

## COMPLAINT FORM

Exclusively for a violation of the law related to receiving unsolicited electronic mail (article 11 law 3471/2006) and particularly email or sms (SPAM)

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

### 1. Complainant's personal information

First name and surname/legal name of entity *:	
Address * <sup>1</sup>	Street: _____ Number: _____
	Postcode: _____ City: _____
	Country: _____
	email: _____
Contact phone number/s <sup>2</sup> :	

### 2. Complaint's assessment \* (Assess the category your complaint falls into in relation to the received email/sms)

**Question 1:** Did you have a previous transaction or any other relationship with the controller, in which you provided your email (or your phone number for SMS)?

NO

YES

**Question 2:** Were you given the option to object during the collection of the aforementioned address (or number)?

NO

YES

**Question 3:** Were you given the option to express your objection, in every message received?

NO

YES

**Question 4:** Did you express your objection to the receipt of messages?

YES

NO

Your complaint is not substantiated.

Attach (in field 8.3) evidence that supports your complaint (for the cases that you had a prior transactional relationship with the data controller)

<sup>1</sup> You should fill in your postal address or your email.

<sup>2</sup> The phone number is required so that the complainant can be contacted, if deemed necessary.

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

Residency	Work place	Location of denounced violation

**4. Reference number of existing case** <sup>3</sup>

**5. Complainant's representative personal information** <sup>4</sup>

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

**6. Against whom is the complaint directed?**

First name and surname/legal name*:	
Address *	Street: _____ Number: _____
	Postcode: _____ City: _____
	Country: _____
	e-mail: _____
Contact phone number/s:	
Website:	
First name and surname of persons involved <sup>5</sup> :	

**7. What is your relationship to the defendant** <sup>6</sup>?

<sup>3</sup> 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.

<sup>4</sup> 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.

<sup>5</sup> If you know, e.g. the name of the employee, etc.

<sup>6</sup> E.g. employee, customer etc.

**8.1. Address on which the message was received\*** (Fill in accordingly, whether the complaint relates to receiving email or sms)

e-mail <input type="checkbox"/>	SMS <input type="checkbox"/>
Email address on which the message was received	Phone number on which the message was received

**8.2. Documents/evidence that substantiate/s the complaint** (Fill in accordingly)

e-mail	SMS
Attach by electronic means the email that you received*	Copy or attach the message that you received*
	Sender's personal information: (as they appear in the message)*:
	Date and time of receiving the message*

**8.3. Information of previous transactional relationship** (Describe/identify the information that substantiates your complaint, in case you had a previous transactional relationship with the controller – see section/field 2)

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

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

1
2
3
4
5
6

**10. 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 HDPa 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 HDPa's records for a period of 20 years after the case has been resolved, except for the administrative acts of the HDPa.

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 HDPa is processing during the examination of your complaint and data that have been collected by the HDPa in the course of the examination, you may send an email to [contact@dpa.gr](mailto:contact@dpa.gr).

For any issue concerning the processing of personal data by the HDPa as a controller and assistance regarding the exercise of the aforementioned rights, please contact the DPO of the HDPa at [dpo@dpa.gr](mailto:dpo@dpa.gr).

**11. Declaration**

The information I provided in the complaint is true.

Date	Signature

## **INSTRUCTIONS FOR COMPLETING THE COMPLAINT FORM**

Complaint form for unsolicited electronic mails and particularly email or sms (SPAM)

### **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 the unsolicited emails law (article 11, law 3471/2006) and particularly email or sms “spam”.

It is not used in the case of complaints concerning phone calls for the promotion of products or services, for which you must use a specific form.

### **Who can submit a complaint?**

A complaint is submitted:

- a) by a subscriber or user of e-communication services (email – mobile telephony),
- 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 Authority?**

Before you submit the complaint you may appeal to the controller (usually the defendant) for resolving your case. In those cases where the controller has appointed a DPO you may appeal to him for any 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 Authority.

### **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 DPA informs the defendant about the progress and outcome of the complaint. If the 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, actually, 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 frame should not be perceived as the period within which the case will be resolved.

### **To what extent does the DPA examine the complaints?**

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

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

No. The Authority 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. Complaint assessment**

In order to send you an electronic message (email/sms), a controller needs, in principle to have your consent.

However, according to article 11 par. 3 of law 3471/2006 when *the e-mail contact details that have been lawfully obtained in the context of the sale of a product or a service or other transaction can be used for direct marketing of similar products or services by the supplier or the fulfilment of similar purposes, even when the recipient of the message has not given his/her prior consent, provided that he/she is clearly and distinctly given the opportunity to object, in an easy manner and free of charge, to such collection and use of electronic contact details when they are collected and on the occasion of each message in case the user has not initially refused such use.*

By completing this field, you will understand if the ability to submit a complaint is substantiated for the message you have received.

### **3. Competence of the Hellenic DPA**

The right to submit a complaint 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 and/or the necessity to inform and/or further forward the complaint to any other EU supervisory authorities involved.

### **4. Case reference number**

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

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.

### **5. 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.

### **6. Against whom is the complaint directed?**

Please state the exact details of the natural or legal person against whom the complaint is directed (usually when it involves an organization, private or public entity).

Please complete the relevant fields in capital letters. State the details of any people involved, if you know them, e.g. name of employee etc.

### **7. What is your relationship with the defendant?**

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

### **8. 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.