



Report on the application of the GDPR under Article 97

Questions to Data Protection Authorities / the European Data Protection Board

Fields marked with * are mandatory.

1 Introduction

According to Article 97 of the GDPR, the Commission should submit a first report on the evaluation and review of the Regulation to the European Parliament and the Council by 25 May 2020, followed by reports every four years thereafter. The Commission's first report was adopted on 24 June 2020 (the '2020 report'). [1] The next report is due by mid 2024 (the '2024 report').

In this context, the Commission should examine, in particular, the application and functioning of:

- Chapter V on the transfer of personal data to third countries or international organisations with particular regard to decisions adopted pursuant to Article 45(3) of this Regulation and decisions adopted on the basis of Article 25(6) of Directive 95/46/EC; and
- Chapter VII on cooperation and consistency.

The GDPR requires that the Commission takes into account the positions and findings of the European Parliament and the Council, and of other relevant bodies and sources. The Commission may also request information from Member States and supervisory authorities.

Against this background, this document seeks to obtain the views of the European Data Protection Board on the abovementioned points. As was also done for the 2020 report, this document also seeks to obtain information from data protection authorities (DPAs) on their enforcement of the GDPR and on activities undertaken to promote awareness of data protection rights and obligations.

We would be grateful to receive replies to the below questions (in English) by **15 December 2023**.

In 2020, the European Data Protection Board provided a consolidated contribution of the individual replies of the DPAs to the questionnaire circulated in preparation of the 2020 report.[2] The Commission would be grateful if the Board would again provide such a contribution, in addition to providing the individual replies of DPAs. When there are several DPAs in a given Member State, please provide a consolidated reply at

national level. In the context of the preparation of the report, and following the input from other stakeholders, it is not excluded that we might have additional questions at a later stage.

Please note that your replies might be made public or may be disclosed in response to access to documents requests in accordance with Regulation (EC) No 1049/2001.

[1] Communication from the Commission to the European Parliament and the Council, Data protection as a pillar of citizens' empowerment and the EU's approach to the digital transition - two years of application of the General Data Protection Regulation, 24.6.2020 COM(2020) 264 final.

[2] https://edpb.europa.eu/sites/default/files/files/file1/edpb_contributiongdprevaluation_20200218.pdf

2 Supervisory Authority

* 2.1 Select your supervisory Authority

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czech Republic
- Denmark
- EDPS
- Estonia
- Finland
- France
- Germany
- Greece
- Hungary
- Iceland
- Ireland
- Italy
- Latvia
- Liechtenstein
- Lithuania
- Luxembourg
- Malta
- Netherlands
- Norway
- Poland
- Portugal
- Romania
- Slovakia
- Slovenia
- Spain

3 Chapter V

*** 3.1 In your view, should the data protection framework of any third country or international organisation be considered by the Commission in view of a possible adequacy decision?**

- Yes
 No

*** 3.2 If yes, of which third country or international organisation ?**

no preference

*** 3.3 The Commission is interested in the views of the Board on the third countries for which enforcement cooperation agreements under Article 50 GDPR should be prioritised, in particular in light of the volume of data transfers, role and powers of the third country's supervisory authority and the need for enforcement cooperation to address cases of common interest. Please mention the countries that, in your view, should be prioritised and the reasons.**

no preference

3.4 Reasons for prioritisation if there should be any:

see previous answer

3.5 Are there any other suggestions or points you would like to raise as regards tools for international transfers and/or enforcement cooperation with foreign partners?

Need to address the problem of enforcement against entities falling under Art. 3 par. 2 of the GDPR, which have not appointed a representative pursuant to Art. 27 of the GDPR.

4 Chapter VII

In July 2023, the Commission adopted a proposal for a regulation laying down additional procedural rules relating to the enforcement of the GDPR.[1] The DPAs and the EDPB provided extensive input to the Commission during the preparation of the proposal and following adoption, the EDPB and the EDPS adopted a joint opinion on the proposal on 19 September 2023.[2] The questions below focus on DPAs' application and enforcement of the GDPR and do not seek DPAs' views on the proposal.

[1] Proposal for a Regulation of the European Parliament and of the Council laying down additional procedural rules relating to the enforcement of Regulation (EU) 2016/679, COM/2023/348 final.

[2] https://edpb.europa.eu/our-work-tools/our-documents/edpb-edps-joint-opinion/edpb-edps-joint-opinion-012023-proposal_en

4.1 Cooperation Mechanism

4.1.1 One-stop-shop (OSS) – Article 60 GDPR

The EDPB Secretariat will extract from IMI the numbers regarding the OSS cases where your DPA has been in the lead and concerned since 25 May 2018

The EDPB Secretariat will extract from IMI the numbers regarding whether your DPA has been in the situation of the application of the derogation provided for in Article 56(2) GDPR (so-called “local cases”, i.e. infringements or complaints relating only to an establishment in your Member State or substantially affecting data subjects only in your Member State).

4.1.1.1 Do you have any comment to make with respect to the identification and handling of local cases under Article 56(2) GDPR?

- Yes
- No

*** 4.1.1.3 Did you raise relevant and reasoned objections?**

- Yes
- No

4.1.2 Mutual assistance – Article 61 GDPR

*** 4.1.2.1 Did you ever use Mutual Assistance - Article 61 procedure in the case of carrying out an investigation?**

- Yes
- No

*** 4.1.2.3 Did you ever use Mutual Assistance - Article 61 procedure in the case of monitoring the implementation of a measure imposed in another Member State?**

- Yes
- No

*** 4.1.2.4 Could you explain why you have never used Mutual Assistance - Article 61 procedure for monitoring the implementation of a measure imposed in another Member State?**

We had no such measure

*** 4.1.2.5 What is your experience when using Mutual Assistance - Article 61 procedure?**

n/a

4.1.3 Joint operations – Article 62 GDPR

* 4.1.3.1 Did you ever use the Joint Operations - Article 62 procedure (both receiving staff from another DPA or sending staff to another DPA) in the case of carrying out an investigation?

- Yes
 No

* 4.1.3.2 Could you explain why you have never used Joint Operations - Article 62 procedure for carrying out an investigation?

n/a

* 4.1.3.3 Did you ever use Joint Operations in the case of monitoring the implementation/enforcement of a measure imposed in another Member State?

- Yes
 No

* 4.1.3.4 Could you explain why you have never used Joint Operations - Article 62 procedure for implementation/enforcement of a measure imposed in another Member State?

n/a

4.2 Consistency mechanism

4.2.1 Urgency Procedure – Article 66 GDPR

* 4.2.1.1 Did you ever adopt any measure under the urgency procedure?

- Yes
 No

4.3 European Data Protection Board

The EDPB Secretariat will provide an indicative breakdown of the EDPB work according to the tasks listed in Article 70 GDPR and of the EDPB Secretariat resources allocated to complete the tasks listed in Article 75 GDPR, including on Article 64, 65 and 66 GDPR procedures, as well as on litigations.

4.3.1 How much resources (Full-time equivalent) does your DPA allocate to participation in EDPB activities?

	FTE
2020	300
2021	300
2022	360
2023	390
2024 (Forecast)	420

4.4 Human, technical and financial resources for effective cooperation and participation to the consistency mechanism

4.4.1 How many staff (full-time equivalent) has your DPA?

	FTE	Comments
2020	42	n/a
2021	42	n/a
2022	44	n/a
2023	45	n/a
2024 (Forecast)	47	n/a

4.4.2 What is the budget of your DPA? Please provide the figures (in euro)

	BUDGET (€)
2020	3.101.000 €.
2021	2.811.000 €.
2022	2.523.000 €.
2023	2.219.000 €
2024 (Forecast)	2.647.000 €

*** 4.4.3 Is your DPA dealing with tasks beyond those entrusted by the GDPR, including under the new EU legislation adopted under the Data Strategy?**

- Yes
- No

*** 4.4.4 Please provide an indicative breakdown between those tasks and those entrusted by the GDPR.**

The Authority is also competent for the enforcement of Directives 2016/680 and Eprivacy and (the supervision of) Internal Market Information (IMI), European Union Agency for Criminal Justice Cooperation (Eurojust), European Public Prosecutor Office (EPPO), European Union Agency for Law Enforcement Cooperation (Europol), the Schengen Information System (SIS) (the last four within CSC) and also (outside CSC) Visa Information System (VIS), Eurodac, Customs Information System (according to the relevant provisions of the corresponding European Union Law that provides for the systems and Agencies mentioned).

4.4.5 Please explain, if needed:

n/a

4.4.6 How would you assess the sufficiency of the resources from your DPA from a human, financial and technical point of view?

	Sufficient	Insufficient
* Human Resources	<input type="radio"/>	<input checked="" type="radio"/>
* Financial resources	<input type="radio"/>	<input checked="" type="radio"/>
* Technical Means	<input type="radio"/>	<input checked="" type="radio"/>

* 4.4.7 is your DPA properly equipped to contribute to the cooperation and consistency mechanisms?

- Yes
 No

* 4.4.8 How many persons (FTE) work on the issues devoted to the cooperation and consistency mechanisms?

5 Enforcement

5.1 Complaints

5.1.1 The number of complaints (excluding requests for information) received by your DPA.

	2018	2019	2020	2021	2022	2023
Number of Complaints	672	983	973	1160	1250	1191

5.1.2 The number of complaints where your DPA was in the lead

	2018	2019	2020	2021	2022	2023
The number of complaints received directly from complainants	0	2	1	2	5	7
The number of complaints received from another DPA through the OSS.	0	2	6	2	12	2

5.1.3 The number of complaints received by your DPA and forwarded to the lead DPA.

	2018	2019	2020	2021	2022	2023
Number of Complaints	2	4	7	1	1	2

5.1.4 The number of complaints relating to national cases resolved through a decision adopted by your DPA.

	2018	2019	2020	2021	2022	2023
Number of Complaints	29	48	58	61	69	34

5.1.5 The number of complaints relating to cross-border cases, resolved through an Article 60 GDPR decision adopted by your DPA[1]. Please indicate a breakdown of the decisions adopted under Article 60(7), (8) or (9) GDPR.

[1] This does not include amicable settlements.

	2018	2019	2020	2021	2022	2023
Number of complaints resolved through an Article 60(7) GDPR decision	0	0	0	0	0	0
Number of complaints resolved through an Article 60(8) GDPR decision	0	0	0	0	0	0
Number of complaints resolved through an Article 60(9) GDPR decision	0	0	0	0	0	0

5.1.6 The total number of complaints resolved through amicable settlement

	2018	2019	2020	2021	2022	2023
Number of Complaints	0	0	0	0	0	0

*** 5.1.7 What kind of communication or request do you qualify as a complaint?**

In principle, we ask for the complainant to use the templates available through our website, and submit the complaint through a) our web services or b) email, c) written form (e.g. by post). If a complainant does not use the template and submits a complaint, we assess whether the complaint contains all the necessary pieces of information and if not, we inform them on how to use the template to file a valid complaint.

5.1.8 For complaints handled by your DPA which you consider to be closed, provide the average and the median time (in months) from receipt of the complaint (either directly from the complainant or from another DPA) to closure (e.g. by decision or amicable settlement).

	In months
Average Time	5,2
Median Time	3

5.2 Own-initiative investigations

5.2.1 The number of “own-initiative” investigations launched by your DPA since 25 May 2018

	2018	2019	2020	2021	2022	2023
Number of Complaints	1	66	12	12	45	6

5.2.2 The number of these investigations that you consider to be closed. Provide the average and the median time (in months) from launch of the investigation to closure.

	2018	2019	2020	2021	2022	2023
Average Time	1 inv. 2,5 m.	66 inv. 14 m.	7 inv. 17,5 m.	5 inv. 8,2 m.	33 inv. 13 m.	N/A all open
Median Time	1 inv. 2,5 m.	66 inv. 11m.	7 inv. 18,8 m.	5 inv. 7,5 m.	33 inv. 10 m.	N/A all open
Total number of closed investigations	1	66	7	5	33	N/A all open

5.3 Corrective measures

5.3.1 The number of decisions in which you used your corrective powers [1]

[1] Please reply per number of decisions, not per number of corrective powers used per decision. For instance, if one decision ordered both a ban and a fine, please reply "1".

	2018	2019	2020	2021	2022	2023
Number of Decisions	25	20	33	43	51	19

5.3.2 The number of times you used any other corrective power than fines. Please specify the type of measure by reference to Article 58(2) GDPR

	2018	2019	2020	2021	2022	2023
Issue warnings to a controller or processor that intended processing operations are likely to infringe provisions of this Regulation	12 reprimands/warnings	11 reprimands/warnings	2 reprimands/warnings	11 reprimands/warnings	12 reprimands/warnings	10 reprimands/warnings
Issue reprimands to a controller or a processor where processing operations have infringed provisions of this Regulation	12 reprimands/warnings	11 reprimands/warnings	2 reprimands/warnings	11 reprimands/warnings	2 reprimands/warnings	10 reprimands/warnings
Order the controller or the processor to comply with the data subject's requests to exercise his or her rights pursuant to this Regulation	n/a	n/a	n/a	n/a	n/a	n/a
Order the controller or processor to bring processing operations into compliance with the provisions of this Regulation, where appropriate, in a specified manner and within a specified period	n/a	n/a	n/a	n/a	n/a	n/a
Order the controller to communicate a personal data breach to the data subject	n/a	n/a	n/a	n/a	n/a	n/a
Impose a temporary or definitive limitation including a ban on processing	n/a	n/a	1	1	4	1

Order the rectification or erasure of personal data or restriction of processing pursuant to Articles 16, 17 and 18 and the notification of such actions to recipients to whom the personal data have been disclosed pursuant to Article 17 (2) and Article 19	n/a	n/a	n/a	n/a	n/a	n/a
Withdraw a certification or to order the certification body to withdraw a certification issued pursuant to Articles 42 and 43, or to order the certification body not to issue certification if the requirements for the certification are not or are no longer met	n/a	n/a	n/a	n/a	n/a	n/a
Order the suspension of data flows to a recipient in a third country or to an international organisation.	n/a	n/a	n/a	n/a	n/a	n/a

5.3.3 The number of fines you imposed

	2018	2019	2020	2021	2022	2023
Number of Fines	25	9	33	43	51	8

5.3.4 Please provide examples of the type of circumstances and infringements that normally resulted in a fine and include the provisions of the GDPR breached.

Indicatively (for 2023): Article 5.1: Principles of data processing, Article 5.2: Principle of accountability, Article 6.1.c: Legal basis for compliance with a legal obligation, Article 6.1.e: Legal basis for fulfilling a public duty, Article 12: Transparent information, Article 15: Right of access, Article 21: Right to object, Article 25.1: Data protection by design, Article 30: Records of processing activities, Article 31: Cooperation with the supervisory authority, Article 32: Security of processing, Article 35: Data protection impact assessment, Article 55: Competence of supervisory authority.

5.3.5 The average and median level of fines and the total amount of fines imposed by your DPA

	2018	2019	2020	2021	2022	2023
Total amount of fines (€)	625000	777000	48000	364000	30060000	541000
Average level of fine	89286	96250	4364	15167	770769	67625
Median level of fine	150000	90000	3500	8000	8500	45000

5.4 Challenges to decisions in national courts

5.4.1 How many of your decisions finding an infringement of the GDPR have been challenged in national courts? Please provide the absolute figure and the percentage.

	Absolute figure	%
Decisions finding an infringement of GDPR challenged in national court	31 Decisions were appealed to the Council of State	16.23
Successful challenges	1 Decision was successfully challenged (22 are pending)	11

* 5.4.2 Where challenges were successful, what were the reasons of the national courts?

The SA had dismissed a case, considering that it was not competent due to parallel court proceedings, while the court decided that the SA should examine the case.

6 Promoting awareness of rights and obligations

* 6.1 Provide details of activities undertaken (publication of guidance, publicity campaigns, etc.) to promote awareness of data protection rights and obligations among the public and data controllers and processors. Where relevant, provide links to materials.

