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| 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 | |
| Authority complained about postcode | |
| Authority complained about town | |
| Authority complained about country | Greece |
| National measures suspected to infringe Union law | This is a follow-up complaint to our complaint under reference number CHAP(2019)01564 filed on 30/05/2019 against the Greek Ministry of Justice, Transparency and Human Rights for its failure to transpose the Directive 2016/680 into a Greek law before the respective deadline. On 25/07/2019 the European Commission decided to refer Greece to the Court of Justice of the EU for failing to transpose the Directive 2016/680. Following this, the respective authorities acted |

fast in order to adopt a Data Protection Bill but did not pay adequate attention to this lawmaking exercise. Therefore, the Law 4624/2019, i.e. the new Greek Data Protection Bill, which the Greek Parliament adopted on 26/08/2019, suffers from important shortcomings and includes provisions that are in serious conflict with the provisions of the Directive 2016/680 and even the Regulation 2016/679 (!).

As a result, the Law 4624/2019 creates a lower level of protection in Greece for the peoples' rights and freedoms arising from the Directive 2016/680 and hampers personal data exchanges between Greece on one side and other Member States who rightly transposed the Directive 2016/680. Finally, even though the Regulation 2016/679 is binding in its entirety and directly applicable in Greece from 25 May 2018, the provisions of the Law 4624/2019 deviate from some of the provisions of the GDPR, creating legal uncertainties and inconsistencies that pose significant risks to the rights and freedoms of the people in Greece.

Since the European Commission services will now analyze the Law 4624/2019 and engage in bilateral discussions with the respective Greek Authorities, with this new complaint we would like to provide our short input in order to assist you. Moreover, we underline that the Greek Data Protection Authority stated via a press release on 02/10/2019 that it will issue an official Opinion on the Law 4624/2019 and its shortcomings in due time. Thus, this Opinion shall be taken into consideration for your examination, as well.

Having said the above, the national measures suspected to infringe Union Law are the provisions of the Greek Law 4624/2019. References to the respective articles, which infringe the provisions of the Directive 2016/680 and are in conflict with the provisions of the Regulation 2016/679, will be provided in the following section.

**EU law
you think
has been
breached**

As regards the Directive 2016/680, hereinafter "LED" the provisions that have been breached are (this list is not exhaustive.):

1. Art 5 of the LED. The Art 73 of the Greek Law, which is supposed to implement Art 5 (according to its own title) neither provides for time limits to be established for the erasure of personal data, nor for a periodic review of the need for the storage of personal data by Greek law enforcement authorities. The establishment of time limits ensures that the data are not kept longer than necessary, safeguarding the principle of storage limitation. Since the Greek Law in Art 73 does not provide such limits, there is a clear violation of Art 5 LED.
2. Art 11 of the LED. While the Art 52, para.1 of the Greek Law states that a decision based solely on automated processing, including profiling, which produces an adverse legal effect concerning the data subject or significantly affects him or her, is allowed only when it is authorized by law, it does not state that such law shall provide appropriate safeguards for the rights and freedoms of the data subject, at least the right to obtain human intervention on the part of the controller. This omission is very serious and could jeopardize the rights of the data subject in the age of technology-led predictive policing.
3. Art 32, para.4 of the LED. The Art 6, para.5 of the Greek Law gives to Greek national authorities the option neither to publish the contact details of their data protection officer nor to communicate these details to the Greek supervisory authority. The Greek legislator based this option to reasons of national security or to confidentiality obligations. Such a provision clearly violates Art 32, para. 4 of the LED, while it creates serious implications for the enforcement of Art 24, para 2(a) LED and Art 30, para 3(b) LED.
4. Art 55 LED. The Greek Law deprives people of all of their rights provided in Art 55 LED, since it does not cover any of them. More precisely, the data subjects in Greece do not have under the Greek Law 4624/2019 the right to mandate a not-for-profit body, organisation or association which has been properly constituted in accordance with Greek law, has statutory objectives which are in the public interest and is active in the field of protection of data subject's rights and freedoms with regard to the protection of their personal data to lodge the complaint on their behalf and to exercise the rights referred to in Art 52, 53 and 54 LED on their behalf. This is a serious violation of the LED and a devastating blow to the rights of the data subjects and the role of civil society organizations against law enforcement agencies' misuse of powers.
5. Finally Art 49 of the Greek Law provides consent as a legal base for data processing activities of law enforcement authorities. This provision is in conflict with the rationale of the LED & contradicts the Article 29 Working Party Opinion wp258 (29.11.2017, page 9).

As regards the GDPR (the list is not exhaustive.):

1. Art 5, para1(b) GDPR: Art 24 of the Greek Law is in conflict with the principle of purpose limitation. It provides for the further processing of personal data (even special categories) by public authorities for purposes that are incompatible with the initial purposes for which the data was processed.

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| | <p>2. Art 9 GDPR: The provisions of Art 22 of the create vague exceptions and do not provide safeguards for the rights and the freedoms of the data subjects.</p> <p>3. Art 80, para. 1 GDPR. The Art 41 of the Greek Law violates Art 80, para. 1 GDPR because it deprives data subjects in Greece to mandate a not-for-profit body to exercise the rights referred to in Art. 79 of the GDPR (right to an effective judicial remedy against a controller or processor) on their behalf.</p> <p>4. Art 88 GDPR. Art 27 of the Greek Law creates issues related to the processing of special categories of employees' personal data and it opens the door of intrusive monitoring of employees in their workplace.</p> |
| Problem description | <p>The Greek Law 4624/2019 creates a lower level of protection in Greece for the peoples' rights and freedoms arising from the Directive 2016/680 and hampers personal data exchanges between Greece on one side and other Member States who rightly transposed the Directive 2016/680. Finally, even though the Regulation 2016/679 is binding in its entirety and directly applicable in Greece from 25 May 2018, the provisions of the Law 4624/2019 deviate from some of the provisions of the GDPR, creating legal uncertainties and inconsistencies that pose significant risks to the rights and freedoms of the people in Greece.</p> |
| Does the Member State concerned receive EU funding relating to the subject of your complaint | idk |
| Does your complaint relate to a breach of the EU Charter of Fundamental Rights? | yes |
| Please explain how EU law is involved and which fundamental right has been breached | <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. The Greek Law 4624/2019 creates a lower level of protection in Greece for the peoples' rights and freedoms and introduces legal uncertainties and inconsistencies that pose significant risks to the rights and freedoms of the people in Greece.</p> |
| 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 | |

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| <p>the Member State concerned to tackle the problem?</p> | |
| <p>What type of decision(s) resulted from your action.</p> | <p>On 20/09/2019 Homo Digitalis and the Consumer Association "Quality of Life" (Ε.Κ.ΠΟΙ.ΖΩ), filed a joint request before the Hellenic Data Protection Authority in order the Authority to issue a legal opinion regarding the newly adopted Law 4624/2019 implementing the Regulation (EU) 2016/679 (GDPR) and Directive (EU) 2016/680.</p> |
| <p>Has your action has been settled by a court or is pending before a court.</p> | |
| <p>Why didn't you take any action to tackle your problem in the Member State concerned ?</p> | |
| <p>Indicate why you are not eligible for particular remedy</p> | |
| <p>Other reason for not taking action in the Member State concerned</p> | |
| <p>Have you already contacted EU institutions or other services dealing with problems of this nature</p> | |
| <p>Petition to the European Parliament</p> | |
| <p>European</p> | |

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| 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: 2019-10-24 12:14 AM