs) and the creation of educational material on data protection for pupils. This proposal has been adopted during the drafting phase of this report. Additionally, the Authority took initiatives to organise awareness-raising actions for citizens about their rights and bodies about their obligations, also launching its new, fully upgraded web portal (www.dpa.gr) at the beginning of 2021. Furthermore, the Authority responded to its European and international obligations and was actively present in the working groups and committees operating under European data protection legislation. In particular, in the framework of the European Data Protection Board (EDPB), data protection authorities have stepped up their work.

Emerging technologies will affect compliance with the GDPR in the coming years. Cutting-edge issues such as, for example, risks from machine learning, facial recognition and profiling and in general artificial intelligence and the Internet of Things and others, such as children's awareness, are high priority issues for the supervisory authorities. The Authority's priorities are to allocate a greater part of its activity to ex officio action, in particular to the audit/investigation work and information-awareness initiatives especially targeting minors, as well as to the analysis of new technologies and business models from the perspective of data protection and the contribution to research efforts in the field of data protection and information security.

The 2021 activity report reflects all the activities of the Authority in its areas of competence demonstrating the ability to adapt quickly, hard work and commitment of its staff in the execution of the ever-expanding mission assigned to it by the State. However, apart from the intensive efforts made by the Authority, emphasis should be placed once again on the need to enhance the human and financial resources in order to be able to respond to the fullest possible extent to the role assigned to it by the State and to the citizens' rising expectations.



Konstantinos Menoudakos

President of the Hellenic Data Protection Authority

Overview



ROLE, MISSION AND RESPONSIBILITIES

The Hellenic Data Protection Authority is a constitutionally consolidated independent public Authority (Article 9A of the Constitution) established by [Law 2472/1997](#) transposing European Directive 95/46/EC into Greek law on the protection of individuals with regard to the processing of personal data and on the free movement of such data. The Authority is assisted by a Secretariat that operates at a Directorate level and has its own budget.

Regulation (EU) 2016/679 of the European Parliament and of the Council (General Data Protection Regulation - GDPR), which entered into force on 25 May 2018 in all EU countries, repealed Directive 95/45/EC. As of August 29th, 2019, Law 4624/2019 ("Hellenic Data Protection Authority, measures for implementing Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data, and transposition of Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016, and other provisions") has been in force. Articles 9 - 20 of the above law are dedicated to the Hellenic Data Protection Authority (supervisory authority).

As for Law 2472/1997, it has been repealed, except for certain provisions explicitly mentioned in Article 84 of Law 4624/2019. Law 4624/2019 also transposed Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free

movement of such data, and repealing Council Framework Decision 2008/977/JHA. Furthermore, as regards the protection of personal data in electronic communications, the Authority applies [Law 3471/2006](#) transposing European Directive 2002/58/EC into national law.

The Authority is responsible for monitoring the application of the provisions of the GDPR (Article 51(1), Recital 123), of Law 4624/2019 and other regulations relating to the protection of natural persons with regard to the processing of their personal data (Article 9 of Law 4624/2019). It also contributes to the consistent application of the GDPR throughout the Union and, to this end, it cooperates with the supervisory authorities of EU Member States and the European Commission (Article 51(2), Recital 123 of the GDPR; Article 10 of Law 4624/2019).

Additionally, the Authority represents Greece to the European Data Protection Board (EDPB) and other committees or bodies tasked with data protection, and it cooperates with respective third-country authorities and international bodies (Article 50 GDPR, Article 10 of Law 4624/2019). The Authority is competent for the performance of its tasks (Article 57 of the GDPR and Article 13 of Law 4624/2019) and the exercise of the powers conferred on it (Article 58 of the GDPR and Article 15 of Law 4624/2019) on its territory (Article 55(1), Recitals 122, 129 of the GDPR; Article 9 of Law 4624/2019) acting with complete independence (Article 52, Recitals 117-118, 121 of the GDPR; Article 11 of Law 4624/2019).

OPERATIONAL ISSUES

The Authority, in accordance with Article 20(1) of its founding Law 2472/1997 and presidential decree 207/1998 on the “organisation of the Secretariat of the Data Protection Authority and the establishment of permanent posts” still in force under Article 18(3) of Law 4624/2019, is assisted by a Secretariat that operates at a Directorate level and consists of four (4) departments: 1) the Auditors’ Department, 2) the Communications Department, 3) the Department of Administrative Affairs, and 4) the Department of Finance.

For the financial year 2021, the Authority’s budget amounted to EUR 2,811,000. As for 2022, the budget that has already been approved amounts to EUR 2,811,000.

2021 was burdened by the pandemic, as in 2020, but did not affect the functioning of the Authority, as is apparent from the comparison of its work in 2021 with that of previous years, as the Authority was able, in terms of technological infrastructure and administrative arrangements, to continue remote meetings and teleworking to the extent required by the circumstances of the pandemic.

In 2021 the revision of the Authority’s Rules of Procedure was completed with the adoption and publication of the relevant decision of its Plenary, and implemented the revised Regulation, which mainly regulates matters of procedures and responsibilities of the bodies of the Authority in order to achieve its most effective functioning within the framework of the rules of the GDPR and Law 4624/2019. In autumn 2021, new members were appointed to replace those whose term of office had expired or had

resigned, and were filled with a long delay — the corresponding vacancies for members and alternates, which in many cases dated from 2019.

In early 2021, both the upgraded Integrated Information System and the new Portal of the Authority were fully operational, thus facilitating the progress of its work, since a significant proportion of complaints, requests from citizens and bodies, notifications of data breach incidents was carried out through the electronic services integrated into the technological infrastructure.

After securing funding in 2020 for the further upgrading of the Authority's technological infrastructure, with the inclusion of the planned project in the Operational Programme 'Reform of the Public Sector' of the NSRF and the use of financial instruments of the European Union, the project was launched in 2021, the tenders submitted and the contractor selected, with a view to starting implementation in 2022. As noted in the 2020 Report, the new expansion aims to introduce new, to a greater extent, automated electronic services, such as data breach management, (self-)evaluation of security and data protection and control management, as well as to create informational content to raise children's awareness of data protection issues.

Also, 2021 was the year of significant progress in the execution of the by Design project, funded by the European Commission, following a proposal from the Authority. It is noted that the implementation of the project started in November 2020 and will be completed in late October 2022. In 2021, the [online toolkit](#) for free use by small and medium-sized enterprises was developed to facilitate GDPR compliance work. In 2021, training material was developed and a series of training seminars on "data protection by design and by default" were planned for the first half of 2022 aimed at IT professionals, such as analysts, IT application designers and developers, sales managers and students with experience in the development of relevant applications. Furthermore, at the end of 2021, the Authority submitted to the European Commission a proposal to finance a new project, under the name "byDefault", which aims to set up a dedicated platform to provide specialised information to Data Protection Officers (DPOs) and to create training material on data protection for primary and secondary school pupils.

As regards the serious issue of understaffing, the last 5 of the 13 auditors' positions proclaimed in 2018 by ASEP (Supreme Council for Civil Personnel Selection) on behalf of the Authority were also filled by summer 2021. It should be noted that the remaining 7 of the 20 posts approved for filling were not proclaimed until the end of 2021, although the Authority's request had already been submitted to ASEP in mid-2018. (These positions were finally proclaimed in 2022, 2 positions in the Department of Communication in April 2022 and 5 Administrative — Finance positions in June 2022). As noted in the 2020 report, despite the urgent need to strengthen the Authority with staff, the national provision for recruitment only through ASEP deprives the Authority of the ability to manage its human resources needs in a timely and effective manner, since ASEP's procedures are particularly rigid and time-consuming, while suitable for large organisations with long-term planning, but totally inappropriate for small

authorities and organizations, such as the Authority which has to cope with abrupt reductions in its staff.

For this reason, given the urgent need to strengthen the Authority in human resources, it is absolutely necessary to provide for the full management of its human resources by the Authority itself, including the filling of approved vacancies, as required by the GDPR. Article 52(5) of the GDPR states that 'Each Member State shall ensure that each supervisory authority selects and has its own staff managed exclusively by its member or members...'. It should also be noted that the GDPR, in Article 52(4), provides as an obligation for each Member State to allocate to the national supervisory authority "... the necessary human, technical and financial resources and facilities and infrastructure for the effective performance of its tasks and exercise of its powers, including those exercised in the framework of mutual assistance, cooperation and participation in the Board". The country's response to this obligation is still pending. It is also recalled that in order to manage the overall effort to be made by the Authority annually, the number of posts is estimated to be at least 135 based on a relevant assessment based on specific data relating mainly to the number of cases brought to the Authority for examination, to its responsibilities and tasks under the GDPR, including significant preventive audit work, as well as to its obligations towards the European institutions.

As has been emphasized in many annual reports in the past, the understaffing, in relation to the broad set of responsibilities stemming from European and national legislation, as well as the volume of incoming cases, is an essential inhibitory to the Authority's efforts to fully fulfil its mission. The negative impact is greater on the development of preventive work, such as systematic audits-investigations, and information — awareness-raising of data subjects, controllers and processors. The above-mentioned filling of the 13 auditors' positions does not solve the problem of insufficient staffing of the Authority, since the work it is required to carry out requires, as mentioned above, a minimum total capacity of 135 posts. The work that the Authority is required to carry out continues to increase. For example, complaints increased by 19 % in 2021 compared to 2020, notifications of data breach incidents also increased by 19 % compared to the previous year, as well as other cases related to requests of data subjects for information and on the other hand for opinions, prior consultation, approval of certification scheme criteria, adoption of a code of conduct and accreditation of a monitoring body. The requests from the bodies are expected to increase significantly in the coming years, in particular requests for opinions, taking into account also the decision of the CoE Plenary (1478/22), according to which in any case the adoption of a regulatory act involving the processing of personal data of special categories should be consulted. Already in 2022 there is a large increase in requests to the Authority. In addition to the above work, the Authority should significantly strengthen its preventive work, the number of ex officio audits in data protection critical areas of activity, the development of awareness-raising initiatives, information material, the development of guidelines and guidelines, the adoption of recommendations, etc. Furthermore, cooperation cases with Member

States' counterpart supervisory authorities and consistency within the European Data Protection Board (EDPB) require an increasing effort.

In terms of financial data, the appropriations available for the year 2021 decreased compared to 2020 by around 10 %, mainly in the major category 'Employee benefits'. The appropriations available for operating expenditure did not change positively, despite ongoing requests for a significant increase. Thus, the necessary appropriations for the continuous upgrading of technological infrastructure, including the development and making available to stakeholders of data protection tools, are sought in other sources of funding, such as the European Commission. The above new proposal for the byDefault project was also submitted to that effect. Furthermore, as we point out all recent years, since the remit of clearing and payment of expenditure has been transferred to the Authority and an independent Department of Financial Services has been set up, full use of available appropriations is achieved without undue burden transfer to the following year.

It had already been visible since 2019, and it was pointed out in the annual reports since that time that the Authority's housing is becoming a particularly serious problem. In 2020, the Authority revised its building plan and made a request for accommodation to the Athens Land Service and since then, up to the time of the preparation of this report, in the summer of 2022, 4 notices of renting a property had been published, but these were infertile. It should be noted at this point that the limit on the amount of rent per unit of surface applicable to the State is low, which is in no way consistent with the rate of increase in rents in the property market in recent years, making the whole venture of housing for the Authority even more difficult. In the meantime, a court decision on an extra-civil action seeking provisional enforcement of the decision is pending. It should be noted, in particular, that in the event of a negative judicial decision for the Authority, which is likely, the issue of housing will be of particular concern to the Authority, which may also lead to the inability to house part of its services.

As noted in all the annual reports of the Authority, its efforts are guided by the best possible effectiveness in its work, which generally aims to create a comprehensive data protection friendly environment in our country. In order to achieve its mission, the Authority must necessarily have adequate staffing, adequate financial resources and the necessary technical means and facilities, and expects the State to respond, in compliance with the above-mentioned provisions of the GDPR.

In addition, as has been consistently pointed out, a legislative initiative should also be taken to review the legislation on access to public documents and related specific provisions in order to create a coherent and clear legislative regime to remove conflicts of competence and ensure effective protection of personal data.

Key statistics



In 2021, the number of incoming cases of complaints amounted to 1,160, up by around 19 % compared to 2020 (from 973), while 811 cases of complaints were resolved, showing an increase of around 16 % over the previous year (from 700). The number of data breach incidents reported to the Authority under the GDPR amounted to 181, an increase of about 39 % compared to last year (from 130 in 2020), while 44 data breach notifications were submitted by providers of electronic communications services under Law 3471/2006, showing a decrease — about 40 % (from 59 in 2020), i.e. the total number of data breach incidents increased about 19%. In 61 cases the examination of the cases was completed with the adoption of a decision by the Plenary or the Chamber. The Authority also issued 8 opinions in 2021.

As pointed out in the 2019 and 2020 annual reports, the statistics provided are comparable to those reported after the entry into force of the GDPR and differ to some extent from those in previous annual activity reports, reflecting the differentiated responsibilities of the Authority. No data are provided for queries from controllers, since the Authority no longer has this task, nor for notifications of records of processing or international transfers and authorisations, as there is no obligation for controllers or the Authority's competence to do so, respectively. On the other hand, however, it is now envisaged that the Authority will cooperate with the counterparts of Member States' supervisory authorities for cross-border cases ('one-stop-shop mechanism') and a framework for the operation of the European Data Protection Board ('consistency mechanism'), the prior consultation of the Authority for processing of high residual risk following a data protection impact assessment, the examination and approval by

the Authority of codes of conduct and certification criteria of relevant schemes, etc.

With regard to the aforementioned notifications of data breach incidents provided for in the GDPR, 9 (out of 181) concerned cross-border processing, while only one related to cross-border processing of electronic communications.

43 of the Authority's decisions impose sanctions on controllers. In 11 cases the penalty of reprimand — warning of compliance following a complaint and hearing was imposed and in 34 cases a fine of between EUR 1.000 and EUR 75 000 was imposed. It is clarified that two of these 34 decisions of the Authority in addition to the fine the penalty of the reprimand — warning was imposed too. Overall, the fines that were imposed amounted to EUR 414,000.



Complaints

Number of complaints resolved: **811**

Fines

Amount of fines imposed: **414,000** euros
(in **43** decisions)



Decisions – Opinions

61 decisions were issued and
8 opinions

Data Breach Notifications

Number of Data Breach Notifications
received:

181 for **GDPR** and
44 for **Law 3471/2006**



Enforcement

SELECTION OF DECISIONS ON COMPLAINTS

Decision 5/2021

Processing of insured persons' personal data by an insurance company

The Authority examined a complaint by a person insured at a private insurance company. The complainant claimed that for the payment of the insurance compensation his consent was required in order for the company to have access a) to the prescription database and the electronic prescription system of the National Organisation for the Provision of Health Services (EOPYY), b) to his medical file and c) to current, as well as past or future medical examinations, not only of his own but also of all members of the insurance contract. The Authority 1) rejected the complaint, considering that there was no violation of the right of the insured-data subject by the insurance company, since he received the insurance compensation, although he had not given his consent, and (2) reserved its judgment in order to examine the overall practice followed and rule on the lawfulness of the processing of personal data of insured persons under the insurance contract for the management of claims/coverage, in the context of the examination of the draft Code of Conduct of the Association of Insurance Companies submitted for approval to the Authority.

Decision 23/2021

Imposition of a fine on a company for unlawful installation and operation of a video surveillance system

The Authority imposed a fine of EUR 15,000 to a company for illegally installing

and operating a video surveillance system in the premises of the employees' offices and in the kitchen of the workplace, in breach of Articles 5(1)(a) and 5(2) of Regulation (EU) 2016/679. In addition, the Authority ordered the uninstallation of the cameras and the deletion of any collected material.

The transmission of the image of the persons being within the range of the cameras on the computer screen of the company administrator, who had the technical ability to display the full image on the screen or to cover it by blackening the screen, at any time and in an easy way through a relevant setup of the recorder -even if the assistance of the camera installer was required- constitutes processing of personal data which violates the provisions of the GDPR. Furthermore, the mere existence of cameras in areas for which it had already been determined by Directive No 1/2011 (on the use of surveillance systems for the protections of persons and assets) of the Authority that it is prohibited to install and operate video surveillance systems, such as office and catering areas, unreasonably infringes the rights of employees and violates the provisions of the GDPR.

Decision 33/2021

Impositions of fines for breaches of the GDPR

The Authority imposed

- a. To the Center for Disease Control and Prevention — KEELPNO (now called the National Public Health Organisation — EODY) the total administrative fine of EUR 10,000 for violation of the right of access to an employee and a lack of cooperation with the Authority. More specifically, the Center did not reply to an employee's request for information concerning the publication of documents relating to him on the website of the Employees' Association of that Center. The documents at issue were part of that employee's disciplinary file and concerned criminal proceedings. The Authority imposed, for the first time, a penalty for non-cooperation with the Authority (Article 31 GDPR), because the controller did not reply to documents by which the Authority requested clarifications regarding the alleged complaints; in addition, the controller neither appeared before the Authority during the examination of the complaint nor did it inform the Authority accordingly.
- b. To the Employees' Association of the Center for Infection Control — SEKEEL, the total administrative fine of EUR 5,000 for three breaches of the GDPR: illegal processing concerning criminal data, violation of the right of access and violation of the right of erasure. In particular, the complainant requested information about the aforementioned publication of his personal data, as well as its deletion, as he was not properly informed and had not given his consent for the publication; in addition there was no other legal ground for publication the controller could rely on as those data concerned criminal proceedings against the complainant.

