

MINISTRY OF JUSTICE

CURRENT EFFECTIVE LEGAL FRAMEWORK FOR DATA

PROTECTION AND PRIVACY:

Article 9A of the Hellenic Constitution: "All persons have the right to be protected from the collection, processing and use, especially by electronic means, of their personal data, as specified by law. The protection of personal data is ensured by an independent authority, which is constituted and operates as specified by law".

Article 8 of the European Convention on Human Rights "Right to respect for private and family life".

- LAW 2472/1997

"On the protection of individuals with regard to the processing of personal data" (*Incorporation of the Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data*).

The object of this law is to establish the terms and conditions under which the processing of personal data is to be carried out so as to protect the fundamental rights and freedoms of natural persons and in particular their right to privacy.

- LAW 3471/2006

"Protection of personal data and privacy in the electronic telecommunications sector and amendment of law 2472/1997"

[Incorporation of the Directive 2002/58/EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications sector].

The object of articles 1 to 17 of the present law is the protection of fundamental human rights and privacy in particular, and the institution of the conditions for the processing of personal data and the assurance of the communication confidentiality in the field of electronic communications.

- **LAW 3783/2009**

Identification of owners and users of equipment and services for mobile telephony and other provisions".

The object of this law is the identification of owners and users of equipment and services for mobile telephony of prepaid talktime and of subscribers with contracts, or other form of mobile telephony, for national security reasons and for the detection of particularly criminal offences".

- **LAW 3917/2011**

"Retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks, use of surveillance systems with the obtaining or recording of sound or image at public areas and relative provisions" (*Chapter A, Incorporation of the Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC*).

The provisions of Chapter A of this law incorporate in the national legislation the Community Law provisions (Directive 2006/24/EC), which establish the obligation of retention of specific data of subscribers and registered users in the scope of electronic communications in order to verify, investigate and prosecute criminal offences.

Additionally, the regulations of this law provide further measures on the effective protection of the retained data of communication of subscribers and registered users, with respect for the principle of proportionality. The provisions of Chapter B specify in a clear and concise manner the requirements for the installation and operation of surveillance systems with the obtaining and recording of sound or image at public areas, while, in parallel, are abolished the relative provisions of the Law 2472/1997.

- **LAW 4070/2012**

Electronic Communications, other provisions" Transports, Public Works and other provisions

Provisions of the Ministry of Justice, Part 6, for the incorporation of the Directive 2009/136/EC of the European Parliament and of the Council of 25 November 2009 amending Directive 2002/58/EC, concerning the processing of personal data and the protection of privacy in the electronic communications sector.

LAW 2068/1992

Ratification of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data

The text of the European Convention (No 108) "for the Protection of Individuals with regard to Automatic Processing of Personal Data", signed in Strasbourg on 18 January 1981, was incorporated in the national legislation by the abovementioned law. **The Council of Europe negotiates on the modernization of the Convention.**

4) ESTABLISHMENT OF PROTECTION AUTHORITIES responsible for:

a) the control of protection of individual from the processing of personal data, b) the control of protection of mail confidentially and free correspondence or of communication in any other manner and c) the surveillance of free communications market. In particular:

- I. By virtue of the Law 2472/1997 ***On the protection of individuals with regard to the processing of personal data*** and in particular according to article 15 was established **the Hellenic Data Protection Authority (HDP)**.
- II. By virtue of the Law 3115/2003 "*The Hellenic Authority for Communication Security and Privacy*" was established **The Hellenic Authority for Communication Security and Privacy** for the purpose of the protection of mail confidentiality, free reply or communication in any other manner, as well as the networks' and information security. In the meaning of protection of communications confidentiality is included the control of compliance with the terms and the procedure of waving communications privacy, as specified in law.
- III. By virtue of the Law 2075/1992 "Organization and operation of telecommunications sector" and in particular,

according to article 8 was established the **National Telecommunications Commission** (NEC/EET), as it is currently existing and operating, (was renamed to **Hellenic Telecommunications and Post Commission** (HTPC/EETT) by virtue of the Law 2668/1 998) which regulates, supervises and controls the electronic communications market and the postal service market in Greece.

5)A full package for data protection was approved by the Committee on 25 January 2012. This package includes two legislative proposals based on article 16 TFEU (Treaty on the Functioning of the European Union), the new legal basis for the data protection measures introduced by the Treaty of Lisbon. The first proposal on a **General Regulation** on the data protection aims to replace the Directive 95/46/EC on the data protection. The second proposal for a **Directive** of the European Parliament and of the Council with regard to the protection of personal data processed in the framework of police and judicial cooperation in criminal matters aims to replace the Council Framework Decision 2008/977/JHA on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters.