



# GOVERNMENT GAZETTE OF THE HELLENIC REPUBLIC

SERIES I

Issue No 34

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## PRESIDENTIAL DECREE No 28

On the codification of provisions relating  
to access to public documents and records.

### THE PRESIDENT OF THE HELLENIC REPUBLIC

Having regard to:

1. The provisions of:

(a) Article 14(1) of Law 3448/2006 on the re-use of public-sector information and the regulation of matters falling under the scope of responsibility of the Ministry of the Interior, Public Administration and Decentralisation (Government Gazette, Series I, No 57);

(b) Article 90 of Presidential Decree 63/2005 on the codification of the legislation on government and governmental bodies (Government Gazette, Series I, No 98);

2. document ref. 2038/29-7-2009 from the central legislative drafting committee;

3. document ref. ΔΙΣΚΠΟ/Φ.17/off. 596/10-1-2014 of the Secretary-General of the Ministry of Administrative Reform and e-Governance from the central legislative drafting committee;

4. document ref. 108/16-1-2015 from the central legislative drafting committee;

5. Decision No Y95/20.02.2015 of the Prime Minister on the delegation of powers to the Alternate Minister for the Interior and Administrative Reconstruction, Mr Georgios Katroungalos (Government Gazette, Series II, No 299);

6. the fact that the provisions of this Decree entail no expenditure under the national budget;

and following a proposal from the Minister for the Interior and Administrative Reconstruction and the Minister for Justice, Transparency and Human Rights; we have decided as follows:

#### Article One

The following provisions are hereby codified into a single text:

1. The provisions of Articles 42 to 45 of Law 1946/1991 on the State General Archives and other provisions (Government Gazette, Series I, No 69).

2. The provisions of Articles 2 to 5, 7 and 11 to 13 of Law 2472/1997 on the protection of individuals with regard to the processing of personal data (Government Gazette, Series I, No 50), as:

(a) Article 2(b), which had been replaced by Article 18(1) of Law 3471/2006 (Government Gazette, Series I, No 133) and then by par. 3 of Article eight of Law 3625/2007 (Government Gazette, Series I, No 290), was replaced by Article 79 of Law 4139/2013 (Government Gazette, Series I, No 74); (b) the last two indents of Article 2(b) were added by Article 8(2) of Law 4205/2013 (Government Gazette, Series I, No 242); (c) Article 2(e) was replaced by Article 18(2) of Law 3471/2006; (d) Article 3(2) was replaced by par. 1 of Article eight of Law 3625/2007; (e) Article (3)(2)(c), as added by Article 12(1) of Law 3783/2009 (Government Gazette, Series I, No 136), was repealed by the second indent of Article 14(6) of Law 3917/2011 (Government Gazette, Series I, No 22), as added by 71 of Law 3994/2011 (Government Gazette, Series I, No 165); (f) Article 3(3)(b) was repealed and point (c) was renumbered into point (b) by Article 19(1) of Law 3471/2006 and the first indent of the new point (b) was replaced by Article 19(2) of Law 3471/2006; (g) the last indent of Article 4(1)(d) was repealed by Article 20(1) of Law 3471/2006; (h) the first indent of Article 4(2) was replaced by Article 20(2) of Law 3471/2006; (i) Article 7(2)(b) was replaced by Article 22(1) of Law 3471/2006; (j) Article 7(2)(c), as replaced by Article 8(3) of Law 2819/2000 (Government Gazette, Series I, No 84), was replaced again by Article 34(1) of Law 2915/2001 (Government Gazette, Series I, No 109); (k) Article 7(2)(e) was replaced by Article 34(2) of Law 2915/2001; (l) point (iii) of Article 7(2)(e) was replaced and a new point (iv) was added by Article 26(4) of Law 3156/2003 (Government Gazette, Series I, No 157); (m) the last indent of Article 7(3) was repealed by Article 22(2) of Law 3471/2006; (n) Article 11(4) was replaced by Article 34(4) of Law 2915/2001; (o) Article 11(6) was added by Article 39(8) of Law 4024/2011 (Government Gazette, Series I, No 226);

(p) points (e) and (f) of Article 12(2) were added by Article 26 of Law 3471/2006.

3. The provisions of the first indent of Article 1(1) and of Article 1(2) and (3), of the first, eighth, eleventh, and twelfth indents of Article 3(1)(a), of Article 3(1)(b) and of Article 3(2) and (3), of Articles 21 and 22 of Law 2664/1998 on the national cadastre and other provisions (Government Gazette, Series I, No 275), as the third indent of Article 1(1) was replaced by Article 2(1) of Law 3127/2003 (Government Gazette, Series I, No 67), Article 3(1)(a) was replaced by Article 2(1) of Law 4164/2013, read in conjunction with Article 1 of Law 4164/2013 (Government Gazette, Series I, No 156).

4. The provisions of Article 5 of Law 2690/1999 ratifying the code of administrative procedure and other provisions (Government Gazette, Series I, No 45), as par. 3 was replaced by Article 8(2) of Law 2880/2001 (Government Gazette, Series I, No 9) and par. 6 was replaced by Article 11(2) of Law 3230/2004 (Government Gazette, Series I, No 44).

5. The provisions of Articles 1 to 5 of Law 2846/2000 on the archives of the Prime Minister, Ministers and Deputy Ministers and of the Secretariat-General of the Council of Ministers (Government Gazette, Series I, No 229), read in conjunction with Article 8(1) and (3) of Law 1946/1991, as the second indent of par. 1 was added by Article 11(2) of Law 3391/2005 (Government Gazette, Series I, No 240) and par. 3 was replaced by Article 11(4) of Law 3391/2005.

6. The provisions of Article 11 of Law 2960/2001 setting out the National Customs Code (Government Gazette, Series I, No 265), as replaced by Article 1(2) of Law 3583/2007 (Government Gazette, Series I, No 142).

7. The provisions of Articles 1 and 14 of Law 3418/2005 setting out the Code of Professional Conduct for Physicians (Government Gazette, Series I, No 287).

8. The provisions of Article 23(7) and of Article 23A(4) of Law 3427/2005 on the value added tax for new buildings, changes to capital taxation and other provisions (Government Gazette, Series I, No 312), as: (a) Article 23(7) was added by Article 51(3) of Law 3842/2010 (Government Gazette, Series I, No 58) and indent (f) was added thereto by Article 18(8)(c) of Law 4002/2011 (Government Gazette, Series I, No 180); and (b) Article 23A was added by Article 52 of Law 3842/2010.

9. The provisions of Articles 1 to 13 of Law 3448/2006 on the re-use of public-sector information and the regulation of matters falling under the scope of responsibility of the Ministry of the Interior, Public Administration and Decentralisation (Government Gazette, Series I, No 57), as: (a) Article 1 was replaced by Article 1 of Law 4305/2014 (Government Gazette, Series I, No 237); (b) Article 2 was replaced by Article 2 of Law 4305/2014; (c) the first indent and point (a) of Article 3(1) were replaced by Article 3 of Law 4305/2014; (d) Article 3(1)(b) was replaced by Article 11(1) of Law 3613/2007 (Government Gazette, Series I, No 263); (e) points (i) and (ii) of Article 3(1)(c) were replaced by Article 3(2) of Law 4305/2014; (f) points (i) top (iii) of Article 3(1) were added by Article 3(3) of Law 4305/2014; (g) Article 3(1)(e) was replaced by Article 3(4) of Law 4305/2014; (h) Article 3(2) was replaced by Article

3(5) of Law 4305/2014; (i) Article 4(1) was replaced by Article 4(1) of Law 4305/2014; (j) Article 4(3) was replaced by Article 4(2) of Law 4305/2014; (k) points (5) to (8) of Article 4 were replaced by Article 4(1) of Law 4305/2014; (l) par. 3 to 5 of Article 5 were replaced by Article 5(1) of Law 4305/2014; (m) the title and par. 1 and 2 of Article 6 were replaced by Article 6 of Law 4305/2014; (n) par. 1 and 2 of Article 7 were replaced by Article 7 of Law 4305/2014; (o) Article 9 was replaced by Article 9 of Law 4305/2014; (p) Article 10 was replaced by Article 10 of Law 4305/2014; (q) the second indent of Article 12(2) was replaced by Article 11(2) of Law 3613/2007; (r) the third indent of Article 12(2) was added by Article 10 of Law 4305/2014; (s) Article 12(2)(a) was added by Article 11 of Law 4305/2014; (t) Article 12(4) was added by Article 11 of Law 4305/2014; (u) Articles 12A, 12B and 12C were added by Article 12 of Law 4305/2014; (v) Article 13 was replaced by Article 13 of Law 4305/2014.

10. The provisions of Article 97(5) to (8) of Law 3463/2006 (Government Gazette, Series I, No 114).

11. The provisions of Article 15(5) to (8) of Law 3469/2006 on the National Printing Office, the Government Gazette and other provisions (Government Gazette, Series I, No 131), as par. 7 thereof was replaced by Article 7 of Law 3861/2010 (Government Gazette, Series I, No 112).

12. The provisions of Article 1(1) to (4), Article 2(2), Article 5(1) to (3), Article 7, the first to third indents of Article 8(1) and Article 8(2) to (6) of Law 3832/2010 on the Hellenic statistical system (ELSS) and the establishment of the Hellenic Statistical Authority (ELSTAT) as an independent authority (Government Gazette, Series I, No 38), as: (a) the last two indents of Article 2(2), as added by Article 93(1) of Law 4182/2013 (Government Gazette, Series I, No 185), were repealed by par. 2 of subpar. C3 of par. C of Article one of Law 4254/2014 (Government Gazette, Series I, No 85); (b) Article 4 was renumbered into Article 5 by Article 323(2) of Law 4072/2012 (Government Gazette, Series I, No 86) and Article 5(1), as renumbered, was replaced by Article 323(3) of Law 4072/2012; (c) Article 6 was renumbered into Article 7 by Article 323(2) of Law 4072/2012; (d) Article 7 was renumbered into Article 8 by Article 323(2) of Law 4072/2012, Article 8(3), as renumbered, was amended by Article 10(1) of Law 3899/2010 (Government Gazette, Series I, No 212) and the last indent of par. 3, as added by 93(2) of Law 4182/2013, was repealed by Article 33(5) of Law 4258/2014 (Government Gazette, Series I, No 94).

13. The provisions of Article 170(5) to (8) of Law 3852/2010 setting out a new structure for local government and decentralised administration – the Callicrates Programme (Government Gazette, Series I, No 87).

14. The provisions of Articles 1 to 16, 21, 23 to 26, 28 and 32 of Law 3882/2010 setting out the National Infrastructure for Geospatial Information -Transposing Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 and other provisions. Amending Law 1647/1986 on the Hellenic Mapping and Cadastral Organisation (OKCHE) and other relevant provisions (Government Gazette, Series I, No 141), as Article 10(2) was added by Article 43(4) of Law 4049/2012 (Government

Gazette, Series I, No 35), read in conjunction with Article 1 of Law 4164/2013.

15. The provisions of Articles 9 and 25 of Law 3979/2011 on e-governance and other provisions (Government Gazette, Series I, No 138).

16. The provisions of Article 1(1) of Law 4164/2013 (Government Gazette, Series I, No 156).

17. The provisions of Article 17 of Law 4174/2013 setting out tax and other provisions (Government Gazette, Series I, No 170), as: (a) point (a) of par. 1 was amended by Article 42(8) of Law 4223/2013 (Government Gazette, Series I, No 287); (b) points (b), (c) and (e) of par. 1, as amended by Article 42(7) of Law 4223/2013, were amended by point 3 of subpar. D.2 or par. D of Article one of Law 4254/2014 (Government Gazette, Series I, No 85); (c) point (f) of par. 1, as amended by point 3 of subpar. D2 of par. D of Article one of Law 4254/2014, was amended by Article 33(5)(b) of Law 4258/2014 (Government Gazette, Series I, No 94); (d) points (g) and (h) were added by Article 42(9) of Law 4223/2013; (e) points (i) and (C) were added by point (3) of subpar. D.2 of par. D of Article one of Law 4254/2014; (f) the second indent of par. 4 was deleted by Article 42(10) of Law 4223/2013.

18. The provisions of Article 139 of Law 4281/2014 setting out measures for the support and growth of the Greek economy, organisational matters relating to the Ministry of Finance and other provisions (Government Gazette, Series I, No 160).

19. The provisions of Articles 12 and 13 of Legislative Decree 1013/1971 on the restructuring of the Hellenic Military Geographical Service (Government Gazette, Series I, No 204), as Article 13 was replaced by Article 11 of Law 3257/2004 (Government Gazette, Series I, No 143).

20. The provisions of Articles 1 to 4 of Presidential Decree 138/2014 setting out the policy for making available meteorological data, products and services by the Hellenic

National Meteorological Service (EMY) (Government Gazette, Series I, No 229).

21. The provisions of Article 1 of Decision No Φ.460/330/9.01.1991 of the Deputy Minister for National Defence and of the Deputy Minister for Finance specifying the fee to be paid for the provision of meteorological information and of services by the Hellenic National Meteorological Service (EMY) in general (Government Gazette, Series II, No 42).

