



HELLENIC DATA  
PROTECTION AUTHORITY

# Summary of Annual Report 2022



SUMMARY OF ANNUAL ACTIVITY REPORT 2022



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PROTECTION AUTHORITY

ATHENS 2024

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# Foreword

It is with great pleasure to present the 2022 Annual Activity Report of the Hellenic Data Protection Authority. The annual report presents the actions undertaken by the independent authority in all areas of competence as well as useful statistics. At the same time, it shows the work performed by the Authority's members and staff who have made the most of the means available to them in order to carry out the tasks assigned by the State.

In 2022 four years were completed since the entry into force of the General Data Protection Regulation (GDPR). This essential legal framework of the European Union aims to strengthen the protection of personal data and thus privacy in its wider form, which is a fundamental value of the European legal culture; it also seeks to ensure the free movement of such data within the functioning of the European Union internal market in the light of technological developments and the rapidly increasing cross-border flow of personal data.

In 2022 fines of more than 30 million EUR were imposed, while 414,000 EUR were imposed in the previous year. It should be clarified, however, that the amount of the fines imposed is not to be seen as a positive appraisal of the Authority's work, but as an indication that, towards the end of the first five years of application of the GDPR, there are still significant infringements of the rules which can no longer be justified. As a general conclusion that emerged from the first years of application of the GDPR, complying with its rules and, above all, embracing the spirit governing data protection principles is an ongoing exercise both for organisations and businesses; yet, it has become clear that the Regulation has brought results.

The Hellenic DPA has delivered on its responsibilities and tasks assigned to it by the GDPR and the national law to the fullest extent possible, despite the long-standing problems due to understaffing and the lack of sufficient resources combined with the ever-increasing influx of cases and other tasks.

Indicatively, I would like to point out that the figures mentioned in the following pages show that in 2022 the number of incoming actions/complaints, as well as the number of cases handled, increased by around 8% compared to 2021.

In addition to examining complaints, the Authority has consistently prioritised the development of its preventive work, in particular its ex officio monitoring activity, guidance, information and awareness-raising action, as well as analysing new technologies and business models from a data protection perspective, and contributing to research efforts in the field of data protection and information security.

The Authority continuously makes systematic efforts to raise awareness regarding the protection of personal data and provide appropriate tools to facilitate compliance with the relevant protection rules. Given its limited financial resources, it taps into funding opportunities provided by the European Commission through relevant programmes in order to carry out these actions.

In this regard, 2022 saw the successful completion of a project implemented by the Authority in cooperation with the University of Piraeus and ABOVO Company. The project aimed at facilitating compliance of small and medium-sized enterprises by providing specialised guidance in the form of a compliance toolkit and specialised information to those involved in the development of IT applications and services on data protection by design and by default ("[byDesign](#)").

In September 2022, the Authority also launched a new project called "[byDefault](#)", which provides for the creation of a dedicated platform in order to provide specialised information to data protection officers (DPOs) and data protection professionals, as well as for the creation of data protection educational material for primary and secondary school pupils.

On another level of activity, the Authority concluded Memoranda of Understanding with the National Accreditation System (ESYD) and the Hellenic Competition Commission, with a view to ensuring effective cooperation between the parties when examining issues of mutual interest and/or competence.

In addition, the Authority once again met its standard European and international obligations and was actively present at the European Data Protection Board (EDPB), as well as in working parties and committees operating under European legislation on the protection of personal data.

National data protection authorities are strongly committed to ensuring consistent application of the GDPR by using all means at their disposal. Interestingly, during the EDPB high-level meeting in Vienna at the end of April 2022, DPAs committed to further strengthening and broadening their cooperation in cases of strategic importance (e.g. cases involving a large number of EEA subjects, cases involving a

structural or recurrent problem in Member States) in order to make the application of the Regulation more effective. Moreover, within the EDPB, national authorities are undertaking joint actions, such as the coordinated action on the use of cloud-based services by the public sector, initiated in 2022 and involving the Hellenic DPA as well.

The impact of the legal framework on the data and digital transformation strategy of the European Union that is under development should also be analysed, and effective mechanisms for cooperation with other competent authorities should be developed where applicable.

However, in addition to the intense efforts made by the Hellenic DPA to respond to the high expectations of society and the citizens by implementing its preventive and corrective action, as required, it is crucial to stress once again that the competent bodies of the State must ensure that the Authority has the necessary means, also in accordance with the relevant provisions of the Regulation. The rest is obviously our duty and responsibility.



**Konstantinos Menoudakos**

President of the Hellenic Data Protection Authority

# Overview



## **ROLE, MISSION AND RESPONSIBILITIES**

The Hellenic DPA 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.

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), 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 European Union and, to this end, it cooperates with the supervisory authorities of EU Member States and the European Commission (Article 51(2), Recital 123 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 performing its tasks (Article 57 GDPR and Article 13 of Law 4624/2019) and exercising the powers conferred on it (Article 58 GDPR and Article 15 of Law 4624/2019) on its territory (Article 55(1), Recitals 122, 129 GDPR; Article 9 of Law 4624/2019) acting with complete independence (Article 52, Recitals 117-118, 121 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 No. 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.

The most critical operational issues the Authority faced in 2022 included the acute accommodation problem, the urgent need to increase its human and financial resources, the exemption of the Authority from ASEP (Supreme Council for Civil Personnel Selection), the reorganisation of its Secretariat and its institutional strengthening mainly in what involves its audit work.

Already in 2019, the Authority realised that the issue of accommodation would be a particularly serious problem. The current situation regarding the accommodation of the Authority's offices is as follows: In March 2023, the Authority was forced to vacate one of the two floors on which it was located as a result of a provisionally enforceable court ruling on an action for eviction filed by the owner of that floor. That led to the Authority being unable to accommodate a large part of its services. A similar risk is imminent for the office areas located on the floor on which the Authority has been confined.

There is an actual risk that the Authority will be left with no accommodation. It is



therefore necessary to seek measures in order to resolve the problem.

As has been pointed out on every occasion, the Authority, since its establishment, has been seriously understaffed. To this day, it has been impossible to align its staffing requirements with the broad set of competences deriving from European and national legislation, and the volume of work involved. The ever-increasing volume of incoming cases is an essential impediment to the Authority's efforts to fully fulfil its mission. The negative impact of understaffing, combined with the low budget assigned to the Authority, is mostly felt in the development of its preventive work, such as regular audits, and awareness raising among data subjects, controllers and processors. The current staff actively serving in the Authority's Secretariat is approximately 50 employees, out of the 75 statutory posts provided for, and they are divided into special legal, ICT and communication scientific staff, as well as administrative and financial sector staff. The staffing of the Authority falls significantly short of that of its counterparts in other Member States. According to a relevant study complementing the draft organisational chart regarding the Secretariat's restructuring, the work to be carried out by the Authority requires a minimum of 135 posts, which the Authority deems necessary to meet its main obligations. For this reason, its initial draft organisation chart provided for a relevant number of statutory posts, but this number was reduced to 91, following an instruction by the Ministry of the Interior. It is therefore necessary to fill these posts as soon as possible once the organisational chart approval process has been completed.

At the same time, it is necessary to increase the financial resources allocated to the Authority for its operating costs, in addition to the funds earmarked for staff salaries.

It should also be noted that Article 52(4) GDPR lays down the obligation for each Member State to provide each national supervisory authority "...with the human, technical and financial resources, premises and infrastructure necessary for the effective performance of its tasks and exercise of its powers, including those to be carried out in the context of mutual assistance, cooperation and participation in the Board." Greece's response to this obligation has not been fulfilled to this day.

Since it was established and until the first years of the financial crisis, the Authority was exempt from the requirement to go through ASEP procedures regarding staff recruitment. This was in line with its independence, since, despite the fact that ASEP is also an independent authority, its statutory involvement does not allow the Authority to determine when the vacancy notice would be made, what the duration of the procedure would be and the final selection of staff, thereby infringing its independence. Despite the urgent need to increase the Authority staff, the national legislation stipulating that recruitment will be made only through ASEP deprives the Authority of the ability to manage its human resources needs in a timely and efficient manner. For this reason, given the urgent need to reinforce the Authority in terms of human resources, it is absolutely necessary to adopt a legal provision stating that staff management will be entirely the responsibility of the Authority itself, including

the filling of authorised vacant posts, as required by the GDPR. At this point Article 52(5) GDPR should be recalled, according to which “Each Member State shall ensure that each supervisory authority chooses and has its own staff which shall be subject to the exclusive direction of the member or members...”.

In addition, including the Authority in these provisions would also be a response on the part of the State to the provisions of Article 52(5) GDPR mentioned above. As regards the restructuring of its Secretariat, the Authority submitted a draft presidential decree approving the relevant organisational chart, in accordance with the authorisation provided for in Article 18(3) of Law 4624/2019, but the procedure has not yet been completed (as of early September 2023). Restructuring the Authority’s services was made necessary because of the new data protection framework applicable in both the European Union and in Greece.

With regard to the Authority’s institutional strengthening, it is firstly proposed to introduce a mutual agreement procedure for the swift handling of complaints in cases of minor importance for data subjects’ rights and, secondly, to enable the Authority to obtain the necessary information for its audits from any other public authority that may be in hold of them, so that it can exercise its supervisory powers more effectively.

Another issue related to ensuring adequate staffing for the Authority is to provide incentives aiming to retain the staff. As mentioned above, a large proportion of special scientific staff particularly during the financial crisis, resigned, mainly in search of better working conditions.

To ensure proper and effective functioning of the Authority, in addition to adequately increasing the number of human resources and securing sufficient financial resources, it is necessary to set up advanced computing and network infrastructures, including electronic services for use by controllers, processors and data subjects.

To this end, and after the upgrading of the Integrated Information System (IIS) and the Authority’s new web portal, which became fully operational in early 2021, the project to expand the Authority’s IIS began in 2022 with new, more automated electronic services, such as the management of data breach incidents, security and data protection (self-) assessment and audit management, and the creation of information content aiming to raise awareness among children regarding data protection.

In terms of financial data, the funds available for 2022 were once again reduced compared to the previous year by around 10%, mainly in the major category “Employee benefits”. Funds available for operational expenditure did not show a positive change, despite constant requests for a significant increase. Finally, the creation of a traineeship framework and the drafting of a code of conduct for the Authority members and staff are still pending.

## Key statistics



In 2022, the number of incoming complaints reached 1,250, a rise of around 8% compared to 2021 (up from 1,160), while 876 complaints were handled, also a rise of around 8% compared to the previous year (up from 811). The number of data breach incidents notified to the Authority in accordance with the GDPR reached 174, down by about 4% compared to the previous year (from 181 in 2021), while 35 data breach notifications were submitted by electronic communications service providers under Law 3471/2006, showing a decrease of around 20% (from 44 in 2021). There was also 1 incident under Article 63 of Law 4624/2019, i.e. the total number of data breach incidents showed a decrease of around 7 %. In 67 cases, case examination led to the adoption of a decision by the Plenary or the Chamber. Moreover, the Authority issued 5 opinions.

In 2022, the total number of incoming documents was 12,917, an increase of around 55 % compared to 2021 (up from 8,320). Compared to 2017, which had marked the highest number of incoming documents (10,991) on an annual basis before 2022, the increase in incoming documents is around 18 %. In the years 2018 and up to 2021, the flow of incoming documents was contained, due to the implementation of the GDPR initially, and in the years 2020 and 2021 due to the pandemic. As expected, there is now a significant increase in the flow of incoming documents and, proportionally, cases for the Authority, suggesting the urgent need to increase its human resources and the resources allocated.

As regards the above-mentioned data breach notifications laid down in GDPR, out of a total of 174, 12 were about cross-border processing and in 57 cases the data

subjects were informed. As for the cases regarding electronic communications, only one involved cross-border processing and in 5 cases the data subjects were informed.

In 51 of the Authority's decisions, fines were imposed on controllers. In 12 cases, a reprimand/compliance warning sanction was imposed following a complaint and a hearing, and in 39 cases a fine ranging from 1,000 EUR to 20,000,000 EUR was imposed. It should be noted that in 6 of these 39 decisions the penalty of reprimand/warning was also imposed in addition to the fine. Overall, a total of 30,060,000 EUR in fines were imposed.

The aforementioned 51 Authority decisions are classified in the main thematic areas as follows: 6 in Health, 7 in Private Economy, 5 in the Promotion of Products and Services (advertising, spam, telephone nuisance calls), 1 in Education and Research, 6 in Labour Relations, 4 in Closed Circuit Television Systems, 8 in Public Administration – Local Government – State Action, 2 in Media, 7 in the Financial Sector, 4 in Electronic Communications Services and 1 in Others.

In 2022, the Authority was informed of the submission of 11 requests for annulment to the Council of State (CoS), of which 3 involved Authority decisions issued in 2022. The 8 remaining actions involved decisions the Authority had issued in 2021. Twelve actions for annulment against Authority decisions issued in previous years were discussed. In one case, the applicant withdrew. The Council of State issued 7 decisions, of which 3 reject the actions and 4 accept them (out of the last 4 decisions, the 3 of them concern cases of political communication).

Statistics on data breach incidents are also included that were communicated to the Authority, reflecting their monthly flow and security objectives, as well as their cross-border or non-cross-border nature. There are also more specific statistics on the number of incoming and processed requests in 2022 relating to alerts on aliens in the Schengen Information System and on the applicants' country of origin. Finally, statistics on the cooperation of Member States supervisory authorities and the application of the consistency mechanism are also included, as well as a classification of the Authority's decisions by thematic area and provision applicable.

## Complaints

Number of complaints resolved: **876**

## Fines

Amount of fines imposed: **30,060,000** euros  
(in **51** decisions)



## Decisions – Opinions

**67** decisions were issued and  
**5** opinions

## Data Breach Notifications

Number of Data Breach Notifications  
received:

**174** for **GDPR** and  
**35** for **Law 3471/2006** (it incorporates  
the European Directive 2002/58/EC into  
national law).



# Enforcement

## SELECTION OF DECISIONS ON COMPLAINTS

### Decision 4/2022

#### **Title: Imposition of a fine for a personal data breach incident and unlawful data processing**

**Summary:** Following a notification of a personal data breach incident by COSMOTE (subscribers call data leaked in the period between 1/9/2020 and 5/9/2020), the Authority investigated the circumstances under which the incident occurred and, in this context, examined whether it was lawful to keep the records leaked and what the security measures in place were. This was a file containing subscriber traffic data, which, on the one hand, is kept for the purpose of managing problems and failures for 90 days after calls have been made. On the other hand, the file is 'anonymised' (pseudonymised) and kept for 12 months with a view to drawing statistical conclusions in order to ensure the optimum design of the mobile network once it has been enriched with additional simple personal data.

The investigation of the case revealed a breach by COSMOTE of the principle of lawfulness (Articles 5 and 6 of Law 3471/2006) and of the principle of transparency due to unclear and incomplete information sent to subscribers (Article 5(1)(a) and 13-14 of the General Data Protection Regulation (GDPR)), infringement of Article 35(7) GDPR due to inadequate conduct of impact assessment, infringement of Articles 25(1) of Law 3471/2006 due to inadequate implementation of anonymisation, infringement of Article 12(1) of Law 3471/2006 due to incomplete security measures and infringement

of Article 5(2) in conjunction with Articles 26 and 28 due to failure to allocate the roles of the two companies in relation to the processing in question. It was also found that OTE had infringed Article 32 GDPR due to inadequate security measures in relation to the infrastructure used in the context of the incident.

For the infringements found and taking into account the criteria set out in Article 83(2) GDPR, the Authority imposed a fine on COSMOTE totaling 6,000,000 EUR, as well as a penalty for interrupting the processing and destroying data, while it imposed on OTE a fine of 3,250,000 EUR.

### **Decision 25/2022**

#### **Title: Imposition of an administrative fine for unlawful processing of personal data and failure to examine the substance of rights to object and erasure**

**Summary:** By Decision No 25/2022, the Authority examined a complaint against a Loan Servicer (a) for unlawful processing of personal data in the form of continuous telephone call nuisances to a debtor for whom the Servicer complained of (that was responsible for managing claims against the latter in its capacity as creditor in accordance with the relevant legal framework) was aware that she had been granted judicial relief for the remainder of her debts, and (b) for failing to examine the substance of the rights exercised by the complainant, as a data subject, allegedly claiming its inability to identify her. More specifically, the Authority found in this case that the company complained of had unjustifiably impeded the exercise of the complainant's rights in breach of Article 12(2) GDPR. Furthermore, the Authority found that such processing was carried out without a legal basis, because of the complainant's judicial relief for the debts in question, which involved all of the complainant's capacities, in breach of the provisions laid down in Articles 5(1)(a), 5(2) and 6 GDPR. The Authority, therefore, imposed a fine of 10,000 EUR for the infringement of Article 12(2) GDPR and another 10,000 EUR for the infringement of Articles 5(1)(a), 5(2) and 6 GDPR.

