



COMPLAINT FORM

Exclusively for a violation of the law relating to unsolicited phone calls for the purposes of direct marketing

Fill in this form using capital letters. The fields with an asterisk () are mandatory*

1. Complainant's personal information

First name and surname/legal name of entity*:		
Address* ¹	Street:	Number:
	Postcode:	City:
	Country:	
	e-mail:	
Contact phone number/s ² :		

2. Hellenic DPA's competence *(It is filled so that the competence of the Hellenic DPA to investigate the complaint is ascertained)*

Residency	Workplace	Location of denounced violation

3. Reference number of existing case³

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4. Complainant's representative personal information⁴

First name and surname/legal name of entity:		
Address	Street:	Number:
	Postcode:	Street:
	Country:	
	e-mail:	
Phone number/s:		

¹ You should fill in the postal address or your email.

² The phone number is filled so that the complainant can be contacted, if deemed necessary.

³ In case you submit supplementary information for a complaint which you submitted in the past, please fill in the case reference number or the registration number that you had been provided with, if it is available.

⁴ It is filled only where applicable, e.g. when the aggrieved person is a minor according to the provisions of the Civil Code, when the representation before the Hellenic DPA has been assigned to an attorney or another third party, and also when the complaint is submitted on behalf of the data subject by non-profit bodies or organizations or unions or associations without legal status that have been established and operate lawfully and the protection of rights and freedoms of data subjects with regard to the protection of personal data, is mentioned in their statutory objectives.

5. Against whom is the complaint directed? *(Controller is the person (natural or legal) on behalf of whose the phone calls are performed, that is the advertiser)*

First name and surname/legal name of entity*:

Products or services that have been advertised:

6. What is your relationship with the defendant⁵?**7. Phone numbers and registration on Registry of article 11 law 3471/2006** *(Fill in the phone numbers and the date of the registration in the Registry of article 11 law 3471/2006 -do not call registry- or of the exercise of the right to object)*

Phone number*	Telephone service provider*	Date of registration in the provider's Registry of article 11**	Means and date of exercising the right to object**

**For a complaint to be substantiated you should have registered in your provider's Directory of article 11 (and 30 days must have passed) or you should have exercised the right to object specifically to the data controller (advertiser).

8. Information about phone calls *(Please complete all information about calls that you consider illegal)*

Caller's phone number* ⁶	Your phone number that was called*	Date and time of calls*	Was the call automated? ⁷

For a detailed list of calls, it is noted that you can ask from your provider to give you a list of incoming calls, thus exercising the right to object of article 15 of the Regulation 2016/679 (GDPR).

⁵ E.g. employee, customer, etc.

⁶ In case the caller id is not revealed, please write instead of the caller's phone number, the word "caller's id unknown/not revealed".

⁷ A call is considered automated when it is performed without human intervention, as for instance the promotion of products/services by means of a pre-recorded message.

9. Additional documents/evidence *(Please write any other piece of information that you think is necessary for the examination of your complaint)*

Indicative information that is useful for the examination of your complaint to the Hellenic DPA: a) information relating to natural or legal person that performed a phone call on behalf of the defendant (e.g. information about call-center or employee with whom you have interacted), b) controller's response to the exercise of the right to object.

10. Documents/evidence that substantiate/s the complaint *(Please number the attached documents)*

1
2
3
4
5
6

11. Information notes

For the examination of the complaint, its text is communicated to the defendant so that s/he provides her/his views. Third party access to the documents of the case is subject to the Greek legislation for access to public documents.

If deemed necessary for the performances of its competence, especially in cases of cross-border processing, the HDPAs may forward the complaint file to competent authorities and organizations within EU. In this case, third party access to the complaint's file is subject to the legislation for the access to public documents of the member state.

Information that is included in the complaint's file is kept in the HDPAs' records for a period of 20 years after the case has been resolved, except for the administrative acts of the HDPAs.

For exercising the data subject's rights (access, rectification and restriction) according to art. 15, 16 and 18 of the GDPR, in relation to data the HDPAs are processing during the examination of your complaint and data that have been collected by the HDPAs in the course of the examination, you may send an email to contact@dpa.gr.

For any issue concerning the processing of personal data by the HDPAs as a controller and assistance regarding the exercise of the aforementioned rights, please contact the DPO of the HDPAs at dpo@dpa.gr.

12. Declaration

The information I provide in the complaint is true.

Date	Signature

INSTRUCTIONS FOR COMPLETING THE COMPLAINT FORM

Form for complaints regarding phone calls

Which cases does this specific form cover?

The specific complaint form is completed and submitted in those cases where you have ascertained a violation of law for phone calls for the promotion of products or services and generally for promotional purposes.

Who can submit a complaint?

A complaint is submitted:

- a) by the subscriber or user of telephone service,
- b) by nonprofit bodies or organizations or unions or associations without legal status that have been established and operate lawfully and the protection of rights and freedoms of data subjects, with regard to the protection of personal data, is mentioned in their statutory goals, following an assignment by the data subject.

When can I submit a complaint to the Hellenic DPA?

Before you submit the complaint you can appeal to the controller (usually the defendant), e.g. exercising the rights that are provided for in articles 15 to 22 of the GDPR, where applicable. In those cases where the controller has assigned a DPO you may appeal to him for every issue related to the processing of your personal data and the exercising of your rights. The contact information of the DPO is usually published on the webpage of the controller. If the issue is not resolved, you may submit a complaint to the Hellenic DPA.

Does the Hellenic DPA examine every complaint?