Decision 37/2021

Non-fulfilment of the right to erasure and unlawful retention and processing of personal data on a website

The Authority has examined a doctor's complaint against a controller for failure to fulfil the right to erase her personal data from the controller's website which includes a public list of doctors. The complainant has twice exercised the right to have her personal data erased, by email, using the address provided by the controller as a means of communication on its website; she received, however, no reply. The Authority found a breach of the principle of lawfulness and limitation of processing according to Article 6. 5 par. 1 (a), (e) and 6(1) GDPR, due to the unlawful retention and processing of personal data on the website despite the existence of a legitimate request for erasure. In addition, the Authority found a lack of compliance by the controller with the provisions of the GDPR and in particular, as regards the fulfilment of the rights of data subjects. The Authority ordered compliance within one month and imposed an administrative fine of EUR 5,000 on the controller.

Decision 48/2021

Unlawful use of customer information for promotional purposes and failure to satisfy the right to object

A company which carries out distance selling through telephone calls from customers that have watched its TV advertisements, used, in order to directly promote its products and services, the customer data collected when purchasing products. This processing constitutes a use of personal data for a purpose other than the one for which the data were originally collected; as a result, the criteria of Article 6(4) GDPR should be ensured and the principles of processing of Article 5 GDPR should be complied with. In this respect, it was found that the data subject was not properly informed at the data collection stage so that s/he would be aware that her/his data would be used for an additional different purpose, that the customer's objections were not respected while the identity of the controller was not clear to the data subjects. In addition, in relation to the satisfaction of the right to object, the controller didn't provide adequate documents or instructions to prove that it was able to respond to such requests. The Authority imposed a fine of EUR 20,000 for the infringements identified.

Decision 50/2021

Procedure of synchronous distance learning by the Ministry of Education

The Authority examined ex officio the compliance of the Ministry of Education and Religious Affairs with the recommendations of Opinion 4/2020 on the compatibility of synchronous distance education in primary and secondary schools with the provisions of the legislation on the processing of personal data. In the context of this case the updated Impact Assessment on Data Protection as well as the Ministry's compliance actions were examined. The Authority found deficiencies as follows: a) No detailed investigation of the legality of the processing purposes has been carried out by the

Ministry, in particular in relation to the consent to access information stored in a user's terminal equipment, where this is not necessary for the provision of the service requested by the user; b) The information provided to data subjects is less than that required by the GDPR, and this information is not in an intelligible and easily accessible form in clear and plain wording; c) The security measures applied, although they are in the right direction, must be supplemented, in a way that is available to every teacher, while it must be ensured that all teachers involved in the distance learning process have received minimum information. d) The Ministry has breached the obligation of Article 35(9) of the GDPR in relation to the expression of an opinion of data subjects or their representatives on the planned processing. e) There hasn't been any correct evaluation of the data transfer to countries outside EU particularly given the CJEU Case C-311/18 (Schrems II). For these infringements, the Authority reprimanded the Ministry and instructed it to address the deficiencies in the manner analysed in the Decision within a period of two months (four in relation to transfers) so that the infringements are remedied.

Decision 55/2021

Incident of personal data breach by the Ministry of Tourism and no designation of DPO

The Authority examined a report that there was an incident of a personal data breach by a platform of the Ministry of Tourism. In particular, during the effort of a citizen to enter his credentials (TAXISnet codes) on this platform towards submitting an application, s/he got access (read-only) to the personal data of another person, which included name, TIN, Social Security Number (AMKA), postal address, telephone, email, whereas there were also fields concerning potential disability data. No data breach notification was submitted to the Authority for this incident.

During the examination of the case, it was further established that the Ministry of Tourism had not appointed a Data Protection Officer during the period in question, despite the fact that the above platform indicated an e-mail address of the DPO for communication with the users of the platform — which, as it turned out, was not active. The designation of a DPO was eventually made one year after the incident at issue.

The Authority imposed an administrative fine of EUR 75,000 on the Ministry of Tourism for detected breaches of Articles 13, 32, 33 and 37 of Regulation (EU) 2016/679, in accordance with Article 58(2)(i) of the GDPR in conjunction with Article 83(4) and (5) of the GDPR and Article 39(1) of Law 4624/2019.

Decision 60/2021

Installation and operation of a video-surveillance system in schools and playgrounds of the Municipality of Pallini

The Authority examined ex officio the case of the installation and operation of video surveillance systems in schools and playgrounds of the Municipality of Pallini following also four complaints that were submitted to it. The Authority found that: a)

it does not turn out that prior to the adoption of the decision on the installation of a video surveillance system in the school units of the Municipality, the representatives of the teaching staff, the parents' association and the student associations were consulted, where they exist and b) the Municipality of Pallini failed to prepare, as required, the data protection impact assessment study provided for in Article 35(1) GDPR before installing and operating a video surveillance system in the playgrounds of its competence. The Authority instructed the Municipality of Pallini to make the processing operations in compliance with the provisions of the GDPR, on the basis of what is set out in the paragraphs of that decision, within three months of its notification to the Municipality and reserved to re-examine the case as a whole after the expiry of the quarter. Furthermore, it issued a warning to the Municipality of Pallini that the intended installation and operation of a video surveillance system in schools without carrying out a DPIA is in breach of the provisions of the GDPR.



Guidelines

Guidelines 1/2021

On the application of personal data protection rules on teleworking. In the context of informing data subjects as well as controllers and processors, the Authority has issued guidelines specifically for the processing of personal data when providing remote work, regardless of form and type of employment, in both the private and public sectors, with a view to specifying the risks, rules, safeguards and rights of data subjects and the obligations of public authorities and private bodies, as controllers, in compliance with the institutional framework for the protection of personal data.

Opinions

Opinion 1/2021

The Authority issued an opinion on a draft law of the Ministry of Infrastructure and Transport aimed at modernising the framework for training and examination of candidates for driving licences for vehicles. The Authority recognises four main personal data processing activities that are, in principle, in line with the basic principles of lawful data processing, while it made remarks with a view to improving the provisions and their future correct application.

Opinion 2/2021

The Ministry of Digital Governance has forwarded to the Authority a draft of provisions entitled “Facilitations for the operation of businesses or other assembly places” concerning the use of a special electronic application on mobile devices,

through which “the verification of the validity, authenticity and integrity of the EU Digital COVID-19 Certificate (EUDCC) of Regulation (EU) 2021/953 of the European Parliament and of the Council of 14 June 2021 and of the act of legislative content of 30.5.2021 (A’ 87) which was ratified by Article 1 of Law 4806/2021 (Government Gazette, A’ 95) or equivalent certificate of a third country that the natural person - holder carries, by means of scanning the relevant QR code”. After examining the above draft provisions from the perspective of the legislation on the protection of personal data, the Authority issued an opinion with remarks on the draft provisions. In accordance with the provisions of Articles 51 and 55 of the GDPR and Article 9 of Law 4624/2019 (Government Gazette, A’ 137), the Authority has the competence to supervise the application of the provisions of the GDPR, this law and other provisions concerning the protection of individuals from the processing of personal data.

Opinion 3/2021

At the request of ADAE (Hellenic Authority for Communication and Privacy) regarding whether it is provided by the legal framework concerning the establishment and responsibilities of the ADAE in conjunction with the GDPR and Law 4624/2019, legal basis in accordance with the Article 6(1) GDPR for the processing of the personal data of the defendants, by maintaining a relevant archiving system, the Authority has expressed the opinion that in accordance with Article 6.1.e GDPR, such processing is lawful.

Opinion 4/2021

The Authority issued opinion 4/2021, following a request from the Data Protection Officers of the Ministry of Finance and the Independent Authority for Public Revenue on a draft law of the Ministry of Finance transposing into Greek law Directive (EU) 2019/1153 of the European Parliament and of the Council of 20 June 2019 laying down rules to facilitate the use of financial and other information for the prevention, detection, investigation or prosecution of certain criminal offences and repealing Council Decision 2000/642/JHA, together with the “Analysis of Regulating Consequences”, which made observations on specific provisions of that draft law that need to be improved and/or clarified.

Opinion 5/2021

The Independent Authority for Public Revenue (IAPR) forwarded to the Authority draft provisions concerning a proposed amendment to Article 3 of the National Customs Code (Law 2960/2001) in order for the Authority to give its opinion on them. This amendment is proposed in order to establish the appropriate legal basis and thus the possibility to install and operate surveillance systems by taking and/or recording sound and/or image in a customs territory. The Authority, after examining the above draft provisions from the perspective of the legislation on the protection of personal data, issued an opinion with observations on the draft provisions — pointing out, inter alia, that both the GDPR and Chapter D of Law 4624/2019, which transposes Directive 2016/680 and applies to the processing of personal data by public authorities responsible for the prevention, investigation, detection or prosecution of criminal

offences or the execution of criminal penalties, apply to the processing of personal data by public authorities responsible for the prevention, investigation, detection or prosecution of criminal offences.

Opinion 6/2021

The Authority issued opinion 6/2021, at the request of the Ministry of Citizen Protection, on a draft Presidential Decree entitled 'Taking measures for the implementation of Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime'. In that opinion, the Authority identified specific points in the draft PD that need to be improved and/or clarified.

Opinion 7/2021

Following the submission of a relevant question by the Athens Bar Association (DSA) to the Authority as to whether it is in conformity with the legislation on the protection of personal data that the DSA Registry Department provides the candidates with the contact details of the Lawyers-members of the DSA, the Authority considered that a) the candidate for the DSA is a third party, as it is a distinct controller (it fully determines the means, even if the purpose is of the association), B) membership of the Board of Directors is not given special categories (linked to a professional capacity by law), c) the lawfulness of transfer can be based on Article 6.1.e GDPR — public interest in the functioning of the DSA and the conduct of elections in a way that ensures the visibility of the positions of all candidates, d) the subjects have not been informed at the collection stage, but there may be application of Article 6.4 GDPR; as the purpose is relevant to the original, e) the DSA for the transfer has to take measures (such as setting conditions for the use of the data corresponding to those of the promotional messages in Articles 11(3) and 4 of Law 3471/2006), which should be specified precisely by him, and f) each candidate, as controller, must satisfy any submitted right of objection of the data subject members.

Opinion 8/2021

At the request of the President of the Independent Authority for Public Revenue for an opinion of the Authority on whether a proposed regulation (Joint Ministerial Decision) for the posting on the website of the AADE of the details of the infringements of the provisions on the installation of monitoring systems and electronic transmission of fuel input-output data is compatible with the legislation on the protection of personal data, the Authority, in its opinion 8/2021, considers that the measure of the publication on the Internet by the IAPR, as the controller, the data of these offenders, chosen by the Greek legislature, by introducing the relevant provisions of Article 31 of Law 3783/2009, (a) is in principle appropriate, as it pursues the legitimate objective of protecting the public interest and the rights of third parties-traded with the undertakings concerned, helping to combat the smuggling of fuel, tax evasion and the protection of consumers; and (b) constitutes a tolerable processing of personal data of the natural persons mentioned, which does not go beyond the limits of appropriateness and necessity. Consequently, it does not conflict with higher-ranking

rules, provided that the conditions set out in the opinion are taken into account and applied, in particular as regards the appropriate legal protection mechanism for the person concerned.

Law-drafting committee on Whistleblowing

The Authority participated in the Special Legislative Drafting Committee on the drafting of “a draft law transposing Directive (EU) 2019/1937 on the protection of persons reporting breaches of Union law, the drafting of the relevant explanatory memorandum, the impact assessment report and the correlation table of the provisions proposed with the draft law with the provisions of the Directive”. The Commission completed its work on 15-11-2021.

Finally, it is also noted that the coordinated action of the EDPB on the use of cloud-based services in the public sector began in 2021.





Promoting the awareness of data subjects about their understanding of the risks, rules, safeguards and rights related to the processing of personal data, as well as controllers and processors of their obligations, has over time been one of the main pillars of the Authority's mission, which is expressly provided for in the GDPR.

In brief, the main communication activities carried out during 2021 were the following: organization of information day in the context of the celebration of Data Protection Day 2021, contribution to the implementation of training seminars, research and other EU-funded projects, participation of representatives of the Authority with speeches-presentations at scientific conferences, workshops and educational seminars, publication of new issues of its e-Newsletter, press releases and announcements, response to media queries, giving interviews and publishing articles in the media.

Data Protection Day, 28 January 2021

On the occasion of the celebration of the 15th Data Protection Day, the Authority held, on 28 January 2021, an online information day on "Data protection in the context of pandemic response measures". The President of the Authority, Honorary President of the Council of State, Konstantinos Menoudakos, coordinated the first part of the conference. Dr Vasileios Zorkadis, Director of the Authority, gave a speech entitled "The upgrading of the Authority's digital infrastructure". The Deputy President of the Authority, Honorary Judge of the Supreme Court of Civil and Penal Law, Georgios Batzalexis coordinated the second part as well as the discussion that followed with the audience. Additionally, Spyros Vlachopoulos, Professor of Law School of Kapodistrian University of Athens and member of the Authority, gave a speech entitled "Personal

data and e-education in the era of the pandemic” and Konstantinos Lambrinoudakis, Professor of Digital Systems at the University of Piraeus, member of the Authority, made a presentation entitled “Procession of personal data in the context of contact tracing applications”. The first part was completed with the presentation by Grigorios Tsolias, lawyer, LL.M., alt. member of the Authority, entitled “Processing of personal data and industrial relations in the period of COVID-19”.