### **Decision 35/2022**

#### **Title: Imposition of a fine on Clearview AI, Inc.**

**Summary:** By Decision No 35/2022, the Authority examined a complaint against Clearview AI, Inc, lodged by the Non-Governmental Organization 'Homo Digitalis' on behalf of a complainant who was allegedly not satisfied with regard to the right of access she exercised against the company. This complaint also called for an examination of the practices adopted by the respondent company as a whole from the point of view of personal data protection. In particular, the Authority found that in this particular case the company complained of, which markets facial recognition services, has breached the principles of lawfulness and transparency (Article 5(1)(a), (6) and (9) GDPR) and its obligations under Articles 12, 14, 15 and 27 GDPR. Hence, it imposed a fine of twenty million (20,000,000) euros. In addition, the Authority issued a compliance order to the same company in order to satisfy the complainant's request for access to her personal data, and imposed on the company a ban on the collection and processing of personal data of subjects on Greek territory using methods included in the facial recognition service. Finally, under the decision in question, the

Authority issued an order to Clearview AI, Inc to delete the personal data of the persons concerned on Greek territory, which the complainant collects and processes using the same methods.

#### **Decision 38/2022**

##### **Title: Imposition of a fine to a telecommunications provider for infringement of the provisions of Article 12 of Law 3471/2006 (incorporates the European Directive 2002/58/EC into national law)**

**Summary:** Following complaints and relevant notifications, the Authority became aware of incidents of unauthorised access by malicious third parties to mobile subscriber data. The access took place following requests to change the subscribers' SIM card and was due to problems in the process of identifying subscribers when making such requests, either as a result of inadequate security measures or an incomplete implementation of existing measures. The Authority assessed the number of incidents, as well as the actions taken by the controller to tackle them, and imposed a fine of 150,000 EUR for the above infringements of Article 12 of Law 3471/2006.

#### **Decision 45/2022**

##### **Title: Imposition of a fine and issuance of a warning to Vocational Training Centres (KEK) for unlawful and non-transparent data processing**

**Summary:** The Authority examined a complaint filed by an unemployed person against the Hellenic Manpower Employment Organisation (OAED) regarding the leak of his personal data, and against Centre of Vocational Training KEK MASTER and KEK EXELIXI for unlawful processing of his data. After having expressed an interest in participating in a subsidised employment and training programme run by the Ministry of Labour, the complainant, who was registered as an unemployed person with OAED, received a telephone call from the two KEKs complained of to discuss how he could attend the training programmes. The examination of the complaint did not reveal any data leakage by OAED. As regards KEK MASTER, it was found that the complainant, during their initial telephone call, thought he was talking to OAED representatives, which caused him confusion. This was due, at least in part, to the inadequate and vague information he had received from KEK MASTER. The Authority, therefore, issued a warning to KEK MASTER regarding its alleged failure to comply with the principle of transparency. KEK EXELIXI, also complained of, while initially claiming to have found the complainant's data from an online search, then claimed that the complainant had filled in an expression of interest form on its website, through which he gave his consent. This claim was rejected by the complainant. It was found that the consent procedure the KEK claims to have followed does not meet the requirements of Article 7 GDPR and is not valid, in particular because of the lack of information and the absence of procedures in place to confirm the information provided. In addition, the KEK carried out further online search regarding the complainant's data as part of the examination of the complaint, without substantiating that the above processing operations were lawful or that adhered to the principle of transparency towards the complainant. A fine of 10.000 EUR was therefore imposed on KEK EXELIXIS.



## **Decision 67/2022**

### **Title: Complaint for reproduction and publication of professional contracts containing personal data**

**Summary:** The Authority examined a complaint against three controllers concerning the posting of publications containing an individual's personal data who had been in the limelight of sports current affairs. The Authority imposed a fine of 25,000 EUR on the first of the controllers in question, namely the Hellenic Football Federation, for infringement of Article 5(1)(a)(2) and Articles 24(1) and (2), and 32(1) and (2) GDPR, as it found that the leaking of the contracts in question containing the complainant's personal data had taken place in the Federation's filing system due to lack of appropriate technical and organisational security measures and, in general, compliance with GDPR requirements. The Authority imposed a fine of 5,000 EUR on the second controller complained of, namely PAOK FC, for infringement of Articles 5(1)(a) and (f), 5(2) and 24(1) and (2) GDPR on the ground that, in its capacity as manager of its website, it posted the contracts in question without a legal basis and without having taken the appropriate technical and organisational measures so that the complainant's personal data cannot be published. Finally, the Authority issued a reprimand to the third controller, namely Paralot, as it found that the posting of the complainant's personal data in question from its website SDNA.gr, which is owned by the company, is a reproduction of the PAOK FC posting and, therefore, constitutes a breach of Article 5(1)(a) GDPR.



## Opinions

In 2022, the Authority issued 5 opinions on draft laws, presidential decrees and ministerial decisions in the context of its consultative competence, pursuant to Article 57(3)(b) GDPR and Article 13(1)(c) of Law 4624/2019. In particular, the Authority examined a draft Presidential Decree submitted by the Ministry of the Interior pursuant to Article 19(1) of Law 4807/2021 on telework in the public sector. The Authority underlined, on the one hand, that the draft Presidential Decree submitted repeats provisions of Law 4807/2021 and the GDPR, without specifying in more detail issues under regulation, and, on the other hand, drew attention to the definition of the role of controllers in relation to the envisaged operation of the public sector telework portal. The Authority then gave its opinion on specific articles of the draft Presidential Decree submitted (**Opinion 1/2022**).

In addition, the Authority examined a draft Ministerial Decision issued by the Ministry of Education, Religious Affairs and Sports on the amendment of Article 25 "Pupils' exemption from active participation in school subjects" contained in Ministerial Decision No 79942/ΓΔ4/21-5-2019 entitled "Enrollments, transfers, school attendance and organisational affairs pertaining to the school life in secondary schools". With regard to the exemption of pupils from the school subjects of Physical Education and Music, the Authority held that the processing of pupils' data, including special categories of their health data, that is carried out when collecting them, entering them into the record of the school unit concerned for a period of three months from the end of the relevant school year, and registering the act of exemption into the

Book of Acts kept by the school unit Teachers' Board regarding their exemption from active participation in Physical Education and Music respectively, is in line with the principles of lawfulness set out in Article 5 GDPR. As regards pupils' exemption from Religious Education, the Authority is of the opinion that the exercise of the right to be granted exemption from Religious Education, which is in line with the applicable Greek Constitution and the ECHR, is a statement by the parents or pupils concerned, including the Orthodox Christian persons who may wish to do so, that should simply mention that 'Reasons of conscience do not allow (me or my child) to participate in the course of Religious Education.' It is also suggested that the registration of the exemption in the Book of Acts kept by the school unit Teachers' Board should be worded according to the subject for which the exemption is granted as follows: 'Exemption granted from the course of Physical Education', 'Exemption granted from the course of Music', 'Exemption granted from the course of Religious Education', 'Exemption granted from morning prayer and attending church services.' With regard to the registration of the exemption in 'myschool' information system:

- it is suggested that the same wording be used as in the Book of Acts kept by the Teachers' Board;
- the need for data to be retained in "myschool" system be reviewed regularly and, in any case, that the data recorded in the system be automatically deleted after the pupils have completed their education, or the intended purpose for retaining the data has been met;
- access to these data be limited to the school unit in question attended by the pupil, and in particular to specific, duly authorised users, in so far as this is relevant to their tasks. Finally, it is suggested that the appropriate legal basis for the processing of special categories of data be reviewed and this choice be duly justified, and that the right of data subjects' access to all data and information concerning them and the right to rectification be added, in addition to correcting inaccurate data and adding any missing data (**Opinion 2/2022**).

Furthermore, the Ministry of Finance submitted to the Authority a draft law on the Central Credit Register requesting an opinion to be issued. After studying the draft law, the Authority issued an opinion underlining, on the one hand, the obligation to carry out a personal data impact assessment before initiating the intended processing and, on the other hand, the need to review and correct specific provisions of the draft law submitted in order for the intended processing to be in line with the GDPR and Law 4624/2019 (**Opinion 3/2022**).

The Ministry of Finance submitted to the Authority a draft law regarding the assessment of solvency and creditworthiness of natural and legal persons vis-à-vis the State and the establishment of an Independent Credit Rating Authority. The Authority, after studying the draft law, issued this Opinion underlining, on the one hand, the obligation to carry out a personal data impact assessment before initiating the intended processing as well as to draft an algorithmic impact assessment and,

on the other hand, the need to review and correct specific provisions of the draft law submitted in order for the intended processing to be in line with the GDPR and Law 4624/2019 (**Opinion 4/2022**).

Finally, at the request of the Ministry of Justice, the Authority examined Chapter F of the Draft Law entitled "Procedure for lifting the confidentiality of communications, cybersecurity and personal protection of citizens' personal data." At the same time, acting ex officio, the Authority examined other proposed arrangements in so far as they affect the right to the protection of personal data. The Authority identified specific points in the draft law which need to be improved and/or clarified, and submitted relevant comments (**Opinion 5/2022**).



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 2022 were the following: organization of information day in the context of the celebration of Data Protection Day 2022, 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 2022**

On the occasion of the 16th Data Protection Day, the Hellenic Data Protection Authority organised an online information day on 28 January 2022. The event opened with an introductory speech by the President of the Authority, Honorary President of the Council of State, Konstantinos Menoudakos. With regard to the first part, Authority's Members Konstantinos Lambrinouidakis, Professor at the Department of Digital Systems, University of Piraeus, and Grigoris Tsolias, Lawyer (Doctor of Law), made presentations entitled "Management of the COVID-19 Pandemic and Personal Data" and "Telework and Personal Data Protection" respectively. It should be noted that the Deputy President of the Authority, Honorary Judge of the Supreme Court of Civil and Penal Law, Georgios Batzalexis, moderated the first part entitled "Current

issues relating to the protection of personal data” as well as the discussion with the audience that followed.

In the second part entitled “byDesign project”, Dr. Vasileios Zorkadis, Director of the Authority’s Secretariat, gave a speech entitled “The Authority’s involvement in projects funded by the European Commission, introduction to the byDesign Project”. Subsequently, Ms. Kalli Karveli (M.Sc.) and Dr. Efrossini Siougle, Legal and IT auditors of the Authority respectively, made a presentation entitled “Creating a GDPR compliance support tool”. The event ended with a presentation entitled “Creating training material and organising seminars on the subject of Data Protection by Design and by Default” by Dr. Georgios Rousopoulos, and Georgia Panagopoulou, IT auditors of the Authority. The President of the Authority, Mr. Konstantinos Menoudakos, moderated the second part as well as the discussion with the audience that followed.

The event was web-streamed via DIAVLOS live web streaming service operated by the National Network for Infrastructure, Technology and Research. Link of the event: <https://diavlos.grnet.gr/event/e3021>.

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

As part of its responsibilities to raise awareness of personal data protection legislation among controllers and processors, the Authority implemented the project entitled “Facilitating compliance of small and medium-sized enterprises with the GDPR and promoting data protection by design in ICT products and services (byDesign)” starting from the 1st of November 2020 and for a period of 24 months. The project was implemented in cooperation with the University of Piraeus and the Greek company ICT ABOVO IKE, and was co-financed by the European Commission. The main objective of the project was to provide specialised guidance to small and medium-sized enterprises in the form of a compliance toolkit. This toolkit, which aims to assist companies and professionals, includes easy-to-use tools and templates of the necessary documents that can be adapted to each business. The goal was to simplify the compliance process for small and medium-sized enterprises and to increase the adoption of best practices regarding the processing of personal data by those enterprises.

As part of this project, the Hellenic Data Protection Authority and the University of Piraeus organised a series of seven webinars (from 8/3 to 14/4) offering training on personal data protection issues that were qualified as important concepts for small and medium-sized enterprises during the first phase of the project.

These first webinars of general character were addressed to managers and analysts/designers of information systems, as well as to the organisation’s members of staff involved in compliance with the General Data Protection Regulation.

Subsequently, specialised technical seminars were held exclusively for IT analysts/designers (from 23/5 to 20/6 and on 19/10).

Two seminars were also held in October for students from the Department of Digital Systems of the University of Piraeus. In view of the completion of the byDesign

project in October 2022, an online international conference entitled "Presentation of the project 'byDesign' outcomes" was held on Thursday 29 September 2022 for an overall official presentation of the project's findings and results and for sharing ideas and experiences at national and EU level. The conference was attended by representatives of small and medium-sized enterprises, professional associations, chambers and IT professionals.

The President of the Authority, Mr. Konstantinos Menoudakos, and the Director of the Authority's Secretariat, Dr. Vasileios Zorkadis, gave respectively a welcome address and an introductory speech at the international conference. In the first section entitled "GDPR compliance and the development of an online toolkit for SMEs", moderated by Dr. Georgios Lioudakis, ICT ABOVO, presentations were made by Ms. Kalli Karveli, Legal Auditor ("Need analysis"), Dr. Efrossini Siougle, "Methodology and compliance material" and Nikolaos Dellas, ICT ABOVO ("Online assistance self-compliance tool"). In the second section entitled "The development of a training programme on Data Protection by Design" moderated by Dr. Konstantinos Limniotis, IT auditor, presentations were made by the following: Dr. Georgios Rousopoulos, IT auditor ("Training set-up and methodology"), Georgia Panagopoulou, IT auditor M.Sc. ("Training material") and Kostas Lambrinouidakis, Professor at the Department of Digital Systems, University of Piraeus ("Report on Training"). The third section entitled "European experience" was moderated by the Director of the Authority's Secretariat, Dr. Vasileios Zorkadis. Speeches were given by Hristo Alimonov, Head of International Cooperation and Project Management on behalf of the President of the Bulgarian Data Protection Authority Ventsislav Karadjov - ("SMEDATA another successful story that inspires and serves"), Anamarija Mladinic, Head of Department for Legal Affairs, Cooperation and Projects, Croatian Data Protection Authority (AZOP) ("Awareness raising campaign for SMEs (EU ARC project): overview of project activities, achieved results and GDPR compliance in Croatian SMEs"), Meeri Blomberg, Senior Officer, Office of the Data Protection Ombudsman, Finland. ("GDPR opening doors to the digital single market: SME centric online tools and support for leveraging the opportunity") and Dr. Prokopios Drogkaris, Cybersecurity expert, ENISA ("Engineering Data Protection: The case of Pseudonymisation"). In the fourth section, moderated by Dr. Elias Athanasiadis, Head of the Authority's Communications Department, a discussion took place among representatives of companies, associations and chambers. The following panelists participated: Filippos Fratzolas, MBCS CITP, DPO, Palso Federation of Language School Owners, Ioannis Mathes, IT Security Officer, DPO, INFORM P. LYKOS (HELLAS) SA, Varvara Mavrokefalou, DPO, Fais Group of Companies, Eleni Moka, Scientific Officer, Small Enterprises' Institute of the Hellenic Confederation of Professionals, Craftsmen, and Merchants (GSEVEE), and Adamantia Plarinou, DPO, Papoutsanis SA, Melina Skondra, Lawyer, CIPP/E, MSc Law and Informatics, Co-chair IAPP Hellenic Chapter. The conference was concluded by the Director of the Authority's Secretariat, Dr. Vasileios Zorkadis.

In addition, as part of its responsibilities for raising awareness of personal data protection legislation among the public, controllers and processors, the Authority has

been implementing since 1/9/2022 and for a period of 24 months a new project entitled “Aware by default: promoting awareness among critical social and professional groups (children and data protection professionals) – byDefault”. The project is implemented in cooperation with the University of Piraeus and the Greek IT company ICT ABOVO, and is co-financed by the European Commission.

### **Participation in training seminars/days**

It should first be noted that training seminars at the National Centre for Public Administration and Local Government (EKDDA) continued throughout 2022 on “The General Data Protection Regulation: the obligations of the Public Administration”, presented by Special Scientists working at the Authority’s Auditors’ Department. Dr. G. Rousopoulos and Dr. K. Limniotis, special scientists working for the Authority, created the training material for the information programme at EKDDA entitled “The General Data Protection Regulation: the obligations of the Public Administration”. The material is available at [https://www.dpa.gr/el/enimerwtiko/ta\\_nea/ekpaideytikoyliko-gia-enimerotiko-programma-toy-ekdda-me-titlo-genikos](https://www.dpa.gr/el/enimerwtiko/ta_nea/ekpaideytikoyliko-gia-enimerotiko-programma-toy-ekdda-me-titlo-genikos).

On 8/2, Special Scientist Dr. E. Siougle gave an information speech to Senior High School pupils from “Homo Educandus Agogi” about personal data protection and online privacy, as part of a training event entitled “Networking with safety / Celebration of the Safer Internet Day 2022”.

On 11/3, Special Scientist Dr. K. Limniotis held a lecture at the 1st Model Junior High School of Ilion entitled “Introduction to cryptography”.

On 4/4, Authority Member and Professor of the Department of Cultural Technology and Communication, School of Social Sciences, University of the Aegean, Mr. Christos Kalloniatis, participated as a trainer in the seminar entitled “First Training Seminar: A Theoretical approach” as part of the action “Technical and Operational Support for Open Data Availability – Open Data Hub HCAP”, organised by the HELLENIC CORPORATION OF ASSETS AND PARTICIPATIONS S.A. (HCAP, “Growthfund”), on “The GDPR and ways of data anonymisation”.

On 6/6, Authority Member Professor Kostas Lambrinoudakis participated as a trainer in the seminar entitled “Second Educational Seminar: Traineeship Workshop for Open Data Availability via O2Hub” as part of the action “Technical and Operational Support for Open Data Availability – Open Data Hub HCAP”, organised by the HELLENIC CORPORATION OF ASSETS AND PARTICIPATIONS S.A. (HCAP, “Growthfund”). The title of the presentation was “Anonymisation techniques”.

On 12 and 19/12, Special Scientists Dr. E. Siougle and Dr. K. Limniotis took part in a training programme carried out for senior high school students by the Stavros Niarchos Foundation Cultural Center (SNFCC) in cooperation with the Hellenic Data Protection Authority and the Institute of Computer Science – Foundation for Research and Technology (ICT-FORTH) with a presentation entitled “Think more... personally about your data”.



## **Participation in workshops and conferences**

Throughout 2022, 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.

During 2022, the Authority's President, members and special scientists participated as speakers or moderators in scientific conferences and workshops. In particular, as part of the action "Digital Literacy" organised by the Region of Attica, the Regional Development Fund of Attica and the Region of Attica organised a webinar on 26/1, with Special Scientist Mr. K. Limniotis as the keynote speaker. The title of the presentation was "Personal data protection on the Internet".

On 17/2, Mr. Kostas Lambrinoudakis, Professor at the University of Piraeus Professor and Authority Member, participated in the 9th Information Security Conference ("Enabling a Secure Future: Managing Risks in a Constantly Changing World") with a presentation entitled "Personal data protection in a pandemic situation".

On 24/3, "The South Europe Google Data Governance Chair" Council organised an online workshop entitled "The future data protection in the new EU digital scenario" attended by the Director of the Hellenic Data Protection Authority Dr. V. Zorkadis with a presentation entitled "The role of the Data Protection Authorities in the new EU scenario".

On 9/6, Professor Sp. Vlachopoulos, Authority Member, participated in the 2nd International Scientific Conference organised by the Greek Supreme Council for Civil Personnel Selection (ASEP), dedicated to the topic "Careers in modern public administration: challenges and perspectives".in Athens (National Gallery) with a presentation entitled "Personnel selection procedures and protection of personal data".

On 15/6, Ms. K. Karveli, Authority Special Scientist, participated as a speaker in a course entitled "General Regulation" organised by the Training Institute (INEP) for Integrity Advisors, and in the same afternoon she took part as a speaker in a workshop organised by the Piraeus Bar Association in celebration of the 4 years of application of the GDPR, giving a speech entitled "HDDPA COMPLAINTS – DECISIONS – SANCTIONS".

On 17/6, the President of the Authority, Mr. K. Menoudakos, participated as a moderator and a speaker (2th session: Artificial Justice, Surveillance and Rights) at the 2th Congress "Quo Vadis AI? What is the future for/with Artificial Intelligence?" organised by the Institute for Privacy Law, Data Protection and Technology (IPL).

On 23/6, Mr. Tsolias, Lawyer (Doctor of Law) and Authority Member, participated in a discussion at an event organised by Privacy Connect Athens entitled "The impact of the GDPR and the Whistleblower Directive on the operation of whistleblower schemes" regarding Directive 2019/1937 "on the protection of persons who report breaches of Union law" and its provisions relating to personal data protection.

On 5/7, Mr. Tsolias also participated in the 7th Data Privacy Protection Conference organised online with a presentation entitled "4 years GDPR: The experience of the

Hellenic Data Protection Authority”.

In July, Professor and Authority Member Mr. Spyros Vlachopoulos gave a speech at the training seminar organised by the National School of Judiciary for students of the 27th series (specialising in Administrative Justice) entitled: “Access to public documents and protection of personal data: The practical harmonisation of two new rights”.

On 7/10, ENISA organised a workshop in Brussels on Personal Data Sharing – Emerging Technologies, in which Authority Special Scientist Dr. K. Limniotis participated. His presentation was entitled “Data sharing – Use cases in the Health Care Sector” focusing on the use of data protection technologies in cases of health data sharing.

On 10/11, the Association of Compliance Officers in Greece (ASCO Greece), in cooperation with NOMIKH BIBLIOTHIKI, organised the “5th Compliance Conference: Seeking certainties in uncertain times” attended by the Authority President, Mr. K. Menoudakos, as moderator of the last session, and by Special Scientist Dr. G. Rousopoulos with a presentation entitled “The experience & the challenges of the role of the Hellenic DPA”.

On 24/11, Authority Members Professors C. Kaloniatis and K. Lambrinoudakis participated in a workshop panel organised by the Greek ISC2 chapter on “Emerging Cyber Risks demanding differentiation of security & privacy posture?”.

On 7/12, Ms. G. Panagopoulou, Authority Special Scientist, participated in the annual meeting of the Advisory Board of the Greek Safer Internet Centre of the Foundation for Research and Technology – Hellas (FORTH), which focused on online child grooming and abuse, and measures to tackle the problem.

#### **e-newsletter**

During 2022, 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**

An article by Dr. Vasileios Zorkadis, Director of the Authority’s Secretariat, entitled “Data Controller Support Application for the GDPR” was published in netweek on 7/7. Another article by Dr. Zorkadis entitled “GDPR: Training by the Hellenic Data Protection Authority” was also published in netweek on 28/7. Finally, an article by Dr. Zorkadis entitled “ByDesign benefits for SME GDPR compliance and data protection by design” was published in epiheiro.gr on 24/10.

The article entitled “Thousands of predators in our digital life” published in Kathimerini (5/12) included the answers-views of Professor and Authority Member Mr. Kostas Lambrinoudakis and Special Scientist Dr. Konstantinos Limniotis.

Professor and Authority Member Christos Kalloniatis gave an interview on 23/12 to the Church of Greece Radio Station and the radio show "Every day, a new day" presented by Adamantia Bourzinou on cybersecurity and personal data.

### **Press releases**

In 2022 the Authority issued 12 press releases and 4 announcements which are all available at <https://www.dpa.gr> (-> "Information", subsections "Press releases and announcements").

More specifically, the following were published:

### **Announcements**

- Announcement regarding a fine imposed on Clearview AI, Inc (14/07/2022)
- Review of issues regarding lawfulness (13/07/2022)
- Recommendations for multi-level information in an online environment (05/07/2022)
- Update on the implementation of the Authority's decision on synchronous distance education (16/01/2022).

### **Press releases**

- Statement by the President of the Authority on the protection of a minor's personal data (15/10/2022)
- Online conference: Presentation of the results of the byDesign project (22/09/2022). Available in English at <https://www.dpa.gr/index.php/en/enimerwtiko/press-releases/virtual-conference-presentation-project-bydesign-outcomes>.
- Memorandum of Cooperation between the Hellenic Data Protection Authority and the Hellenic Competition Commission (05/08/2022).
- Launch of an online tool as part of the byDesign project (28/07/2022). Available in English at <https://www.dpa.gr/index.php/en/enimerwtiko/press-releases/full-production-phase-online-toolkit-bydesign-project>.
- Statement by the President of the Konstantinos Menoudakos Authority on the occasion of 4 years of the GDPR (25/05/2022).
- Action by the Authority on cookies used in informational websites (09/05/2022). Available in English at <https://www.dpa.gr/index.php/en/enimerwtiko/press-releases/action-hellenic-dpa-informational-websites-cookies>.
- Submission of the Authority's Annual Report to the Speaker of the Hellenic Parliament (11/03/2022).
- Signing of a Memorandum of Understanding between the Hellenic Data Protection Authority and the National Accreditation System as part of the accreditation of certification bodies under Articles 42-43 of the GDPR (28/02/2022)
- Participation of the Hellenic DPA in the coordinated enforcement action of the EDPB on the use of cloud-based services by the public sector (18/02/2022). Available in English at <https://www.dpa.gr/en/enimerwtiko/press-releases/>

[participation-hellenic-dpa-coordinated-enforcement-action-edpb-use-cloud](#)

- Post-event press release – Data Protection Day 28/1/2022 (04/02/2022)
- Imposition of a fine for a personal data breach incident and unlawful data processing by COSMOTE and OTE (31/01/2022)
- Awareness online event organised by the Hellenic DPA on the occasion of the 16<sup>th</sup> Data Protection Day (19/01/2022). Available in English [here](#).

It is noted that the following press releases were published as national news on the EDPB website:

-Hellenic SA: Ex officio audit of processing of personal data in the context of COVID-19 self-test result declaration (12/9/2022) ([https://www.edpb.europa.eu/news/national-news/2022/hellenic-sa-ex-officio-audit-processing-personal-data-context-covid-19-self\\_en](https://www.edpb.europa.eu/news/national-news/2022/hellenic-sa-ex-officio-audit-processing-personal-data-context-covid-19-self_en))

- Hellenic SA fines Debt Management Company for unlawful processing of personal data and non-essential examination of rights to object and erasure (12/9/2022) ([https://www.edpb.europa.eu/news/national-news/2022/hellenic-sa-fines-debt-management-company-unlawful-processing-personal-data\\_en](https://www.edpb.europa.eu/news/national-news/2022/hellenic-sa-fines-debt-management-company-unlawful-processing-personal-data_en))

-Hellenic DPA fines Clearview AI 20 million euros (20/7/2022) ([https://www.edpb.europa.eu/news/national-news/2022/hellenic-dpa-fines-clearview-ai-20-million-euros\\_en](https://www.edpb.europa.eu/news/national-news/2022/hellenic-dpa-fines-clearview-ai-20-million-euros_en))

-Greek SA: fine imposed on employer for failure to satisfy the right to object and unlawful processing of employee's personal data (28/3/2022) ([https://www.edpb.europa.eu/news/national-news/2022/greek-sa-fine-imposed-employer-failure-satisfy-right-object-and-unlawful\\_en](https://www.edpb.europa.eu/news/national-news/2022/greek-sa-fine-imposed-employer-failure-satisfy-right-object-and-unlawful_en))

-Hellenic DPA: Fines imposed to telecommunications companies due to personal data breach and illegal data processing (3/2/2022) ([https://www.edpb.europa.eu/news/national-news/2022/hellenic-dpa-fines-imposed-telecommunications-companies-due-personal-data\\_en](https://www.edpb.europa.eu/news/national-news/2022/hellenic-dpa-fines-imposed-telecommunications-companies-due-personal-data_en)).

### **Publication of articles**

In 2022, the members and scientific staff of the Authority published several articles in scientific journals.



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