Complaints that are vague, unsubstantiated, or are submitted abusively, especially due to a repetitive pattern, or anonymously or that do not include the required information may be archived by the Hellenic DPA.

Before you submit a complaint, please make sure that you have at least filled in the required fields.

When can I expect a reply from the Hellenic DPA?

According to article 77 par. 2 of GDPR, the Hellenic DPA informs the defendant on the progress and outcome of the complaint.

If the Hellenic DPA does not examine the complaint or does not inform the data subject within three months of the complaint's submission on the progress or outcome, you may recourse to a court of law, according to article 78 of GDPR. **It is underlined that the aforementioned time frame of three months concerns basically only the obligation of the DPA to inform the complainant on the progress of its complaint.** This is especially the case when further investigations or coordination with another supervisory authority is needed. In light of these, the above mentioned time period should not be perceived as the time frame within which the case will be resolved.

To what extent does the DPA examine the complaints?

According to article 57 par. 1 f of GDPR, the DPA investigates, to the extent appropriate, the subject matter of every complaint. Consequently, the extent in which every complaint is examined depends on its judgement.

The Hellenic DPA receives a large number of complaints for advertising purposes. These complaints are grouped on the basis of the controller and periodically they are sent to the defendants.

Can I ask the DPA to adjudicate compensation in case of a violation?

No. The Hellenic DPA has the competence to exercise corrective powers (including fines) to controllers or processors but not to adjudicate compensation to the aggrieved data subjects. In case you seek compensation, you should exercise your rights before a court.

Extensive guidelines on specific fields of the form

2. Competence of the Hellenic DPA

The right to submit a complaint to the Hellenic DPA is held by subscribers or users, particularly if Greece is their usual country of residence or work or location of the alleged violation. Please fill in the relevant fields so that the competence

of the Hellenic DPA to investigate the complaint may be identified.

3. Case reference number

When you submit a complaint to the Hellenic DPA, a unique reference number is created for your case which you may use in any communication with the DPA.

In this field you should fill in the reference number you received for a complaint you submitted in the past, if it is available, when you are submitting complementary evidence for the aforementioned complaint.

4. Contact details of the complainant's representative

It is filled only where applicable, e.g. when the aggrieved person is a minor according to the provisions of the Civil Code, when the representation before the Hellenic DPA has been assigned to an attorney or another third party, and also when the complaint is submitted on behalf of the data subject by nonprofit organizations or organizations or unions or associations without legal status that have been established and operate lawfully and the protection of rights and freedoms of data subjects, with regard to the protection of personal data, is mentioned in their statutory goals.

Please state the exact details of the representative in capital letters.

In case of a third party acting on behalf of another individual, the proxy authorizing document should be submitted together with a certification of the authenticity of the signature of the authorizing person.

5. Against whom is the complaint directed?

Please state the exact details of the natural or legal person against whom the complaint is directed. In case of phone calls, the controller is considered to be the person (natural or legal) on whose behalf the calls are performed, in other words the advertiser.

If you want to file complaints for different advertisers, one complaint form per advertiser.

Please complete the relevant fields in capital letters.

6. What is your relationship with the defendant?

Please state your relationship to the defendant, e.g. employer, client/customer etc.

7. Phone call numbers and registration in the Directory of article 11 law 3471/2006

Please write the phone numbers to which you received the calls. You may submit a complaint only if you are the "subscriber" for the specific connection (the connection is on your name). For every phone number please write the provider of the telephone service and the date of your registration in the Directory of article 11 of law 3471/2006 (directory of those that, generally, don't wish to receive promotional calls). Alternatively, write in the last column when and in what way you exercised the right to object particularly to the controller (advertiser).

We remind you that **if you haven't exercised objection either generally (via the directory) or specifically (to the advertiser), the violation of the law for unsolicited promotional calls is not substantiated**. If you have registered to the directory of your provider, thirty (30) days must have passed, in order to submit a complaint. This time frame has been considered/deemed necessary for informing/updating the directories of advertisers.

8. Information about phone calls

Please provide analytical information for the phone calls you have received. If you don't have the analytical information for the phone calls (at least caller's phone number, your phone number, date and time of call), your complaint cannot be accepted. If you are a natural person, you have the ability/you can receive a copy of the incoming calls that appear in this information (with the exception of the calls that are performed as unknown) exercising the right to access of the data subject to your subscriber and ask a copy of the data/information that s/he keeps for you (see articles 12, 15 GDPR).

If a call is unknown, write in the first column (caller's telephone number) "Unknown".

If a call was automated (you heard only a prerecorded message and you didn't have the ability to interact with a natural person), indicate in in the last column. Receiving automated calls is permitted only if you have provided your consent.

9. Additional information for substantiation

Fill in any other information that you consider useful for the examination of your complaint by the Hellenic DPA. Such information is particularly the following: a) information of the natural or legal person that performed this phone call

on behalf of the advertiser (e.g. call center information or employee with whom you have interacted), b) response of the data controller to the exercise of the right to object.

10. Documents/evidence that support/s the complaint

For the investigation of the complaint the submission of documents/evidence that substantiate/s it, is necessary. The supporting documents should be submitted in copies and not originals. In case your complaint involves an email, due to the nature of the complaint, they should be submitted electronically. The DPA shall not give you back the documents.

Please submit only documents that are related to your complaint directly. If the dispatch of a big number of documents is necessary, or pages of a document, please underline the points that are related directly to your complaint.

If you submit a large number of attached files that are not directly related to your complaint, the DPA might return the documents and ask you to send only the relevant evidence. In case of multipaged documents, we recommend that you send them by email.