

Feedback from Mr. Vasilis Zorkadis, the Director at Hellenic Data Protection Authority in Greece

The Hellenic Data Protection Authority (HDPa) was established in November 2007. HDPa is a constitutionally guaranteed independent authority and its task is the supervision of the implementation of national data protection Law 2472/1997, which harmonizes Greek Law with EU Directive 95/46/EC, and all other regulations arising from relevant legislation on data protection. Its powers include issuing directives to enhance uniformity in implementation and to protect personal data vis-à-vis technological developments; assisting controllers in drafting codes of conduct; examining complaints; conducting inspections and reporting violations; and delivering opinions with respect to any rules relating to the processing and protection of personal data. The Authority is assisted by its Secretariat consisting of three departments, the Auditors Department, the Public Relations Department and the Administration and Finance Department.

The processing of sensitive data has to be checked in advance and authorized by the HDPa 'Sensitive data' are personal data that in some circumstances if published may lead to discrimination of individuals, such as data referring to racial or ethnic origin, political opinions, religious or philosophical beliefs etc. In most cases, data controllers are obliged to notify HDPa about the commencement of data processing, on the basis of processing purposes even in cases where the individuals the data refer to are informed and have approved it. For example, a university before the establishment and operation of a database, also for research purposes, has to notify HDPa about this processing, stating among others data sources, recipients, operations and retention period, unless there is an exemption of the obligation to notify.

HDPa regularly conducts inspections, in the framework of which the technological infrastructure and other means of data controllers, automated or not, supporting the processing of data are examined. The aforementioned inspections primarily focus on the security and privacy preserving technological aspects of the ICT infrastructures, taking into consideration the establishment of an information security management system, particular cryptographic and other security measures, as well as organizational procedures applied.

According to the aforementioned data protection law, the collection and processing of sensitive data will be permitted by HDPa when it is carried out exclusively for research and scientific purposes, provided anonymity is maintained and all necessary measures for the protection of the persons involved are taken. In such cases, of special consideration is the effectiveness of the anonymization process, including possible background knowledge, the size of the intended recipient communities and the protective measures taken.

In 2006, with the specific law 3471/2006 on data protection in electronic communications, traffic data is also subject to communications secrecy. After the provision of an electronic communication service, the related traffic data must be erased or made anonymous and may only be processed for the purpose of subscriber billing with a predefined retention period.

HDPa's basic aim is to be effective and to provide answers to important issues regarding protection of individual's privacy. Organization's vision presupposes changes in the current operation procedure and in its priorities in favor of proactive work, i.e. increasing the number of inspections and elaborating data protection requirements in form of directives, opinions or guidelines in specific sectors, such as health, financial sector, electronic communications, direct marketing, electronic government and internet economy.