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.

EUROPEAN PROJECTS

- “Facilitating compliance with the GDPR for Small and Medium-Sized Enterprises and promoting data protection by design on ICT products and services (byDesign)”. The 2-year project (2020-2022) was carried out in collaboration with the University of Piraeus and the Greek ICT company Abovo and is co-funded by the European Commission. More information at the project's website: <https://bydesign-project.eu/>
The Authority was awarded the People's Choice Award of the 45th Global Privacy Assembly held in Bermuda from 15 to 20 October 2023. The prize was awarded for the GDPR compliance toolkit developed in the frame of this project.
- “Aware by default: promoting awareness of critical social and professional groups (children and privacy professionals) – byDefault”. On-going 2-year project (2022-2024) carried out in collaboration with the University of Piraeus and the Greek ICT company Abovo. Funded by the European Commission. More information at the project's website: <https://bydefault-project.eu/>

INFORMATION DAYS

On the occasion of the celebration of the anniversary of the Data Protection Day, the Authority organizes each year (on January 28) an information day with speeches and presentations on data protection issues with the view of informing the public (controllers, processors and data subjects) on recent developments in the field of data protection and privacy. More information available at https://www.dpa.gr/el/enimerwtiko/ekdiloseis?field_year_from=&field_year_to=&field_keywords=&field_european_day=1 (in Greek)

CAMPAIGNS

In view of the GDPR's first anniversary, on May 25 2019, the Authority cooperated with the Representation of the European Commission in Greece in order to create an outdoor campaign with Greek airport ads for the rights of citizens under the GDPR. The campaign was launched in May at Athens International Airport

and it ended in October, at Kos island Airport.

WORKSHOPS/SEMINARS

- The Authority organised in 2019 a GDPR workshop for junior secondary school pupils on the "Protection of Personal Data" in collaboration with the Foundation for Research and Technology and Stavros Niarchos Foundation Cultural Center and the Foundation of Research and Technology. More information available at <https://www.dpa.gr/el/enimerwtiko/ekdiloseis/ekpaideytiki-imerida-gia-tin-prostasia-ton-prosopikon-dedomenon> (in Greek)
- The training seminars carried out 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 is still ongoing. More information and Guidance Material available at https://www.dpa.gr/el/enimerwtiko/ta_nea/ekpaideytiko-yliko-gia-enimerotiko-programma-toy-ekdda-me-titlo-genikos

NEWSLETTER

The Authority issues every 3 months an e-newsletter on HDP latest news (2.080 subscribers until 25/10 /2023). Newsletters available at <https://www.dpa.gr/enimerwtiko/e-newsletter> (in Greek).

GUIDELINES/other documents

The Authority has issued Guidelines on

- Remote Work (No 2/2020) <https://www.dpa.gr/el/enimerwtiko/prakseisArxis/kateythyntiries-grammes-gia-ti-lipsi-metron-asfaleias-sto-plaisio>
 - Political Communication (No 1/2023) <https://www.dpa.gr/el/enimerwtiko/prakseisArxis/kateythyntiries-grammes-12023-politiki-epikoinonia>
- and standard core documents on
- Videosurveillance (No 1/2011) <https://www.dpa.gr/el/enimerwtiko/prakseisArxis/hrisi-systimaton-binteopitiries-gia-tin-prostasia-prosopon-kai-agathon>

ANNUAL REPORTS

Each year the Authority publishes its annual report of activities (in Greek) available at <https://www.dpa.gr/enimerwtiko/etisies-ektheseis> and a summary thereof (since 2018) available at <https://www.dpa.gr/enimerwtiko/annual-reports> (in English).

WEB PORTAL

In early 2021, the Authority's new online portal was put into full production operation, and its content is being continuously updated with information on current data protection issues.

OTHER AWARENESS ACTIVITIES

- Participation of the Authority's representatives in scientific conferences, workshops and training seminars
- Issuance of press releases and announcements.
- Media interviews.
- Replies to questions raised by journalists
- Publication of articles in the press and academic journals.