

Thank you for having completed the form. The European Commission will process it promptly.

Are you submitting this complaint on your own behalf?	yes
Representative Businesses or organisation	
Title	
Representative first name	
Representative last name	
Representative E-mail	
Representative street and number	
Representative postcode	
Representative town	
Representative country	Please select...
Representative telephone	
Businesses or organisation:	Homo Digitalis
Title	Mr
Firstname	Eleftherios
Surname	Chelioudakis
e-mail	e.chelioudakis[at]homodigitalis.gr
Language	English
Street and number	Ahniadon 17-19
Postcode	11854
Town	Athens

Country	Greece
Telephone	
official contact for all correspondence	
Authority complained about name	Ministry of Justice, Transparency and Human Rights
Authority complained about contact person	
Authority complained about email	
Authority complained about	
Authority complained about telephone	
Authority complained about address	Leoforos Mesogion 96
Authority complained about postcode	11527
Authority complained about town	Athens
Authority complained about country	Greece
National measures suspected to infringe Union law	<p>The Ministry of Justice, Transparency and Human Rights is charged with the development of legislative initiatives, in which is included the harmonization of national law with the rules of European law. Since June 2016, the Ministry has launched a law-making Committee in order to deliver a draft law implementing the provisions of the Directive 2016/680 into Greek law (Ministerial Decision 43519/2017). However, the Greek State failed to implement the EU Directive mentioned above. Specifically, more than one year has passed after the respective deadline for implementation that is set in the related provisions, and the Ministry has not passed a national law implementing Directive 2016/680. As a result of this negligence, the individuals living in Greece do not enjoy a high level of protection of their personal data in processing activities undertaken by law enforcement agencies. Last but not least, I would like to</p>

	<p>underline shortcomings related to the enforcement of the Regulation 2016/679, as well. More precisely, despite the fact that the provisions of the Regulation 2016/679 are binding in their entirety and directly applicable in all Member States since 25.05.2018, the Greek State has not published a national law enforcing Regulation 216/679's provisions in a national setting until today (!). This is very troublesome, especially if we consider that EU legislator has left to the discretion of the Members States' legislators important measures. For example, the decision on the lower age for the provision of information society services directly to a child (Article 8), further conditions, including limitations, with regard to the processing of genetic data, biometric data or data concerning health (Article 9), the right of a not-for-profit organisation, independently of a data subject's mandate, to lodge a complaint with the supervisory authority and to exercise the rights referred to in Articles 78 and 79 (Article 80, para.2), penalties for infringements that are not subject to administrative fines (Article 84), protection of employees' personal data in the context of employment (Article 88), and obligations of secrecy (Article 90).</p>
<p>EU law you think has been breached</p>	<p>First, Article 63, paragraph 1 of the Directive 2016/680 according to which "Member States shall adopt and publish, by 6 May 2018, the laws, regulations and administrative provisions necessary to comply with this Directive.They shall forthwith notify to the Commission the text of those provisions.They shall apply those provisions from 6 May 2018". The Greek State and the Ministry have not published any national law on this regard, and they haven't applied any related provisions after more than one year of the above-mentioned deadline. Thus, there is a breach of EU law.</p> <p>Second, the provisions of the Regulation 2016/679 specifically mention that each Member State shall notify to the Commission the rules adopted pursuant to paragraph 1 of Articles 84 (penalties for infringements that are not subject to administrative fines), 88 (processing in the context of employment), and 90 (obligations of secrecy) by 25 May 2018 and, without delay, any subsequent amendment affecting them. However, the Greek State has not lay down any related rules, and thus has not notified to the Commission any legislative initiatives within this deadline.</p>
<p>Problem description</p>	<p>To begin with, the provisions of Directive 2016/680 are intended to cover all personal data processing undertaken in the law enforcement (police and criminal justice) context, regardless of whether the processing takes place within or crosses national borders. In this way, the Framework Decision 2008/977/JHA's most basic restriction is finally lifted and law enforcement authorities within the EU have to implement the Directive's provisions into their every-day personal data processing. Therefore, a Greek national law implementing the provisions of Directive 2016/680 is crucial for ensuring a high level of protection of the personal data of individuals during the activities that aim to the prevention, investigation, detection or prosecution of criminal offenses. Since Greece has not respected the deadline that the EU regulator has set, my rights but also the rights of the people living in Greece, which our civil non-profit human rights organisation, Homo Digitalis, safeguards and promotes, are not protected. I demand a fast implementation of the EU law, so</p>

	<p>that I will know that local police authorities respect the legal principles of data protection, and do not mistreat my personal data. I want to have the possibility to exercise the rights provided for in the Directive 2016/680, which until now the Greek State and the Ministry in charge deny providing, breaching in this way EU law.</p> <p>Last but not least, the lack of a national law enforcing the Regulation 2016/679, creates legal uncertainty as regards the important measures that the EU regulator has left to the discretion of the Greek regulator, such as the decision on the lower age for the provision of information society services directly to a child (Article 8), further conditions, including limitations, with regard to the processing of genetic data, biometric data or data concerning health (Article 9), the right of a not-for-profit organisation, independently of a data subject's mandate, to lodge a complaint with the supervisory authority and to exercise the rights referred to in Articles 78 and 79 (Article 80, para.2), penalties for infringements that are not subject to administrative fines (Article 84), and issues related to the protection of employees' personal data in the context of employment (Article 88), and obligations of secrecy (Article 90). All these issues are of utmost importance and are related to a high level of personal data protection.</p>
<p>Does the Member State concerned receive EU funding relating to the subject of your complaint</p>	<p>idk</p>
<p>Does your complaint relate to a breach of the EU Charter of Fundamental Rights?</p>	<p>yes</p>
<p>Please explain how EU law is involved and which fundamental right has been breached</p>	<p>The protection of natural persons in relation to the processing of personal data is a fundamental right. Article 8(1) of the Charter of Fundamental Rights of the European Union and Article 16(1) of the Treaty on the Functioning of the European Union provide that everyone has the right to the protection of personal data concerning him or her. The principles of, and rules on the protection of natural persons with regard to the processing of their personal data should, whatever their nationality or residence, respect their fundamental rights and freedoms, in particular their right to the protection of personal data. The provisions of the Directive 2016/680 and the Regulation 2016/679 are intended to contribute to this aim. However, the Greek State and the Ministry in charge have not implemented/enforced until today the above mentioned EU provisions into national law, disrespecting the existing deadlines. Thus, the individuals living in Greece do not enjoy a high level of protection as regards the processing of</p>

	their personal data.
List of documents	
Have you already taken action in the Member State concerned to try to solve this problem?	yes
What action have you already taken in the Member State concerned to tackle the problem?	
What type of decision(s) resulted from your action.	On April 2018 our civil society organization, Homo Digitalis, sent an open letter to the Greek Parliament (also the Greek DPA in cc) underlying the importance of implementing Directive 2016/680 and enforcing Regulation 2016/679 in a timely manner. On February 2019 we sent a second letter to the Greek Parliament and the lawmaking Committee (also the Greek DPA in cc) expressing our concerns. On the same month, we had a meeting with the lawmaking Committee to discuss these concerns. Finally, in March 2019 we had a meeting with the Secretary General of the Ministry of Justice, Transparency and Human Rights in order to express our concerns.
Has your action has been settled by a court or is pending before a court.	
Why didn't you take any action to tackle your problem in the Member State concerned?	
Indicate why you are not eligible for particular remedy	
Other reason for not taking action in the Member State concerned	
Have you already contacted EU institutions or	

other services dealing with problems of this nature	
Petition to the European Parliament	
European Ombudsman	
European Commission correspondence	
European Commission complaint	
SOLVIT	
Other (please specify)	
Are you aware of any action in the Member State concerned covering the issue you raise	no
Please specify action you are aware of in the Member State concerned	
Do you authorise the Commission to disclose your identity	yes

Submission made: 2019-05-30 7:45 AM