In the second part of the event, initially Charalambos Anthopoulos, Professor of Law and Administration, Hellenic Open University, member of the Authority, made a speech entitled “Pandemic and fake news”. Finally, Evangelos Papakonstantinou, professor of law at the University of Brussels, a member of the Authority, made a presentations entitled “Law of Necessity in Data Protection Law?”. At the last part of the information day, the President, the Deputy Chair and the members of the Authority replied to a number of questions, which were raised by the audience. The event was broadcast live via the Internet and the DIAVALOS service of the National Infrastructure, Technology and Research Network. The event is available on the website of the Authority <https://www.dpa.gr/el/enimerwtiko/ekdiloseis/eyropaiki-iMERA-prostasias-prosopikon-dedomenon-2812021>

Contribution of the Authority to the implementation of training seminars and research and other EU funded projects

The Authority, as part of its responsibilities to raise awareness of controllers and processors about legislation on the protection of personal data, has been performing for 24 months the project “Facilitating compliance of small and medium-sized enterprises with the GDPR and promoting data protection by design in ICT products and services (Design)” as of 1/11/2020. The execution is carried out jointly with the University of Piraeus and the Greek IT company ICT Abovo IKE, co-financed by the European Commission. The main objective of the project is to provide specialised guidance to small and medium-sized enterprises, in the form of a compliance toolkit, which will simply include tools to assist companies and professionals accompanied by standards of the necessary documents, suitably adaptable to each business. The aim is to simplify the compliance process of small and medium-sized enterprises and to adopt to a greater extent good practices than the personal data processed by them. See in this regard <https://bydesign-project.eu/>

In addition, from 1/5/2018 to 30/4/2021 the Authority participated with international and domestic partners in the project “Business Process Re-engineering and functional toolkit for GDPR compliance (BPR4GDPR)” under the Horizon 2020-EU.3.7.6. Ensuring privacy and freedom, including on the Internet and improving understanding of all areas of security, risks and management from a social, legal and ethical perspective.’ The aim of the BPR4GDPR was to provide a holistic framework to support the business processes of data controllers and processors based on Information and Communication Technologies (ICT) to be GDPR-compliant (see in this regard <https://www.bpr4gdpr.eu/>).

Participation in training seminars/days

Throughout 2021, the training seminars continued at the National Centre of Public Administration and Local Government on "The General Data Protection Regulation: the obligations of the Public Administration", with special scientists from the Department of Auditors of the Authority.

Participation in workshops and conferences

During 2021, the President of the Authority, Mr K. Menoudakos, participated as speaker or coordinator in scientific conferences and workshops. Additionally, several members and special scientists of the Auditors' department participated as speakers in conferences, seminars/workshops.

e-Newsletter

During 2021, the Authority issued four new issues of its e-newsletter (available also at <https://www.dpa.gr> -> "E -Newsletter"), which seeks to provide brief but comprehensive information on its work, current developments in the field of personal data at national, European and international level, news for recent or upcoming events, useful links to websites related to the above issues and, finally, bibliographical updates.

Media Interviews/articles and responses to media queries

Articles of the President of the Authority were published in the newspaper "TA NEA" on 28/3/2021 and 8/7/2021.

The member of the Authority, Professor Kostas Lambrinoudakis, gave on 2/11/2021 an interview to journalist Christos Mihailidis (ERT1) on the issue of malicious calls for stock market products.

Finally, the Authority responded to a number of journalists' questions from various news media, such as The Guardian, News247, Powergame.gr, Inside Story, Proto Thema, Star Channel, Mlex news service, Reporters United, TVXS, Coda Story, SKAI, ERT, AVGI, KATHIMERINI, TA NEA et.c.

Press releases

In 2021 the Authority issued 13 press releases and 5 announcements which are all available at <https://www.dpa.gr> (-> "Information", subsections "Press releases and announcements").

Publication of articles

The members and scientific staff of the Authority published, in 2021, several articles in scientific journals.

Published by the Hellenic Data Protection Authority
Edited by the Secretariat of the Hellenic DPA

Hellenic Data Protection Authority
Kifisias 1-3, 11523, Athens – Greece
Website: www.dpa.gr
E-mail: contact@dpa.gr