22. The provisions of Articles 1 to 8 of Decision No Η.Π. 11764/653/16.03.2006 (Government Gazette, Series II, No 327) of the Ministers for the Interior, Public Administration and Decentralisation, for the Economy and Finance, and for the Environment, Physical Planning and Public Works, and for Justice on access of the general public to public authorities for obtaining environmental information, in compliance with Directive 2003/4/EC on public access to environmental information and repealing Council Directive 90/313/EEC and replacing Ministerial Decision No 77921/1440/1995 (Government Gazette, Series II, No 795), read in conjunction with Article 25 of Law 4210/2013 (Government Gazette, Series I, No 254).

23. The provisions of Article 7 of Decision ΥΑΠ/Φ.40.4/3/1031/23.04.2012 of the Minister for Administrative Reform and e-Governance setting out provisions on electronic public documents (Government Gazette, Series II, No 1317).

24. The provisions of Decision No 122/1957/9-10-2001 of the Hellenic Data Protection Authority specifying the amount of the fee to be paid for the exercise by the data subject of the right of access and the right to object (Government Gazette, Series II, No 1345).

25. The provisions of Articles 13 and 14 of Decision No ΓΠ-400/27.08.2012 of the Hellenic Statistical Authority on the approval of the Operating and Management Regulation of the Hellenic Statistical Authority (Government Gazette, Series II, No 2390), as follows:

# CODE OF ACCESS TO PUBLIC DOCUMENTS AND RECORDS

## PART A

### GENERAL PROVISIONS

#### CHAPTER I

#### ACCESS TO PUBLIC DOCUMENTS

##### Article 1

##### Access to public documents

- Article 5  
of Law  
2690/1999, as  
amended by  
Articles 8(2) of  
Law 2880/2001  
and 11(2) of  
Law 3230/2004
1. Any party concerned shall, upon request, have the right to become aware of administrative documents. 'Administrative documents' means documents drawn up by public services, such as reports, studies, statements, statistics, guidelines, replies from the administration, opinions and decisions.
  2. Whoever has a special legal interest shall have the right, upon written request, to have access to the private documents kept by public agencies and related to business pending at or handled by those public agencies.
  3. The right by virtue of the previous paragraphs shall not exist if the document relates to the private or family life of a third party or if it is detrimental to the confidentiality which is provided for by specific provisions. The competent administrative authority may refuse to grant the right concerned if the document refers to the deliberations of the Council of Ministers or if the granting of said right may substantially hinder an investigation carried out by judicial, administrative, police or military authorities in respect of a crime or administrative infringement.
  4. The right contemplated in paragraphs 1 and 2 shall be exercised: (a) by studying the document at the agency's premises, or (b) by providing a copy thereof, unless reproduction may harm the original. The relevant reproduction costs shall be borne by the applicant, unless otherwise specified by law. In the event of medical information, it shall be notified to the applicant with assistance from a physician duly designated to that effect.
  5. The right contemplated in paragraphs 1 and 2 shall be exercised without prejudice to any existing intellectual or industrial property rights.
  6. The time limit for the supply of documents as per paragraphs 1 and 2 or the reasoned refusal to grant a relevant request filed by a citizen shall be twenty days.

##### Article 2

**Right of access to information kept by public-sector bodies**

- Article 9 of Law 3979/2011
1. Access to documents, as provided for by the provisions of the previous Article also relates to electronic documents and may be exercised by the use of information and communications technologies (ICT) in accordance with the more specific provisions laid down in Law 3979/2011.
  2. Where the right to access documents kept by a public-sector body in electronic form is exercised, as contemplated in the previous Article, the document may be studied or a copy thereof may be provided by the use of ICT.
  3. A decision of the Minister for Administrative Reform and e-Governance shall set out the method to be used for accessing and studying documents and granting copies thereof by the use of ICT, including support technologies, the applicant's obligations and all relevant matters.

**Article 3****Access to and supply of electronic public documents**

- Article 7 of Ministerial Decision No YAΠ/Φ.40.4/3/1031/2012
1. Public documents may be accessed either by studying the document concerned or by providing a copy thereof by the use of ICT. The relevant reproduction costs shall be borne by the applicant in accordance with the applicable provisions.
  2. Without prejudice to the provisions of Article 1, applications for the granting of copies of public documents shall be processed quickly. Upon submission of a request by the applicant by the use of ICT, a receipt shall be transmitted to him/her.
  3. Public documents may be studied either by access granted on the websites of public bodies, also ensuring secure communication between the parties concerned and the websites in accordance with the provisions of Annex I to the Framework for the Provision of e-Governance Services, or by providing a copy to be stored in the electronic mailbox of the party concerned. In addition to using the electronic mailbox, a copy may be emailed provided that it is ensured that the copy is received by an authorised recipient and that proof of receipt is obtained.

**Article 4****Notification by electronic means**

- Article 25 of Law 3979/2011
1. Public-sector bodies may notify documents by the use of ICT to natural persons or legal persons governed by private law, provided that these persons have requested or recommended this as their preferred method of notification or have explicitly consented to using said method. Both the request for using, or the recommendation of,

the preferred electronic means and the relevant consent may be transmitted and communicated, in each case, by the use of ICT, provided that the relevant requirements for the identification and authentication of the persons concerned are met.

2. The notification system shall allow for verifying the exact time at which the transmission, receipt and access to the document concerned took place, which entails the taking effect of the legal consequences and start of the relevant time limits, such as those relating to the lodging of means of redress. A decision of the Minister for Administrative Reform and e-Governance shall regulate all necessary technical matters relating to the specifications and standards in respect of the design and implementation of the notification system in a way that serves the purpose of verifying the exact time of transmission and receipt of a document and of access to its contents. The recipient of the notified document shall be deemed to have accessed the contents of the notification within ten complete days of notification at the latest, unless the recipient proves that there were reasons of force majeure which did not allow him/her to access the contents of the document notified by the use of ICT or that he/she was unable to do so due to the fault of the public-sector body.

3. Electronic access by the party concerned to the contents of the actions and of the corresponding documents of the public-sector bodies shall be equal to notification if the public-sector body can prove with certainty that the party concerned has accessed the contents.

## **CHAPTER II**

### **RE-USE OF PUBLIC INFORMATION**

#### **Article 5**

##### **Subject matter**

Article 1 of Law 3448/2006, as replaced by Article 1 of Law 4305/2014

The subject matter hereof consists in establishing the principle of open supply and re-use of public documents, information and data which are held by public-sector bodies, as specified in Article 8, and in specifying the terms, conditions and methods for facilitating the re-use of the above documents, information and data with a view to harmonising national legislation with Directive 2003/98/EC of the European Parliament and of the Council (OJ L 345), as amended by Directive 2013/37/EU of the European Parliament and of the Council (OJ L 175). The provisions in force concerning access to administrative documents and the information obligations of public-sector bodies shall apply, without prejudice to the provisions of this Chapter.

## Article 6

### General principles

- Article 2 of Law 3448/2006, as replaced by Article 2 of Law 4305/2014
1. Public-sector documents, information and data shall be made freely available, as of the time of posting, publication or initial supply thereof, for re-use and re-utilisation for commercial and non-commercial purposes, without any action being required on the part of the party concerned or any act being required on the part of the administration (principle of open supply and re-use of public information).
  2. The documents, information and data shall be made available online in the form of a dataset or through programming interfaces, in open machine-readable format which complies with open standards in accordance with the provisions of Article 10, from a fixed storage point. Where documents, information or data cannot be made available online, the party concerned shall have to file a request in accordance with the provisions of Article 9. In exceptional cases, where public bodies have imposed certain conditions for the re-use of documents, information or data through a licence or charges, Articles 11 to 13 shall apply. Open supply and re-use of documents, information or data may be prohibited only in the cases referred to in Article 7. Specific reasons shall be provided by the holder for such prohibition.

## Article 7

### Scope - Exceptions

- Article 3 of Law 3448/2006, as amended by Articles 11(1) of Law 3613/2007 and 3 of Law 4305/2014
1. The provisions of this Chapter shall not apply to:
    - (a) documents, information and data the supply of which is an activity falling outside the scope of the public task of the public-sector bodies concerned as defined by the provisions in force each time;
    - (b) documents, information and data for which third parties hold intellectual property rights;
    - (c) documents, information and data excluded from access by virtue of the provisions of Article 1(3) and (5) as well as any other relevant provision, in particular on the grounds of: (i) the national security, defence, public order, external policy or information systems security, (ii) tax and statistical confidentiality, (iii) commercial, industrial, business, professional or company confidentiality, (iv) the protection of the cultural heritage from theft, plunder, vandalism, illegal excavation, illegal trade in antiquities, and generally the prevention of exposing to risk movable and immovable monuments and sites protected under Law 3028/2002;
    - (d) documents, information and data for which there are specific provisions limiting access thereto only to citizens or undertakings

which can prove that they have a specific legal interest;

(e) parts of documents, information and data containing only logos, crests and insignia;

(f) documents, parts of documents, information and data to which access is prohibited or restricted for reasons relating to the protection of personal data, or access to which is permitted but re-use of which is incompatible by law with the legislation on the protection of individuals with regard to the processing of personal data;

(g) documents, information and data held by public service broadcasters and their subsidiaries, or by other bodies and their subsidiaries for the fulfilment of a public service broadcasting remit;

(h) documents, information and data held by educational and research establishments, including organisations established for the transfer of research results, schools and higher educational establishments, except libraries of higher educational establishments, as well as documents, information and data held by cultural establishments other than libraries, museums and archives. The documents referred to in points (g) and (h) may be supplied for re-use if so provided for by general provisions or provisions to which the body concerned is subject.

2. The open supply, re-use and processing, in general, of documents, information and data shall always be subject to the provisions on the protection of individuals with regard to the processing of personal data (Law 2472/1997, Government Gazette, Series I, No 50), as in force each time.

## **Article 8**

### **Definitions**

Article 4 of Law 3448/2006, as amended and supplemented by Article 4 of Law 4305/2014

The following definitions shall apply for the purposes of this Chapter, without prejudice to paragraph 1:

1. 'Public-sector bodies' means State authorities, whether central or regional, independent administrative authorities, first and second-level local authorities, other legal persons governed by public law, the bodies governed by public law as referred to in paragraph 2 and the associations formed by one or several such authorities or one or several such bodies governed by public law.
2. 'Body governed by public law' means any body:
  - (a) established for the specific purpose of meeting needs in the general interest, not having an industrial or commercial character;
  - (b) having legal personality;
  - (c) financed, with a view to carrying out its functions, for the most part by the State, local authorities or other public-sector bodies, or



subject to management supervision by those bodies, or having an administrative, managerial or supervisory board, most of whose members are appointed by the State, local authorities or other public-sector bodies.

3. 'Document' means any document, part of a document, information or data which is issued, or the issuance of which has been entrusted to the administration of public-sector bodies, in the context of their functions, including in particular studies, minutes, statistics, circular orders, replies from administrative authorities, opinions, decisions, reports, whatever its medium used (written on paper or stored in electronic form or as a sound, visual or audiovisual recording). For the purposes of the provisions hereof, 'documents' also means private documents kept in the archives (files) of public-sector bodies, which were used or taken into account in determining their administrative action.

4. 'Re-use' means the use by natural or legal persons of documents held by public-sector bodies, for commercial or non-commercial purposes other than the initial purpose within the public task for which the documents were issued. Exchange of documents between public-sector bodies in pursuit of their public tasks does not constitute re-use.

5. 'Documents, information or data in machine-readable format' means any digital documents, information or data structured so that software applications can easily identify, recognise and extract specific data, including their internal structure.

6. 'Open format' means a file format that is platform-independent and made available to the public without any restriction that impedes the re-use of the information, documents or data.

7. 'Formal open standard' means a standard which has been laid down in written form, detailing specifications for the requirements on how to ensure software interoperability.

8. 'Personal data' means data as defined in Article 21(a).

## **Article 9**

### **Time limit for requests for re-use of documents**

Article 5 of  
Law 3448/  
2006, as  
amended by  
Articles 5 and  
14(1) of  
Law 4305/2014

1. Any requests for re-use of documents shall be submitted in writing or in electronic form to the agency which has issued or holds the document concerned. The public-sector bodies referred to in Articles 11 and 12 shall, through electronic means where possible and appropriate, process requests for re-use and make the document available for re-use to the applicant in accordance with the provisions laid down in the paragraphs below.

2. Public-sector bodies shall process requests and shall make the document available for re-use to the applicant within such a time

limit as specified by the provisions in force. Where no time limits regulating the timely provision of documents have been established, the above public-sector bodies shall provide the document within a timeframe of twenty working days after its receipt. This timeframe may be extended by another twenty working days for complex or extensive requests. In such cases the applicant shall be notified within three weeks after the initial request that more time is needed to process it.

3. In the event of a negative decision, the public-sector bodies shall communicate the grounds for refusal to the applicant on the basis of the relevant provisions. Where a negative decision is based on Article 7(1)(b), the public-sector body shall include a reference to the natural or legal person who is the right holder, where known, or, alternatively, to the licensor from which the public-sector body has obtained the relevant material. Libraries, including those of higher educational establishments, museums and archives need not include such a report.

4. An appeal may be lodged against the negative decision of the body concerned before the General Inspector of Public Administration, who shall decide in law and in substance. The appeal shall be lodged within ten days after notification of the negative decision to the applicant.

5. The decisions of the General Inspector of Public Administration issued in accordance with paragraph 4 shall be subject to an application for annulment by any person having a legal interest, which may be submitted to the competent Three-Member Administrative Court of Appeal.

6. A decision of the Minister for Administrative Reform and e-Governance and of the jointly competent Minister in each case may provide for shortening the time limits referred to in this Article, where necessary.

7. Paragraph 5 shall also apply to any cases that were pending as of the date of entry into force of Law 4305/2014. Any relevant applications for annulment submitted to the Hellenic Council of State, which had not been heard as of the date of entry into force of the above Law, shall be referred to the Administrative Courts of Appeal having competence *ratione loci* by virtue of acts of the chairing judge of the formation of the court concerned.

## **Article 10**

### **Available formats**

Article 6 of  
Law 3448/  
2006, as

1. Public-sector bodies shall make available their documents, information and data in any pre-existing format or language and, where possible, in open and machine-readable format from a fixed

amended by Article 6 of Law 4305/2014 storage point, along with their metadata at [www.data.gov.gr](http://www.data.gov.gr) or on the body's website. Where they are available on the body's website, they shall be accessible via hyperlinks or using a different method at [www.data.gov.gr](http://www.data.gov.gr). Both the format and the metadata should, in so far as possible, comply with formal open standards. The datasets shall, if possible, be accessible via application programming interfaces.

2. Paragraph 1 shall not imply an obligation for public-sector bodies to create or adapt documents, information and data or provide extracts therefrom in order to comply with the previous paragraph where this would involve disproportionate effort. Public-sector bodies cannot be required to continue the production and storage of a certain type of documents, information or data solely with a view to the re-use thereof by third parties. Where production or storage is discontinued in accordance with the previous sentence, a prior public announcement shall be posted at [www.data.gov.gr](http://www.data.gov.gr) and on the body's website thirty days earlier.

3. Re-use of documents shall be subject to the restriction that their contents must not be modified or distorted in any way whatsoever and that reference should be made to their origin and date of latest update. These restrictions shall be notified to the applicant in writing upon supply of the document.

4. Public-sector bodies shall not be held liable in the event of inappropriate re-use of the documents. Any persons breaching the provisions of paragraph 3 of this Article shall be punished in accordance with Article 458 of the Criminal Code on breaching administrative provisions, unless a heavier penalty is provided for by other provisions.

## **Article 11**

### **Licenses and other conditions for re-use of documents**

Article 7 of Law 3448/2006, as amended by Article 7 of Law 4305/2014 1. Public-sector bodies shall allow for open supply and re-use of the documents, information and data issued or held and managed by them or may, by way of exception, impose reasoned conditions through a licence or in other ways, including the obligation to state the source, the personal data protection clause, the imposition of charges and the body's disclaimer clause. These conditions imposed shall not unnecessarily restrict or distort competition.

2. In exceptional cases, where licences are required for re-use of documents, information or data, public-sector bodies shall, where possible, provide open licences available online which grant broader rights of use without any technical, financial or geographical limitations and are based on open data formats. These licences can be adapted to meet particular licence applications. In any event, the

licenses shall impose the fewest possible restrictions to re-use, in accordance with the principle of open supply of public information.

## **Article 12**

### **Principles governing charging**

- Article 8 of Law 3448/2006, as replaced by Article 8 of Law 4305/2014
1. Where charges are made for the re-use of documents, information or data, those charges shall be limited to the marginal costs incurred for their reproduction, provision and dissemination.
  2. Paragraph 1 shall not apply to the following:
    - (a) public-sector bodies required to generate revenue to cover a substantial part of their costs relating to the performance of their public tasks;
    - (b) by way of exception, documents, information or data for which the public-sector body concerned is required to generate sufficient revenue to cover a substantial part of the costs relating to their collection, production, reproduction and dissemination, in accordance with the provisions in force;
    - (c) libraries, including those of higher educational establishments, museums and archives.
  3. In the cases referred to in points (a) and (b) of paragraph 2, the public-sector bodies concerned shall calculate the total charges according to objective, transparent and verifiable criteria. The total income of those bodies from supplying and allowing re-use of documents, information or data over the appropriate accounting period shall not exceed the cost of collection, production, reproduction and dissemination, together with a reasonable return on investment. Charges should be cost-oriented over the appropriate accounting period and calculated in line with the accounting principles applicable to the public-sector bodies involved.
  4. Where charges are made by the public-sector bodies referred to in point (c) of paragraph 2, the total income from supplying and allowing re-use of documents, information or data over the appropriate accounting period shall not exceed the cost of collection, production, reproduction, dissemination, preservation and rights clearance, together with a reasonable return on investment. Charges should be cost-oriented over the appropriate accounting period and calculated in line with the accounting principles applicable to the public-sector bodies involved.

## **Article 13**

### **Transparency**

- Article 9 of Law 3448/2006, as replaced by Article 9 of Law
1. In the case of charges for re-use of documents, information or data held by public-sector bodies, any applicable conditions and the total amount of those charges, including the calculation basis for such charges, in accordance with the provisions of Article 12, shall

- 4305/2014 be pre-established and published electronically at [www.data.gov.gr](http://www.data.gov.gr) and on the body's website.
2. The terms and conditions referred to in Article 12(2) shall be published electronically at [www.data.gov.gr](http://www.data.gov.gr) and on the body's website.
3. Public-sector bodies shall ensure that applicants for documents, information or data are informed of the administrative appeals and means of redress available to them.

## Article 14

### Practical arrangements

- Article 10 of Law 3448/2006, as replaced by Article 10 of Law 4305/2014 and supplemented by Article 14(2), (3), (4), (5) and (6) of Law 4305/2014
1. A 'State open data register' shall be kept at the Ministry of Administrative Reform and e-Governance, which shall be available at [www.data.gov.gr](http://www.data.gov.gr). The 'State open data register' shall be used to post sets of State documents, information and data which are available on an open and machine-readable format, classified into 'structured datasets', or links of the bodies' websites on which they are kept. If the documents, information and data are not available on an open and machine-readable format or if the body makes available the data on a conditional basis or with a licence, in accordance with Articles 11 to 13 hereof, a relevant entry shall be made in the 'State open data register'.
2. Public-sector bodies which are subject to the scope hereof shall record and evaluate the sets of documents, information and data they hold, per category, with a view to the open supply thereof.
3. Upon completion of the recording referred to in the previous paragraph, each body shall issue a decision describing: (a) the sets of documents, information and data held by the body concerned; (b) the sets of documents, information and data to be made available on an open and machine-readable format, in line with the principle of the open supply of public information; (c) the sets of documents, information and data to be made available on a conditional basis, with a licence or charges, in accordance with Articles 7 to 9 hereof; (d) the sets of documents, information and data which are subject to the restrictions set out in Article 3(1) hereof and are not available for re-utilisation and re-use. The decision concerned shall be posted on the 'Transparency Programme' website in accordance with Law 3861/2010, at [www.data.gov.gr](http://www.data.gov.gr) and on the body's website and shall be notified to the Ministry of Administrative Reform and e-Governance.
4. Public-sector bodies shall, without delay, update the sets of documents, information and data they hold as soon as a change is made and, in any event, on an annual basis. The decision referred to in paragraph 3 shall be issued, with up-to-date information, at least

three times per year.

5. The Inspectors-Controllers Body for Public Administration shall verify that the obligations set out in this Article are complied with by the public bodies falling within their scope of responsibility.

6. The project management teams of the 'Transparency Programme, as set up under Article 6(1) of Law 3861/2010, shall be responsible for recording and evaluating the sets of documents, information and data held by public-sector bodies, in accordance with paragraph 2, providing technical, procedural and organisational support for the open supply of public-sector documents, information and data, and ensuring communication with the Ministry of Administrative Reform and e-Governance, the General Inspector of Public Administration and the Inspectors-Controllers Body for Public Administration. Public-sector bodies may provide the teams referred to in the previous sentence with additional staff, with a view to applying this Law in particular.

7. As per paragraph 2, the initial recording and evaluation of the sets of documents, information and data held by public-sector bodies shall take place within the first three months after the date of entry into force of Law 4305/2014.

8. Upon first-time application of Law 4305/2014, the decision referred to in paragraph 3 shall be issued within three months after completion of the recording referred to in the previous paragraph.

9. The time limits referred to in paragraphs 7 and 8 are set to twelve and six months, respectively: (a) for libraries, museums and archives, and (b) in all other cases relating to cultural resources of the Ministry of Culture and Sports and of its supervised bodies.

10. A decision of the Minister for Administrative Reform and e-Governance and of the jointly competent Minister in each case may provide for modifying the time limits referred to in paragraphs 7, 8 and 9.

11. Upon expiry of the time limit referred to in paragraphs 7, 8 and 9, the sets of documents, information and data falling under the scope of this Chapter shall be made openly available for re-use and re-utilisation, subject to the provisions on the protection of personal data.

## **Article 15**

### **Non-discrimination**

Article 11 of  
Law 3448/2006

1. Any applicable conditions for re-use of documents shall be non-discriminatory for comparable categories of re-use.

2. If documents are re-used by a public-sector body as input for its commercial activities which fall outside the scope of its public tasks, the same charges and other conditions that apply to other users shall

apply to the supply of the documents for those activities.

## **Article 16**

### **Prohibition of exclusive arrangements**

- Article 12 of Law 3448/2006, as amended by Article 11(2) of Law 3613/2007 and supplemented by Article 11 of Law 4305/2014
1. Without prejudice to the provisions of paragraph 2 of this Article, contracts or other arrangements between the public-sector bodies holding the documents and third parties shall not grant exclusive rights or prevent re-use of such documents.
  2. Where provision has been made for an exclusive right for the provision of a service in the public interest, the validity of the reason for granting such exclusive right shall be subject to regular review, and shall, in any event, be reviewed at least every three years. Contractual or other arrangements providing for exclusive rights after 31 December 2003 shall be made public. This paragraph shall not apply to digitisation of cultural resources.
  3. Where an exclusive right relates to digitisation of cultural resources, the period of exclusivity shall in general not exceed ten years, unless otherwise specified in the contracts concerned. In case where that period exceeds ten years, its duration shall be subject to review during the eleventh year and, at least, every seven years thereafter. The agreements on granting exclusive rights referred to in the first sentence shall comply with the principle of transparency, in accordance with Article 2(2) of Law 2251/1994 (Government Gazette, Series I, No 191), and shall be posted at [www.data.gov.gr](http://www.data.gov.gr) and on the body's website. In the case of an exclusive right referred to in the first subparagraph, the public-sector body concerned shall be provided free of charge with at least one copy of the digitised cultural resources as part of those arrangements. That copy shall be available for re-use at the end of the period of exclusivity.
  4. Exclusive arrangements existing on 17 July 2013 that do not qualify for the exceptions under paragraphs 2 and 3 shall be terminated at the end of the contract or, in any event, not later than 18 July 2043.

## **Article 17**

### **Annual tender for the utilisation of open data**

- Article 12<sup>A</sup> of Law 3448/2006, as added by Article 12 of Law 4305/2014
1. An annual tender shall be conducted for the utilisation of open data made available by the bodies referred to in Article 8(1). The tender shall aim to develop applications for the efficient utilisation of open data, improvement of public-sector performance and strengthening of public accountability, transparency and entrepreneurship. Domestic and foreign natural legal persons may

take part in the tender.

2. A decision of the Minister for Administrative Reform and e-Governance shall set out the procedure and terms of the tender, the setup of the evaluation committee with domestic or foreign persons of recognised competence and experience in a relevant discipline, the date of conduct, the acceptance and making available of sponsorships for the purposes of the tender, as well as all other details. A joint decision of the Ministers for Administrative Reform and e-Governance, and for Finance may provide for financial prizes to be awarded to the winning tenderers.

### **Article 18**

#### **Prizes for excellence established for public-sector bodies**

Article 12<sup>B</sup> of  
Law 3448/  
2006, as added  
by Article 12 of  
Law 4305/2014

1. Annual prizes shall be established for those bodies referred to in Article 8(1) which have implemented effective, innovative and pioneering procedures for open supply and re-use of public information.

2. A decision of the Minister for Administrative Reform and e-Governance shall set out the procedures and terms of the tender, the setup of the evaluation committee with domestic or foreign persons of recognised competence and experience in a relevant discipline, the date of conduct, as well as all other details.

### **Article 19**

#### **Annual report on the supply and re-use of open data**

Article 12<sup>C</sup> of  
Law 3448/  
2006, as added  
by Article 12 of  
Law 4305/2014

1. The Minister for Administrative Reform and e-Governance shall, in the first two months of each calendar year, submit to the Speaker of the Hellenic Parliament an annual report on the open supply and re-use of documents, information and data by the bodies referred to in Article 8(1). Before the report is submitted in accordance with the previous sentence, it shall be put to public consultation for not less than fifteen days.

2. The report referred to in paragraph 1 shall be discussed in a joint meeting of the Standing Committee on Public Administration, Public Order and Justice and the Special Permanent Committee on Institutions and Transparency of the Hellenic Parliament.

3. The report referred to in paragraph 1 shall be posted on the website of the Ministry of Administrative Reform and e-Governance and at [www.data.gov.gr](http://www.data.gov.gr).

4. Upon first-time application of Law 4305/2014, the report on the open supply and re-use of documents, information and data by the bodies referred to in Article 8(1) shall be submitted by 29 February 2016.



**Article 20**  
**Delegating provisions**

- Article 13 of Law 3448/2006, as replaced by Article 13 of Law 4305/2014
1. A decision of the Minister for Administrative Reform and e-Governance shall regulate all more specific matters, such as those of a technical or detailed nature, or procedural matters concerning the application of the principle of open supply and re-use of public-sector documents, information and data, in accordance with Articles 5 to 15 of this Chapter. A similar decision may further specify the criteria referred to in Articles 11 and 12 and establish the national open licence and other standardised licences to facilitate public-sector bodies. A similar decision shall set out the rules, standards, means and specifications relating to the functioning of the website [www.data.gov.gr](http://www.data.gov.gr) and of the State open data register, as well as all other necessary details in respect of the application of this Chapter.
2. The terms of Article 11(1) and the amount of the charges imposed shall be specified by decision of the Minister concerned or of the competent management body of the legal person or independent authority. The decisions referred to in the previous sentence shall be notified to the Ministry of Administrative Reform and e-Governance.

**CHAPTER III**  
**ACCESS TO PERSONAL DATA**

**Article 21**

**Definitions**

- Article 2 of Law 2472/1997, as amended by Articles 79 of Law 4139/2013 and 18(2) of Law 3471/2006 and supplemented by Article 8(2) of Law 4205/2013
- The following definitions shall apply for the purposes of this Chapter:
- (a) 'Personal data' means any information relating to the data subject. Aggregated information of a statistical nature which cannot be used as a basis for identifying the data subject shall not be considered as personal data.
- (b) 'Sensitive data' means data relating to the racial or ethnic origin, political opinions, religious or philosophical beliefs, trade-union membership, health, social welfare and sex life, the ones relating to criminal prosecution or convictions, as well as membership in associations of persons which are relevant to the above. As regards data relating to criminal prosecution or convictions in particular, permission may be given only by a public prosecuting authority to make them public in relation to the offences referred to in Article 22(2)(b) hereof on the basis of an order issued by the competent public prosecutor of the Court of First Instance or of the Court of Appeal, if the case at hand is pending before the Court of Appeal. Specific and thorough reasons shall be given for the order, also specifying the place at which the data will be made public and

the relevant duration. Making these data public aims to protect the society, minors, vulnerable or weaker population groups and to enable the Hellenic State to administer punishment for the above offences. An appeal may be lodged against the order of the public prosecutor, within two days after notification thereof to the defendant or convict, to the Head of the Public Prosecutor's Office of the Court of First Instance or of the Court of Appeal, if the case at hand is pending before the Court of Appeal, whereas the latter shall make a decision within two days. The order may not be executed and the data may not be made public up until the competent public prosecutor makes a decision. By way of derogation, in respect of the felonies referred to in Articles 187 and 187A and Chapter 19 of the Criminal Code 'Crimes against sexual freedom and crimes consisting in the financial exploitation of one's sex life', the public prosecutor's order shall be executed immediately and shall be ratified by the Head of the Public Prosecutor's Office of the Court of Appeal where it was issued by the public prosecutor of the Court of First Instance. If not, the relevant order shall become null and void automatically upon expiry of the twenty four-hour time limit.

(c) 'Data subject' means the natural person to whom the data refer, whose identity is known or can be verified, i.e. it can be identified directly or indirectly, particularly on the basis of an identification number or on the basis of one or more specific pieces of information which characterise the person's existence in physical, biological, psychological, financial, cultural, political or social terms.

(d) 'Processing of personal data' ('processing') means any operation or set of operations performed by the Hellenic State or a legal person governed by public or private law or an association of persons or a natural person upon personal data, whether or not by automatic means, such as collection, recording, organisation, keeping or storage, alteration, extraction, use, transmission, disclosure or otherwise making available, alignment or combination, interfacing, blocking (locking), erasure or destruction.

(e) 'Personal data filing system' ('filing system') means any structured set of personal data which are accessible according to specific criteria.

(f) 'Interfacing' means a form of processing consisting in aligning the data of one filing system with those of one or more filing systems kept by one or more other controllers for a different purpose.

(g) 'Controller' means the natural or legal person, public authority, agency or other body which determines the purposes and means of the processing of personal data. Where the purposes and means of processing are determined by national or Community laws, the controller or the specific criteria for his nomination may be

designated by national or Community law, respectively.

(h) 'Processor' means a natural or legal person, public authority, agency or any other body which processes personal data on behalf of the controller.

(i) 'Third party' means any natural or legal person, public authority, agency or any body other than the data subject, the controller and the persons who, under the direct authority or on behalf of the controller, are authorised to process the personal data.

(j) 'Recipient' means a natural or legal person, public authority, agency or any other body to whom data are disclosed, whether a third party or not.

(k) 'Data subject's consent' means any freely given explicit, specific, clear and informed indication of his or her wishes by which the data subject signifies his or her agreement to personal data relating to him or her being processed. The information to be provided shall include at least details on the purposes of the processing, the data or the data categories to be processed, the recipients, as well as the name, company name and address of the controller and any representative thereof. The consent may be withdrawn at any time, without retroactive effect.

(l) 'Authority' means the Hellenic Data Protection Authority.

## Article 22

### Scope

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| <p>Article 3 of Law 2472/1997, as amended by paragraph 1 of Article eight of Law 3625/2007 and Article 19(1) and (2) of Law 3471/2006</p> | <p>1. The provisions of this Chapter shall apply to the processing of personal data in whole or in part by automatic means, and to the processing otherwise than by automatic means of personal data which form part of a filing system or are intended to form part of a filing system.</p> <p>2. The provisions of this Chapter shall not apply to the processing of personal data:</p> <p>(a) by a natural person in the course of a purely personal or household activity;</p> <p>(b) by judicial or public prosecuting authorities, and the agencies acting under their direct supervision, in the context of the administration of justice or coverage of their operating needs with a view to confirming the perpetration of crimes which are punishable as felonies or misdemeanours with malice and, in particular, crimes against life or against sexual freedom, or those consisting in the financial exploitation of one's sex life, against personal freedom, property or property rights, as well as infringements of the legislation on narcotics or threatening public order, and crimes against underage victims. The above shall be subject to the substantive and judicial provisions of criminal law. Where citizens exercise the right of</p> |
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assembly in accordance with Article 11 of the Hellenic Constitution, the ordinary functioning of audio or video recording equipment or other special technical equipment for recording purposes shall be permitted, provided that the requirements laid down in the following sentence are met. Audio or video recording by the use of any type of technical equipment in order to confirm the perpetration of the above crimes shall only be carried out upon order from a representative of the public prosecuting authority and provided that there is a serious imminent risk to public order and security. Such recording shall aim only to use the material confirming the perpetration of crimes as evidence before any interrogating or public prosecuting authority and any court of law. Processing of any other material which is not necessary for attaining the above purpose relating to the confirmation of crimes shall be prohibited, and the relevant material shall be destroyed by virtue of an act of the competent public prosecutor.

3. The provisions of this part shall apply to any personal data processing which is carried out:

(a) by a controller or processor established in the territory of Greece or at a place in which, in accordance with public international law, the law of Greece applies;

(b) by a controller which is not established in the territory of a Member State of the European Union or of the European Economic Area, but is established in the territory of a third country and which, for purposes of processing personal data, makes use of equipment, automated or otherwise, situated in the territory of Greece, unless such equipment is used only for purposes of transit through such territory. In that case, the controller must designate, by written declaration submitted to the Hellenic Data Protection Authority, a representative established in the territory of Greece, who shall subrogate to the controller's rights and obligations, without the latter being relieved of any specific liability. The same shall apply if the controller is covered by immunity to legal proceedings or prevents the criminal prosecution on other grounds.

### **Article 23**

#### **Protection of personal data**

Article 4 of  
Law 2472/  
1997, as  
amended by  
Article 20(1)  
and (2) of  
Law 3471/2006

1. For the processing of personal data to be lawful, such data:

(a) must be collected in an appropriate and lawful manner for specific, clear and lawful purposes and must be processed appropriately and lawfully in view of such purposes;

(b) must be relevant and appropriate and must not exceed what is required in each case in view of the purpose of processing;

(c) must be accurate and, if necessary, updated;

(d) must be retained in such a format that will allow for identifying their subjects only during the required period, at the discretion of the Authority, to attain the purposes for which they are collected and processed. Upon expiry of the above time limit, the Authority may, by reasoned decision, allow the retention of personal data for historic, scientific or statistical purposes, if it finds that the rights of the data subjects and/or third parties are not affected in the case at hand.

2. The controller shall be responsible for observing the provisions laid down in the previous paragraph. The controller shall be responsible for the destruction of any personal data which have been collected or processed in breach of the previous paragraph. Where the Authority establishes, either on its own initiative or following a relevant complaint, that the provisions laid down in the previous paragraph have been breached, it shall order that the collection or processing be discontinued and that the personal data already collected or processed be destroyed.

## **Article 24**

### **Processing conditions**

Article 5 of  
Law 2472/1997

1. The processing of personal data shall be permitted only on condition that the data subject has consented to it.
2. By way of exception, processing may be carried out without consent where:
  - (a) processing is necessary for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract;
  - (b) processing is necessary for compliance with a legal obligation to which the controller is subject;
  - (c) processing is necessary in order to protect the vital interests of the data subject, where the latter is physically or legally unable to consent;
  - (d) processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority which is performed by a public authority or is vested in the controller or in a third party to whom the data are disclosed;
  - (e) processing is absolutely necessary for the purposes of the legal interests pursued by the controller or by the third party or parties to whom the data are disclosed and on condition that such interests manifestly override the rights and interests of the data subjects and that their fundamental freedoms are not affected.
3. The Authority may issue specific processing rules for the most common categories of processing and filing systems, which shall obviously not affect the rights and freedoms of the data subjects.

These categories shall be specified by regulations drawn up by the Authority and shall be ratified by presidential decrees to be issued upon proposal from the Minister for Justice.

## Article 25

### Processing of sensitive data

Article 7 of Law 2472/1997, as amended by Articles 22(1) and (2) of Law 3471/2006, 34(1) and (2) of Law 2915/2001 and 26(4) of Law 3156/2003

1. The collection and processing of sensitive data shall be prohibited.
2. By way of exception, the collection and processing of sensitive data, as well as the setup and functioning of a relevant filing system shall be allowed following a licence issued by the Authority and on condition that one or more of the following requirements are met:
  - (a) the subject has consented, unless the consent was obtained in a way that was incompatible with the law or good morals or the law states that the consent shall not lift the prohibition; (b) processing is necessary in order to protect the vital interests of the data subject or third-party interests provided for by law, where the subject is physically or legally unable to consent;
  - (c) processing relates to data which are manifestly made public by the data subject himself/herself or are necessary for the establishment, exercise or defence of legal claims before a court or disciplinary body;
  - (d) processing relates to health and is performed by a health professional who is subject to a confidentiality obligation or similar codes of conduct, on condition that the processing is necessary for medical prevention, diagnosis or care purposes or for the management of healthcare services;
  - (e) processing is performed by a public authority, which is necessary (i) for national security purposes, or (ii) to meet the needs of the criminal or correctional policy, relating to the investigation of crimes; or (iii) for public health protection purposes; or (iv) to carry out public tax audits or public audits on social benefits;
  - (f) processing is performed solely for research and scientific purposes, on condition that anonymity is ensured and all necessary measures are taken to protect the rights of the persons concerned;
  - (g) processing relates to the data of public figures, provided that they are associated with the exercise of a public office or the management of third-party interests and is performed solely for pursuing journalism; Permissions shall be granted by the authority only if the processing is absolutely necessary for ensuring the right of information on matters in the public interest, as well as in the context of artistic expression and on condition that the right to private and family life is not violated in any way whatsoever.
3. The Authority shall grant a licence for the collection and processing of sensitive data and for the setup of a relevant filing

system at the controller's request. If the Authority establishes that sensitive data are being processed, notification of a filing system in accordance with Article 6 of Law 2472/1997 shall constitute a request for a licence. The Authority may impose terms and conditions with a view to better protecting the right of privacy of the subjects or third parties.

4. The licence shall be granted for a specific period of time, depending on the purpose of processing. It may be renewed at the controller's request.

5. The licence shall indicate necessarily:

(a) the full name or company name and title, as well as the address of the controller and his representative, if any;

(b) the address at which the filing system is set up;

(c) the type of personal data which may be included in the filing system;

(d) the duration of the licence granted;

(e) any terms and conditions imposed by the Authority for the setup and functioning of the filing system;

(f) the obligation to notify the filing system or the recipients, as soon as they are identified.

6. A copy of the licence shall be entered in the register of licences kept by the Authority.

7. Any change to the information referred to in paragraph 5 shall be notified to the Authority without delay. Upon any change made other than the address of the controller or his representative, a new licence shall be obtained, provided that the legal requirements are met.

## **Article 26**

### **Confidentiality and security of processing**

<p>Relevant Article 10 of Law 2472/1997, as amended by Article 25 of Law 3471/2006</p>	<p>The provisions of Article 10 of Law 2472/1997, as currently in force, shall apply to the confidentiality and security of personal data processing.</p>
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## **Article 27**

### **Right of information**

<p>Article 11 of Law 2472/1997, as amended by Articles 34(4)</p>	<p>1. The controller shall, during the collection of personal data, inform the subject of at least the following details in an appropriate and clear manner:</p> <p>(a) his/her identity and the identity of his/her representative, if any;</p>
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- of  
Law 2915/2001  
and 39(8) of  
Law 4024/2011
- (b) the purpose of processing;  
(c) the recipients or categories of recipients of the data;  
(d) the existence of a right of access.
2. Where the controller has requested assistance from the subject for the collection of personal data, the controller shall inform him/her specifically and in writing of the details referred to in paragraph 1 and of his/her rights, in accordance with this Chapter. By that information, the controller shall inform the subject of whether he/she is under obligation to provide assistance or not, what provisions are used as a basis for that, and any consequences of his/her refusal to comply.
3. Where the data are disclosed to third parties, the subject shall be notified concerning the disclosure in advance.
4. A decision of the Authority may lift, partly or entirely, the obligation to notify, as contemplated in paragraphs 1 and 3, provided that the processing of personal data is carried out for national security purposes or to investigate very serious crimes. In emergencies, the obligation to notify may be lifted by a provisional, immediately enforceable, decision of the President, who shall convene the Authority to a meeting as soon as possible to issue a final decision on the subject.
5. Without prejudice to the rights contemplated in Articles 28 and 29, the obligation to notify shall not apply where the collection is carried out solely for pursuing journalism and relates to public figures.
6. More specifically, in the case of filing systems which are being processed by the Ministry of Finance or the Ministry of Labour, Social Security and Welfare and relate to the fulfilment of obligations associated with taxes, charges, duties and social security contributions, provided that the filing system is to be made public for reasons in the public interest and contains data concerning more than one thousand natural persons, the notification to data subjects as per paragraph 3 may be made through public announcements intended for the general public via the media and online, by which the data subjects shall be invited to fulfil their obligations within such a time limit as specified in the invitation, which may not be less than eight days after the date of the public announcement.

### **Article 28**

#### **Right of access**

- Article 12 of  
Law 2472/  
1997, as  
supplemented  
by Article 26 of
1. Any person shall have the right to be aware of whether the personal data relating to him/her are being, or were, processed. To that end, the controller shall be under obligation to reply to the person concerned in writing.
2. The data subject shall be entitled to request and receive from the



Law 3471/  
2006, and  
Decision  
No 122/1957/  
9-10-2001 of  
the Hellenic  
Data Protection  
Authority.

controller, without delay and in an intelligible and clear form, the following information:

- (a) all the personal data relating to the subject, as well as their origin;
- (b) the purpose of the processing and the recipients or categories of recipients;
- (c) the development of the processing for the period from the previous information or notification;
- (d) the logic of the automatic processing.

The right of access may also be exercised by the data subject with assistance from an expert;

(e) the rectification, erasure or blocking (locking), as the case may be, of data the processing of which does not comply with the provisions of this Chapter, in particular because of the incomplete or inaccurate nature of the data; and

(f) notification to third parties to whom the data have been disclosed of any rectification, erasure or blocking (locking) carried out in compliance with point (e), unless this proves impossible or involves a disproportionate effort.

3. The right contemplated in the previous paragraph and the right to object shall be exercised by submitting an application to the controller and paying a sum of money, the amount and payment method of which, as well as all other relevant matters, shall be regulated by decision of the Authority. In particular:

(a) EUR sixty shall be paid to exercise the right to rectify or erase the data; (b) EUR five shall be paid in all other cases. Concerning the Hellenic State, legal persons governed by public law and local authorities, payment shall be proved by a receipt issued by a public treasury department or by the treasury department of a legal person governed by public law or of a local authority. Concerning individuals and legal persons governed by private law, it shall be proved by a receipt issued by a bank.

4. If the controller, or the Authority, where an appeal has been lodged to it, decides that the request for rectification or erasure is founded, the controller shall, without delay, refund the above sum of money to the subject. Said sum of money shall be refunded to the applicant if the request for rectification or erasure of the data is deemed to be founded by the controller or, in the event of appeal, by the Authority. In that event, the controller shall, without delay and free of charge, provide the applicant with a copy of the corrected part of the processing which relates to him/her in a language which he/she understands.

5. Should the controller fail to reply within fifteen days or if the reply is not satisfactory, the data subject shall be entitled to lodge an

appeal before the Authority. Should the controller refuse the request of the party concerned, he shall communicate his reply to the Authority and inform the party concerned that he/she may appeal before the Authority.

6. A decision of the Authority may, at the controller's request, lift, partly or entirely, the obligation to notify, as contemplated in paragraphs 1 and 2, provided that the processing of personal data is carried out for national security purposes or to investigate very serious crimes. In that event, the President of the Authority or his/her substitute shall take all necessary steps and shall have free access to the filing system.

7. Health-related data shall be notified to the data subject through a physician.

### **Article 29**

#### **Right to object**

Article 13 of  
Law 2472/1977

1. The data subject shall have the right to raise any objections to the processing of data relating to him/her. The objections shall be addressed to the controller in writing and shall contain a request for specific action to be taken, such as rectification, temporary non-use, blocking, non-transmission or erasure. The controller shall be under obligation to reply to the objections in writing within fifteen days. In the reply, the controller shall inform the data subject of the actions taken or of the reasons for refusing the request. If the objections are dismissed, the reply shall also be communicated to the Authority.

2. Should the controller fail to reply within the time limit set or if the reply is not satisfactory, the data subject shall be entitled to lodge an appeal before the Authority, requesting that the objections be examined. If the Authority feels that the objections may be reasonable and that the data subject is at risk of incurring serious damage if the processing goes on, it may order that the processing be suspended immediately, up until it issues a final decision on the objections.

3. Any person shall be entitled to declare to the Authority that he/she does not wish to have data relating to him/her processed by anybody with a view to the marketing of goods or the provision of services remotely. The Authority shall keep a register of the identity details of the above persons. The controllers of the relevant filing systems shall be under obligation to consult the register before carrying out any processing task and delete any of the persons referred to in this paragraph from their files.

**PART B**  
**SPECIAL PROVISIONS**  
**CHAPTER I**  
**ACCESS TO THE HELLENIC GOVERNMENT**  
**GAZETTE ISSUES - POSTING ACTS ON THE INTERNET**  
**Article 30**  
**Making available issues of the Hellenic Government**  
**Gazette**

Article 15(5) to (8) of Law 3469/2006, as Article 15(7) was replaced by Article 7 of Law 3861/2010  
Relevant Articles 5, 6, 7 and 8 of Law 3469/2006

1. Any legislative and other acts shall be published in the Hellenic Government Gazette in accordance with Articles 5, 6 and 7 of Law 3469/2006 (Government Gazette, Series I, No 131).
2. The issues of the Hellenic Government Gazette shall be made available in hard copy format by the National Printing Office. A decision of the Minister for Administrative Reform and e-Governance may provide for the issues of the Hellenic Government Gazette to be made available in hard copy format also by the Regions, citizen service centres (KEPs) or any public agency. The issues of the Government Gazette shall be made available as per the previous paragraph by an employee of the Region concerned, who shall also be appointed as accountable administrator by decision of the Head of the Region. The National Printing Office shall provide the Regions concerned with the technical equipment required for the above task. The revenue from the above procedure shall be deposited by the accountable administrator to the nearest public treasury department in favour of the Hellenic State, and any costs shall be handled as appropriations from the State budget. A joint decision of the Minister for Administrative Reform and e-Governance, and for Finance, to be published in the Government Gazette, shall regulate all the details for applying the above sentence.
3. The same method can be used to make available any publication printed by the National Printing Office, provided that the provisions of Article 18(6) of Law 3469/2006 are complied with.
4. All issues of the Hellenic Government Gazette shall be made available in electronic form free of charge on the website of the National Printing Office. The National Printing Office may, upon request, also make available all the issues of the Hellenic Government Gazette on digital storage media. A decision of the Minister for Administrative Reform and e-Governance shall specify how the contents of the above issues are to be made available, to facilitate the search for content, as well as all other relevant matters.
5. A presidential decree to be adopted upon proposal from the Minister for Administrative Reform and e-Governance may provide for issuing certain issues of the Hellenic Government Gazette only in electronic form and regulate all necessary details, with such

guarantees as provided for by the legislation in force.

6. The acts referred to in Article 8 of Law 3469/2006 shall be made public in accordance with the provisions of this Article.

### **Article 31**

#### **Posting of acts on the Internet - 'Transparency Programme'**

Relevant  
Articles 2, 3, 4,  
5, 6, 8, 10<sup>A</sup> and  
10<sup>B</sup> of Law  
3861/2010, as  
supplemented  
by Articles 15  
and 16 of  
Law 4305/2014

The legislative and other acts referred to in Articles 2, 8, 10, 10A and 10B of Law 3861/2010 (Government Gazette, Series I, No 112), as currently in force, shall be posted on the Internet in accordance with the provisions of Articles 3 to 6, 8, 10A and 10B of the above Law, as currently in force, to ensure the widest publicity possible.

## **CHAPTER II**

### **ACCESS TO THE GENERAL STATE ARCHIVES**

#### **Article 32**

##### **Studying the archives**

Article 42 of  
Law 1946/1991

1. The files and documents falling under the scope of responsibility of the State General Archives (GAK), as specified in Articles 1 to 7 of Law 1946/1991, shall be made available for study in accordance with Article 16 of Law 1599/1986 and on a mandatory basis after lapse of 30 years.

2. The files and collections donated to the GAK shall be made available to researchers in accordance with the terms and conditions specified by the donor. Otherwise, they shall be subject to the general or specific provisions of this Article.

3. The photocopies and microfiche copies of documents kept at the GAK shall be made available for studying subject to the same terms and conditions as those applicable to all original documents and manuscripts.

4. Where it is deemed possible, at the discretion of the director of GAK, to compromise the national interests, making available for study shall be permitted only following an approval granted by the majority of the members of the ephorate of GAK.

5. The staff entrusted with the labelling, classification and safeguarding of archives which are not yet accessible for research and publicly available, within the meaning of the above paragraphs, shall be subject to a professional confidentiality obligation.

#### **Article 33**

### **Studying the files of private archives**

- Article 43 of Law 1946/1991
1. A decision of the competent, as per the relevant provisions, management body of each one of the private archives established and operating lawfully in accordance with the provisions of Article 4 of Law 1946/1991, may provide for making the documents and other information possessed by those private archives publicly available for studying, with a view to promoting research purposes, subject, in each case, to the provisions of Article 16 of Law 1599/1986, read in conjunction with Article 1 of this Code.
  2. As regards the procedure and other terms and conditions for applying the provisions of the previous paragraph, the provisions of Article 16 of Law 1599/1986, read in conjunction with Article 1 of this Code, shall apply *mutatis mutandis*.

### **Article 34**

#### **Microfiching, photocopying, photographing**

- Article 44 of Law 1946/1991
1. To protect older or worn out original documents and manuscripts kept at the headquarters and regional agencies of GAK, the latter shall photograph, photocopy, microfiche or reproduce in general, using state-of-the-art equipment, and provide only the copies to researchers. GAK shall be under the same obligation in respect of the corresponding documents and manuscripts kept at public-sector agencies.
  2. The selection and priority of the files and archives for photocopying, photographing, microfiching and reproducing shall be decided by the heads of the headquarters and of the regional agencies.

## **CHAPTER III**

### **ACCESS TO THE ARCHIVES OF THE PRIME MINISTER, MINISTERS AND DEPUTY MINISTERS**

#### **Article 35**

##### **Definition and breakdown of the Prime Minister's archive**

- Article 1 of Law 2846/2000, read in conjunction with Article 8(1) and (3) of Law 1946/1991, as supplemented and replaced,
1. The Prime Minister's archive shall consist of any document that contains recorded information (document), irrespective of form, which relates to the Prime Minister's functions and enters/exits, or is produced by, the Prime Minister's Office.
  2. The Prime Minister's archive shall be a public archive broken down into two parts, the Prime Minister's general archive and the Prime Minister's specific archive, both created by the Prime Minister. The Prime Minister's general archive shall include those documents that relate to the performance of the Prime Minister's tasks, which need to be retained for ensuring the continuity of the Prime Minister's

respectively, by Article 11(2) and (3) of Law 3391/2005 and Article 16A of Law 1946/1991, as added by Article 11(4) of Law 3391/2005

functions. The Prime Minister's specific archive shall include those documents that are marked as 'specific' by the Prime Minister himself, which, given their contents, are subject to the specific provisions of Article 37.

3. The Prime Minister may, at discretion, deliver his private archive for inclusion in his specific archive. In that event, he may specify the terms and conditions of how the documents included in his private archive should be managed and made public. Former Prime Ministers whose term of office ended before the date of entry into force of Law 2846/2000, may, at discretion, deliver certain documents and/or their entire private archive to the 'Special Agency for the Archive of the Prime Minister, Ministers, Deputy Ministers and Secretariat-General of the Government', also specifying the conditions of how said documents or archive should be managed and made public. In the event of deceased former Prime Ministers, the possessors of their private archives shall have the above discretion.

### **Article 36**

#### **The Prime Minister's general archive**

Article 2 of Law 2846/2000, read in conjunction with Article 8(1) and (3) of Law 1946/1991, as supplemented and replaced, respectively, by Article 11(2) and (3) of Law 3391/2005 and Article 16A of Law 1946/1991, as added by Article 11(4) of Law 3391/2005

1. The documents included in the Prime Minister's general archive shall be classified with a specific security rating either by the Prime Minister's Political Office or by their sender and shall be subject — in terms of whether they can be made public, depending on their security rating and without prejudice to paragraph 5 — to the following restrictive time limits:

- a. Confidential: fifteen years.
- b. Secret: twenty years.
- c. Top secret: thirty years.
- d. Irrespective of rating, any documents relating to national security: sixty years.
- e. Irrespective of rating, any documents relating to privacy: seventy five years.

2. The restrictive time limits referred to in the previous paragraph shall be calculated on the basis of the calendar year in which the document entered the archive and shall end on the last day of the year in which the restriction expires.

3. Those documents of the Prime Minister's general archive that are not classified shall not be subject to any restrictive time limits as regards their being made public for the needs relating to the functions of the Hellenic State. Access to this category of documents for other purposes is permitted after ten years.

4. Upon receipt of the documents, the Prime Minister may alter the classification set by the sender.

5. Upon receipt and classification of the documents, a change of classification or lifting of the 'secret' rating is permitted only following written and reasoned order from the Prime Minister and only concerning those documents which entered/exited, or were produced by, the Prime Minister's general archive during his current or previous term of office.

6. Those documents which were produced by, or entered/exited, the Prime Minister's general archive during the term of office of other Prime Ministers, a change of classification or lifting of the 'secret' rating as per the previous paragraph is permitted only following written and reasoned order from the Prime Minister in office and with consent from the Prime Minister in whose term of office said document was classified. Where the opinion of the previous Prime Minister cannot be requested due to death or inability or if the previous Prime Minister refuses to consent, the classification may be changed or the 'secret' rating may be lifted, by way of exception, only for important reasons in the national interest and following written and reasoned order from the Prime Minister in office.

7. The documents comprising the Prime Minister's general archive shall be transferred and delivered for sorting and safeguarding to the 'Special Agency for the Archive of the Prime Minister, Ministers, Deputy Ministers and Secretariat-General of the Government' in parts during the term of office of the Prime Minister or in their entirety following expiry of said term of office. Should the same Prime Minister serve more than one successive terms of office, the transfer can take place following expiry of his last term of office.

8. The Prime Minister shall, during his term of office, have free access to the documents that have entered the Prime Minister's general archive without being entitled to make them public or use them for any purpose other than the sole purpose of performing his functions. However, he may disclose them to members of the Council of Ministers, if he feels that they are related to the performance of their functions and subject to the above restrictions on how to use them and make their contents public.

### **Article 37**

#### **The Prime Minister's specific archive**

- Article 3 of Law 2846/2000, read in conjunction with Article 8(1) and (3) of Law
1. The documents included in the Prime Minister's specific archive shall be classified with a specific security rating either by the Prime Minister or by their sender and shall be subject — in terms of whether they can be made public, depending on their security rating and without prejudice to paragraph 5 — to the following restrictive time limits:
- a. Confidential: thirty years.

1946/1991, as supplemented and replaced, respectively, by Article 11(2) and (3) of Law 3391/2005 and Article 16A of Law 1946/1991, as added by Article 11(4) of Law 3391/2005

- b. Secret: forty years.
  - c. Top secret: sixty years.
  - d. Irrespective of rating, any documents relating to national security: sixty years.
  - e. Irrespective of rating, any documents relating to privacy: seventy five years.
2. The restrictive time limits referred to in the previous paragraph shall be calculated on the basis of the calendar year in which the document entered the archive and shall end on the last day of the year in which the restriction expires.
  3. Those documents of the specific archive that are not classified shall not be subject to the above restrictive time limits as regards their being made public for the needs relating to the functions of the Hellenic State. Access to this category of documents for other purposes is permitted after twenty years.
  4. Upon receipt of the documents, the Prime Minister may alter the classification set by the sender.
  5. Upon receipt and classification of the documents, a change of classification or lifting of the 'secret' rating is permitted only following written and reasoned order from the Prime Minister and only during his term of office.
  6. The documents comprising the Prime Minister's specific archive shall be transferred and delivered for sorting and safeguarding in a dedicated area of the 'Special Agency for the Archive of the Prime Minister, Ministers, Deputy Ministers and Secretariat-General of the Government' in parts during the term of office of the Prime Minister or in their entirety following expiry of said term of office. Should the same Prime Minister serve more than one successive terms of office, the documents produced, entering or exiting during these terms of office can be included in the same Prime Minister's specific archive, which can be transferred to the 'Special Agency for the Archive of the Prime Minister, Ministers, Deputy Ministers and Secretariat-General of the Government' even after the last successive term of office of the Prime Minister.
  7. Upon expiry of his term of office and up until expiry of the above time limits, the Prime Minister possessing the archive concerned shall have access to his specific archive without being entitled to make public the documents included therein without consent from the Prime Minister in office. He may also allow access to his specific archive to the Prime Minister in office. Finally, he may allow a third person to have access to specific parts of his specific archive for a specific period of time by granting specific authorisation to that effect, with consent from the Prime Minister in office.
  8. Should the Prime Minister possessing the archive concerned die



before expiry of the above time limits, the Prime Minister in office shall have access to his specific archive for reasons of important national interest.

### **Article 38**

#### **Recording the Prime Minister's archive on electronic media**

Article 4 of  
Law 2846/2000

1. All the documents included in the Prime Minister's archive, whether general or specific, can be recorded on electronic media too with or without encryption.
2. To ensure the safety of the material, backup copies of all electronic and non-electronic documents can be safeguarded in a dedicated area. Access to the cryptographic keys and specific copies shall be granted only to those entitled to access to the original documents in accordance with the previous articles. The right of access to the copies included in the electronic archive shall be exercised on condition that there is a specific need to cross check documents or to make copies due to loss of the original or another exceptional need.
3. The restrictions set out in Articles 35 to 37 hereof shall also apply to the electronic backup copies referred to in the previous paragraph.
4. A decision of the Prime Minister may specify the terms and conditions for the setup and functioning of the electronic archive (originals and copies) and the system used to organise the archive.

### **Article 39**

#### **Archives of Ministers, Deputy Ministers and the Secretariat-General of the Council of Ministers**

Article 5 of  
Law 2846/2000

1. The provisions of this Chapter shall take effect, mutatis mutandis, in respect of the archives of the Ministers, Deputy Ministers and the Secretariat-General of the Council of Ministers one year after the date of entry into force of Law 2846/2000.
2. A presidential decree to be issued upon proposal from the Prime Minister following recommendation from the Minister or Deputy Minister or the Secretary-General of the Government possessing the archive concerned may suspend the effect of the previous paragraph in respect of the archives of some and/or all Ministers or Deputy Ministers and/or the Secretary-General of the Government.

## **CHAPTER IV**

### **ACCESS TO THE MINUTES OF REGIONAL AND MUNICIPAL COUNCILS**

#### **Article 40**

### **Minutes of the meetings of regional councils**

- Article 170(5) to (8) of Law 3852/2010
1. Any regional councillor may request to obtain copies of the minutes of a meeting of the regional council or to become fully aware thereof or to obtain an electronic copy if copying is difficult.
  2. The secretary shall, three days after the meeting of the regional council, have a list published setting out the items on the agenda, the number of decisions made and their contents. The list shall, in addition to any specific method used to make public the decisions of the regional council, as provided for by other provisions, be posted on the official website of the Region.
  3. Any party having a legal interest may request in writing ratified copies of specific minutes and decisions or to become fully aware thereof if copying is difficult.
  4. Failure to post a decision on the website shall provide the grounds for the decision concerned to become null and void.

### **Article 41**

#### **Minutes of the meetings of municipal councils**

- Article 97(5) to (8) of the Code of Municipalities and Communities, as ratified by Article one of Law 3463/2006
1. Any municipal councillor may request to obtain copies of the minutes of a meeting of the municipal council or to become fully aware thereof if copying is difficult.
  2. A list shall, three days after the meeting of the municipal council, be published setting out the items on the agenda, the number of decisions made and a summary of their contents. The list shall be posted at the city hall, unless there are provisions in force providing for a specific method of making the decisions of the municipal council public. Regulatory decisions of the municipal council shall be made public in their entirety at the city hall, and at least a summary of individual acts shall be made public. A proof of publication shall be issued by a municipal official or another public official/body.
  3. Any party having a legal interest may request in writing ratified copies of specific minutes and decisions, or to become fully aware thereof if copying is difficult.
  4. The chairman of the municipal council shall have all the decisions of the municipal council posted on the website of the Municipality. Failure to post a decision on the website shall not provide the grounds for the decision concerned to become null and void.

### **CHAPTER V**

#### **ACCESS TO PUBLIC ENVIRONMENTAL INFORMATION**

#### **Article 42**

##### **Purpose**

- Article 1 of This Chapter, in compliance with Directive 2003/4/EC of the

Joint Ministerial Decision No H.Π. 11764/653/2006

European Parliament and of the Council of 28 January 2003 on public access to environmental information and repealing Council Directive 90/313/EEC (OJ L 41), sets out key measures, conditions and procedures to:

(a) guarantee the right of access to environmental information held by or for public authorities and to set out the basic terms and conditions of, and practical arrangements for, its exercise;

(b) ensure that, in any case, environmental information is progressively made available and disseminated to the public in order to achieve the widest possible systematic availability and dissemination of environmental information to the public in particular by means of computer telecommunication and/or electronic technology, where available.

### **Article 43**

#### **Definitions**

Article 2 of Joint Ministerial Decision No H.Π. 11764/653/2006

The following definitions shall apply for the purposes of this Chapter:

1. 'Environmental information' means any information in written, visual, aural, electronic or any other material form on:

(a) the state of the elements of the environment, such as air and atmosphere, water, soil, land, landscape and natural sites including wetlands, coastal and marine areas, biological diversity and its components, including genetically modified organisms, and the interaction among these elements;

(b) factors, such as substances, energy, noise, radiation or waste, including radioactive waste, emissions, discharges and other releases into the environment, affecting or likely to affect the elements of the environment referred to in point (a);

(c) measures (including administrative measures), such as policies, legislation, plans, programmes, environmental agreements, and activities affecting or likely to affect the elements and factors referred to in points (a) and (b), as well as measures or activities designed to protect those elements;

(d) reports on the implementation of environmental legislation;

(e) cost-benefit and other economic analyses and assumptions used within the framework of the activities and measures referred to in point (c); and

(f) the state of human health and safety, including the potential contamination of the food chain, conditions of human life, cultural sites and built structures in as much as they are or may be affected by the state of the elements of the environment referred to in point (a) or, through those elements, by any of the matters referred to in points (b) and (c).

2. 'Public authority' means:

(a) the government and governmental bodies, public agencies, first and second-level local authorities and legal persons governed by public law, including public advisory bodies, at national, regional or local level;

(b) any natural or legal person performing public administrative functions under national law (legal person governed by private law), including specific duties, activities or services in relation to the environment; and

(c) any natural or legal person having public responsibilities or functions, or providing public services relating to the environment under the control of a body or person falling within points (a) or (b), excluding the bodies performing judicial or legislative functions.

3. 'Information held by a public authority' means environmental information in its possession which has been produced or received by that authority.

4. 'Information held for a public authority' means environmental information which is physically held by a natural or legal person on behalf of a public authority.

5. 'Applicant' means any natural or legal person requesting environmental information.

6. 'Public' means one or more natural or legal persons, and, in accordance with national legislation or practice, the associations, organisations or groups representing them.

#### **Article 44**

##### **Procedure for exercising the right of access to environmental information**

Article 3 of  
Joint Ministerial  
Decision  
No H.Π.  
11764/653/  
2006

1. Any natural or legal person shall, upon written request filed with the public authorities, have the right to become aware, and/or to request the supply, of environmental information without relying on the existence of a legal interest.

2. The public authority with which the request is filed shall issue a receipt to the applicant, indicating the reference number concerned, the time limit within which the information must be provided and a note on the right to exercise the rights provided for in Article 47.

3. Public authorities shall, without prejudice to Article 45 and taking into account any time limits set by the applicant, reply to the requests in writing and provide the requested information, as held by or for them, within:

(a) twenty days after the date of receipt of the relevant request;

(b) two months after receipt of the request if, due to the amount and complexity of the requested information, it is not possible to observe

the twenty-day time limit referred to in point (a). In these cases, the applicant shall, as soon as possible and, at any rate, before expiry of the twenty-day time limit, be informed of any extension and of the reasons that have necessitated said extension. Exceeding the time limits specified in this paragraph may be justified in the event of force majeure, as well as where the applicant has relied on the existence of events which are known to the public authority.

4. If the request is filed with an authority lacking the necessary competence, the latter shall, within three days, communicate it to the competent authority and inform the party concerned of such communication. In that case, the time limit shall start on the date on which the request was received by the competent authority. Where there are several competent authorities, the time limits referred to in paragraph 3 shall be extended by another eight days.

5. Where a request is impossible to process due to objective inability to do so, for which specific reasons must be given, the competent authority shall, within three days of expiry of the relevant time limit, inform the applicant of the following in writing: (a) the reasons for the delay; (b) the employee in charge of the case, who is responsible for supplying the information; and (c) all other useful information.

6. If a request is formulated in too general a manner, the public authority shall, as soon as possible and, at the latest, within the time limit laid down in paragraph 3(a), ask the applicant to specify the request and assist the applicant in doing so, e.g. by providing information on the use of the public registers referred to in paragraph 9(c). Public authorities may, as the case may be, refuse a request, also giving reasons for such refusal, in accordance with Article 45(1)(a).

7. Where an applicant requests a public authority to make environmental information available in a specific form or format (including in the form of copies), the public authority shall make it so available unless:

(a) it is already publicly available in another form or format, in particular under Article 48, which is easily accessible by applicants;

or

(b) it is reasonable for the public authority to make it available in another form or format, in which case reasons shall be given for making it available in that form or format.

For the purposes of this paragraph, public authorities shall make all reasonable efforts to maintain environmental information held by or for them in forms or formats that are readily reproducible and accessible by computer telecommunications or by other electronic means. The reasons for a refusal to make that information available, in full or in part and in the form or format requested, shall be

provided to the applicant within the time limit referred to in paragraph 3(a).

8. The right of access to environmental information shall be exercised by study in situ or by supplying a copy, unless reproduction may harm the original. The relevant reproduction costs shall be borne by the applicant, without prejudice to Article 46.

9. To ensure that the right of access is exercised unhinderedly:

(a) officials shall be required to support the public in seeking access to environmental information;

(b) lists of public authorities shall be publicly accessible; and

(c) public authorities are required to have practical arrangements in place, such as:

- the designation of information officers;

- the establishment and maintenance of facilities for the examination of the information required;

- the setup of registers or lists of environmental information held by these authorities or information centres, with clear reference made to where such information can be found.

Public authorities shall, using any means available, inform the members of the public of their rights under this Chapter, providing a proper amount of information, guidance and advice.

## Article 45

### Conditions for refusing requests - exclusions

Article 4 of  
Joint Ministerial  
Decision  
No H.Π.  
11764/653/  
2006

1. The competent authority with which the request is filed may refuse the request for environmental information if the request:

(a) is manifestly unreasonable or is formulated in too general a manner, taking into account Article 44(6), is incomprehensible or manifestly unfounded or consists of improperly reiterated statements;

(b) concerns material in the course of completion or unfinished documents or data. In that case, the public authority shall state the name of the authority processing the material and the estimated time needed for completion thereof;

(c) concerns internal communications of the public authorities, taking into account the public interest served by disclosure of that information.

2. Public authorities may refuse requests for environmental information if disclosure of the information would adversely affect:

(a) the confidentiality of the meetings of the Council of Ministers and of the proceedings of public authorities, in accordance with the provisions in force;

(b) international relations, public security or national defence;

- (c) the course of justice, the ability of any person to receive a fair trial or the ability of a public authority to conduct an enquiry of a criminal or disciplinary nature;
- (d) the confidentiality of commercial or industrial information, where such confidentiality is provided for by the provisions in force to protect a legitimate economic interest, including the public interest in maintaining statistical confidentiality and tax secrecy;
- (e) intellectual property rights;
- (f) the confidentiality of personal data and/or files relating to a natural person where that person has not consented to the disclosure of the information to the public, in accordance with the provisions in force;
- (g) the interests or protection of any person who supplied the information requested on a voluntary basis without being under, or capable of being put under, a legal obligation to do so, unless that person has consented to the release of the information concerned;
- (h) the protection of the environment to which such information relates, such as the location of rare species.

3. The grounds for refusal mentioned in paragraphs 1 and 2 shall be interpreted in a restrictive way, taking into account for the particular case the public interest served by disclosure. In every particular case, the public interest served by disclosure shall be weighed against the interest served by the refusal. Public authorities shall not refuse requests for information relating to emissions into the environment on the basis of paragraph 2(a), (d), (f), (g) and (h).

In applying paragraph 2(f), public authorities shall see to it that the requirements laid down in Law 2472/1997 are complied with.

4. The Ministries of Administrative Reform and e-Governance, and of the Environment, Energy and Climate Change may set up and make available to the public a list of criteria used by the competent authority as a basis for deciding how to examine the requests.

5. Environmental information held by or for public authorities which has been requested by an applicant shall be made available in part where it is possible to separate out any information falling within the scope of paragraphs 1(d) and (e) or 2 from the rest of the information requested.

6. A refusal to make available all or part of the information requested shall be notified to the applicant in writing or electronically, within the time limit referred to in Article 44(3)(a) or, as the case may be, (b). The notification shall state the reasons for the refusal and include information on the review procedure provided for in Article 47.

## **Article 46**

### **Charges**

- Article 5 of Joint Ministerial Decision No H.Π. 11764/653/2006
1. Access to any public registers or lists established and maintained as mentioned in Article 44(9) and examination in situ of the information requested shall be free of charge.
  2. A joint decision of the Ministers for the Environment, Energy and Climate Change, and for Finance may provide for imposing a charge for the supply of environmental information. Such charge shall not exceed a reasonable amount.
  3. Where charges are made, public authorities shall publish and make available to applicants a schedule of such charges as well as information on the circumstances in which a charge may be levied or waived.

## **Article 47**

### **Administrative appeals and means of redress**

- Article 6 of Joint Ministerial Decision No H.Π. 11764/653/2006, read in conjunction with Article 25 of Law 4210/2013
1. If the applicant feels that the public authority (a) has ignored his/her request for information due to expiry of the time limits referred to in Article 44(3) (indirect refusal), or (b) has refused his/her request unjustifiably (in full or in part), or (c) has not handled his/her request in accordance with the provisions of Article 44, he/she may:
    - (1) Exercise the right to compensation due to exceeding the time limits provided for in Article 44(3) (indirect refusal), before the legally competent bodies.
    - (2) Lodge an action for compensation before the competent court in accordance with the provisions on civil liability. This right is also available to third parties which may be adversely affected by the disclosure of information.
    - (3) Lodge an administrative appeal before the legally competent bodies for amending the actions or omissions of the public authority.
  2. The administrative appeal shall be lodged within thirty days after notification to the applicant of the public authority's reply or after the date of expiry of the time limits referred to in Article 44 (indirect refusal).
  3. Before a decision is issued on the administrative appeal, the legally competent body of the Ministry of Administrative Reform and e-Governance or of the Decentralised Administration may request an opinion from the competent, as the case may be, environmental agency of the Ministry of the Environment, Energy and Climate Change or of the Decentralised Administration, in respect of substantive matters relating to the administrative appeal. The competent body's decision on the administrative appeal shall be



communicated to the applicant within 45 days after the lodging of the appeal.

4. The competent body's decisions on the administrative appeals shall be communicated to the competent department for international and EU matters of the Ministry of the Environment, Energy and Climate Change, to draw up the relevant reports on the application of the provisions of this Subchapter, in accordance with the provisions of Article 9(2) of Joint Ministerial Decision No H.Π. 11764/653/2006 (Government Gazette, Series II, No 327).

5. The party concerned may lodge a substantive appeal before the competent Three-Member Administrative Court of First Instance against the competent body's decision on the administrative appeal. If the above 45-day time limit expires, the substantive appeal shall be lodged before the competent Three-Member Administrative Court of First Instance against the presumed, due to expiry of the above time limit, dismissal of the administrative appeal.

6. The court judgments shall be binding on the public authority holding the information, meaning that said authority must comply with the above judgments in respect of supplying the requested information, which had been directly or indirectly refused initially.

#### **Article 48**

##### **Dissemination of the environmental information**

Article 7 of  
Joint Ministerial  
Decision  
No H.Π.  
11764/653/  
2006

1. Public authorities shall organise the environmental information which is relevant to their functions and which is held by or for them, with a view to its active and systematic dissemination to the public, in particular by means of computer telecommunication and/or electronic technology, where available. The information made available by means of computer telecommunication and/or electronic technology need not include information collected before the 17 March 2006, unless it is already available in electronic form. The environmental information progressively becomes available in electronic databases which are easily accessible to the public through public telecommunication networks.

2. The information to be made available and disseminated shall be updated as appropriate and shall include at least:

(a) texts of international treaties, conventions or agreements and of the laws ratifying them, and of national and Community legislation, on the environment or relating to it;

(b) policies, plans and programmes relating to the environment;

(c) progress reports on the implementation of the items referred to in (a) and (b), when prepared or held in electronic form by public authorities;

- (d) the reports on the state of the environment referred to in paragraph 3 of this Article;
- (e) data or summaries of data derived from the monitoring of activities affecting, or likely to affect, the environment;
- (f) decisions on the approval of environmental conditions and environmental agreements or a reference to the place where such information can be requested or found in the framework of Article 44 hereof;
- (g) environmental impact studies and risk assessments concerning the environmental elements referred to in Article 43(1)(a) or a reference to the place where the information can be requested or found in the framework of Article 44.
3. Without prejudice to any specific reporting obligations laid down by national and Community legislation, public authorities shall ensure that national, and, where appropriate, regional or local reports on the state of the environment are published at regular intervals not exceeding four years. Such reports shall include information on the quality of, and pressures on, the environment.
4. Without prejudice to any specific obligation laid down by national and Community legislation, in the event of an imminent threat to human health or the environment, whether caused by human activities or due to natural causes, all information held by or for public authorities and which could enable the public likely to be affected to take measures to prevent or mitigate harm arising from the threat shall be disseminated immediately and without delay.
5. The exceptions in Article 45(1) and (2) may apply in relation to the duties imposed by this Article.
6. Public authorities may satisfy the requirements of this Article by creating links to Internet sites where the information can be found.
7. The Directorate-General for the Environment shall, in the context of its functions, ensure that the provisions of this Article are applied.

### **Article 49**

#### **Quality of environmental information**

- Article 8 of  
Joint Ministerial  
Decision  
No H.Π.  
11764/653/  
2006
1. Public authorities shall, so far as is within their power, ensure that any information that is compiled by them or on their behalf is up to date, accurate and comparable.
  2. Public authorities shall reply to requests for information pursuant to Article 43(1)(b), reporting to the applicant on the place where information, if available, can be found on the measurement procedures, including methods of analysis, sampling, and pre-treatment of samples, used in compiling the information, or referring to a standardised procedure used.
  3. The competent

environmental agencies of the Ministry of the Environment, Energy and Climate Change shall issue opinions on the application of the provisions of this Article and on matters relating to the application of this Chapter in general.

## **CHAPTER VI**

### **ACCESS TO DATA, PRODUCTS AND SERVICES OF THE HELLENIC NATIONAL METEOROLOGICAL SERVICE**

#### **Article 50**

##### **Policy for supplying meteorological data, products and services**

Article 1 of  
Presidential  
Decree  
138/2014

1. The Hellenic National Meteorological Service (EMY) shall be responsible for planning and implementing the policy for the supply of meteorological data, products and services to third parties.
2. A joint decision of the Ministers for National Defence and for Finance shall specify the allocation of the revenue of EMY from the European Organization for the safety of air navigation (EUROCONTROL) and from the supply of data, products and services to the corresponding revenue code numbers (KAES) in its budget, the consideration to be paid for the supply of meteorological data, products and services, the method used for adjusting its tariffs, the method used for collecting and transferring to EMY the price and charges for the supply of meteorological data, products and services, the more specific conditions of the contracts concluded for the supply of meteorological data, products and services – which shall, as for the rest, be subject to the provisions in force – as well as all necessary details for implementing the policy for the supply of meteorological data, products and services.

#### **Article 51**

##### **Meteorological data, products and services - Definitions**

Article 2 of  
Presidential  
Decree  
138/2014

1. 'Meteorological data' means all raw meteorological, oceanographic, hydrologic and environmental observations produced or obtained by EMY.
2. 'Meteorological products' means the information resulting from the transformation or processing of datasets in the form of images, diagrams, texts or data files, which requires meteorological knowledge to be interpreted and has been created to meet the operating needs of EMY.
3. 'Services' means services which are related, in any way whatsoever, to the tasks entrusted with EMY or equivalent tasks, whether highly specialised or not, in particular the independent, concerning a natural or legal person, collection or processing of raw

meteorological data, the installation of meteorological support systems, the provision of meteorological training to staff, the development or provision of technology/know-how in meteorological applications, the maintenance/repair of meteorological instruments, devices, etc.

### **Article 52**

#### **Procedures for the supply of meteorological data, products and services - Obligations and restrictions**

Article 3 of  
Presidential  
Decree  
138/2014

1. EMY shall make available meteorological data, products and services to meet the national needs and the national obligations of Greece relating to national defence, national economy, the safety of air and sea navigation, the safety of the lives and properties of people, as well as the needs resulting from participation in international organisations, conventions and protocols.
2. Any meteorological data, products and services the supply, use or disclosure of which may affect interests associated with the security and defence shall be made available by decision of the Minister for National Defence, by which approval shall be given for the free or restricted supply, use or disclosure thereof.
3. Meteorological data, products and services shall be supplied following submission of a reasoned request to EMY, which shall have the right to refuse the request by decision of its Governor following relevant recommendation from the Meteorological Council.
4. Any meteorological data, products and services which are supplied by EMY for a consideration shall be entered in dedicated lists, to be viewed and promoted at national and international levels.
5. Meteorological data, products and services shall be supplied in accordance with: (a) the provisions laid down in the legislation in force on EMY; (b) the conditions laid down in international or bilateral agreements or conventions concluded by EMY as an independent body, following approval from the Minister for National Defence; (c) the conditions laid down in conventions or in decisions of international organisations to which Greece is a party, as represented by EMY; (d) the conditions laid down in European Commission Decisions on the commercial activities of meteorological services.
6. EMY may conclude contracts with natural or legal persons in the public and private sector for the supply of meteorological data, products and services, in accordance with Article 50(2) and the provisions in force.
7. Meteorological data, products and services shall be used by the recipients solely for the intended purposes and in accordance with the conditions subject to which they were provided. In the event of

breaching the conditions of provision thereof or in the event of using them for purposes other than those for which they were supplied, EMY may terminate the contract in application of the legislation in force.

8. EMY shall make available meteorological data, products and services either right after they are produced, almost in real time, or from the historic archives kept on its central database, in accordance with the conditions laid down in paragraph 5.

9. Meteorological data, products and services shall be supplied by EMY without payment of a consideration, except for the cost of transmission and processing, to:

- (a) public-sector bodies;
- (b) educational establishments, for use in dissertations, research papers or programmes, which are not commercial in nature and are designated as purely educational or research-related, in accordance with international standards.

10. To provide people with meteorological information and timely notification in the event of severe weather phenomena or emergencies, EMY shall provide the following meteorological data and products free of charge:

- (a) regular weather forecasts for Greece;
- (b) regular weather and sea forecasts for sea navigators;
- (c) emergency severe weather alerts and advisories;
- (d) emergency weather and sea forecasts for sea navigators;
- (e) specific local forecasts for parts of Greece which have been affected by natural disasters.

11. The meteorological data and products described in paragraph 10 shall also be made available to the printed press, TV, radio and Internet in exchange for transmission costs only. By way of exception, where the cost of presenting these data and products has been assumed by a sponsor or is combined with product advertising, a consideration shall be paid, as specified in the joint ministerial decision referred to in Article 50.

12. The natural and legal persons using EMY's meteorological data and products shall abide with the legislation in force on intellectual property and with the conditions laid down in the contracts concluded with EMY.

### **Article 53**

#### **Special considerations**

Article 4 of  
Presidential  
Decree

1. The results of tasks which resulted, either in part or in all, from the use of meteorological data, products and services supplied by EMY free of charge shall be communicated to EMY without intentional

- 138/2014 delay by the natural or legal person to which they were supplied initially.
2. EMY shall monitor compliance with the contracts by the parties to these contracts each time and shall take action as appropriate if they have breached the conditions laid down therein. It shall also monitor compliance with the provisions on intellectual property in the territory of Greece in respect of the use of meteorological data, products and services introduced to the national and international networks either by EMY or by the meteorological services of other countries.

#### **Article 54**

##### **Meteorological services**

- Article 1 of Joint Ministerial Decision No Φ.460/330/1991
1. In exchange for the supply by EMY, upon request, of certificates of weather conditions, climatic conditions, maps and publications, as well as for the calibration, repair and checking of meteorological instruments by EMY's technical laboratories and the provision of any meteorological service in general, the parties concerned shall pay a fee to the public treasury.
2. Any exemptions from the obligation to pay a fee, the amount of the fee in each case, the procedure of and restrictions to the provision by EMY of meteorological services in general are set out in Articles 2 to 8 of Joint Decision No Φ.460/330/1991 of the Alternate Minister for National Defence and of the Deputy Minister for Finance (Government Gazette, Series II, No 42).

**CHAPTER I**  
**ACCESS TO INFORMATION FROM THE GREEK STATISTICAL SYSTEM**

**Article 85**

**Principles and contents of the Greek Statistical System**

Article 1(1) to  
(4) of Law  
3832/2010

1. The Hellenic Statistical System (ELSS) is the set of rules, activities and agencies responsible for the conduct of statistical operations aiming at the development, production and dissemination of the country's official statistics, which are used for the decision and policy making at local, national, European and international levels.
2. The agencies of the ELSS (ELSS agencies) are the Hellenic Statistical Authority (ELSTAT), i.e. an independent authority established by Article 9 of Law 3832/2010 (Government Gazette, Series I, No 38), being the national statistical authority within the meaning of Article 5 of Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 (OJ L 87), and the agencies and bodies of the broader public and private sector which are entrusted with the power or obligation to collect data and are included in the list of ELSS agencies, in accordance with Article 10(5) of Law 3832/2010.
3. For the purposes of this Chapter, the terms 'statistics', 'development', 'production', 'dissemination', 'data collection', 'statistical unit', 'confidential data', 'use for statistical purposes', 'direct identification' and 'indirect identification' shall have the meaning ascribed to them in Article 3 of Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009.
4. The tasks of the ELSS agencies relating to the development, production and dissemination of statistics shall be subject to the statistical principles of 'professional independence', 'objectivity', 'reliability', 'statistical confidentiality' and 'cost effectiveness', as defined in Article 2 of Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009 and further elaborated in the Code of Practice provided for in Article 11 of the same Regulation, as in force each time.

**Article 86**

**Obligations of the ELSS agencies**

Article 2(2) of  
Law 3832/  
2010, as  
amended by  
par. 2 of  
subpar. C3 or

The ELSS agencies shall develop, produce and disseminate statistics and shall have these statistics produced, in accordance with the ELSS operating principles, as set out in Chapter A of Law 3832/2010. A decision of ELSTAT shall, following opinion from the ELSS Council, adopt the 'Regulation on Statistical Obligations of the agencies of the Hellenic Statistical System', which shall be published in the Hellenic

par. C of Article one of Law 4254/2014 Government Gazette and posted on the website of ELSTAT. The Regulation shall set out, inter alia, the criteria for inclusion of the ELSS agencies in the list provided for in Article 10(5) of Law 3832/2010, as well as the obligations under such inclusion.

### **Article 87**

#### **European statistical programme**

Article 5(1) to (3) of Law 3832/2010, as renumbered and amended by Article 323(2) and (3) of Law 4072/2012

1. ELSTAT shall, following opinion from the Hellenic Statistical System Council (SYELSS), approve the Hellenic Statistical Programme (ELSP) every three years. The ELSP shall be approved by the end of March of the year preceding that of implementation thereof.
2. The ELSP shall include the key fields and objectives of the actions to be implemented by the ELSS agencies in three years. The ELSP shall set out the priorities concerning the needs for information in response to the Community and international obligations of ELSTAT and other ELSS agencies, and the statistics that need to be drawn up after weighing the needs for human and financial resources, as well as the administrative costs entailed by the drawing up of statistics for the obligated bodies.
3. The ELSP shall be submitted to the Hellenic Parliament and the Minister for Finance, published in the Hellenic Government Gazette and posted on the website of ELSTAT.

### **Article 88**

#### **Dissemination of statistics**

Article 7 of Law 3832/2010, as renumbered by Article 323(2) of Law 4072/2012

1. Statistics shall be disseminated by ELSTAT and other ELSS agencies, in compliance with the statistical principles laid down in Article 85(4), particularly in compliance with the principle of statistical confidentiality, in accordance with the provisions of Article 89.
2. The ELSS agencies shall ensure equality of access to statistics for all users, in accordance with the principle of impartiality and in accordance with the more specific provisions of the Regulation on Statistical Obligations.
3. The ELSS agencies may draw up and maintain public use files for the dissemination of information, as collected in the context of carrying out their functions and relating to individual statistical units from anonymised records, which have been prepared in such a way that the statistical unit cannot be identified, either directly or indirectly, when account is taken of all relevant means that might reasonably be used by a third party.
4. The ELSS agencies may disseminate statistical results which may



allow for the statistical unit to be identified only if:

- (a) said results have been amended, as more specifically required in the Regulation on Statistical Obligations, in such a way that their dissemination does not prejudice statistical confidentiality; or
- (b) where the statistical unit has unambiguously agreed to the disclosure of data.

## **Article 89**

### **Statistical confidentiality**

- Points (1) to (3) of par. 1 and par. 2 to 6 of Article 8 of Law 3832/2010, as said Article was renumbered by Article 323(2) of Law 4072/2012 and amended by Article 10(1) of Law 3899/2010 and Article 33(5) of Law 4258/2014
1. If the ELSS agencies hold, or have access to, data which allow statistical units to be identified, either directly or indirectly, which are obtained directly for statistical purposes or indirectly from administrative or other sources, they shall protect these data and use them only for statistical purposes. All ELSS agencies shall not be allowed to make these data public. The ELSS agencies shall take appropriate proactive measures to prevent the identification of individual statistical units by the use of technical or other means that might reasonably be used by a third party.
  2. The ELSS agencies entrusted with the power or obligation to collect data shall transmit confidential data to ELSTAT and shall not invoke the principle of statistical confidentiality, if such data are necessary for the development, production and dissemination of statistics or for increasing the quality of statistics. The ELSS agencies may refuse to transmit confidential data to ELSTAT only if these data relate to national defence, State security and the international relations of Greece. The Regulation on Statistical Obligations shall set out the procedure and method used for recording the data referred to in the previous sentence, allowing for proper recording and transmission thereof, provided that this is necessary for the efficient development, production and dissemination of statistics, in accordance with Article 21 of Regulation (EC) No 223/2009 of the European Parliament and of the Council of 11 March 2009, without compromising the confidentiality of the data referred to in the previous sentence.
  3. Confidential data transmitted by ELSS agencies to ELSTAT shall be used exclusively for statistical purposes and shall only be accessible to staff working for that purpose and appointed by act of the President of ELSTAT. In exceptional cases, the President of ELSTAT may allow access to confidential data to persons other than its staff who are appointed to carry out statistical tasks on its behalf, also ensuring in any event that said staff observe the confidentiality of the data and/or statistical confidentiality.
  4. Data obtained from public sources, which are lawfully available to all people, shall not be considered confidential for the purposes of

this Chapter.

5. Access to confidential data which allow for indirect identification of the statistical units may be granted by ELSS agencies to researchers carrying out statistical analyses for scientific purposes, in accordance with the conditions laid down in the Regulation on Statistical Obligations. Where such data have been transmitted to ELSTAT by other ELSS agencies, permission needs to be obtained from the ELSS agency responsible for the protection and transmission of the confidential data.

6. Public officials and the staff employed by ELSS agencies, irrespective of the form of employment relationship, as well as the natural persons granted, in any way whatsoever, access to confidential data in accordance with the previous paragraphs shall be bound by the confidentiality obligation and shall use these data exclusively for statistical purposes.

The persons referred to in the previous sentence shall not use these data in any way whatsoever after cessation of their functions.

### **Article 90**

#### **Supply of statistical information, publications and services for a consideration**

Article 13 of  
ELSTAT  
Decision  
No ΓΠ-400/  
2012

1. Normally, ELSTAT shall make available free of charge the statistical information it produces.
2. Normally, the statistical publications and maps of ELSTAT shall be made available for a consideration to cover the printing costs.
3. Normally, ELSTAT shall also make available to users research micro-data files for a consideration upon request.
4. ELSTAT may make available for a consideration special data processing or other statistical services, as well as the use of its computer systems and related special services for statistical research purposes.
5. A decision of the President of ELSTAT may provide for making no charges in specific cases.

### **Article 91**

#### **Pricing policy**

Article 14 of  
ELSTAT  
Decision  
No ΓΠ-400/  
2012

1. The selling prices for ELSTAT's publications and maps shall be included in a relevant price list available in Greek and English, as determined by decision of the President of ELSTAT following recommendation from the Statistical Information and Publications Division. The above price list shall show in detail all the publications, per similar categories, and the respective price of each publication

and map. Special discount prices shall apply to research centres, universities and university students.

2. The pricing policy used by ELSTAT for research micro-data files shall be based on the respective policy used by the European statistical authority (Eurostat). The selling prices for the above files shall be adjusted each time in accordance with the ones charged by Eurostat for supplying such files to users.

3. The prices charged by ELSTAT for special data processing or other statistical services, as well as for the use of its computer systems and related special services for statistical research purposes shall be determined, as the case may be, by decision of the President of ELSTAT following recommendation from the competent, as appropriate, divisions of ELSTAT.

## **CHAPTER XI**

### **ACCESS TO TAX AND CUSTOMS DATA**

#### **Article 92**

##### **Tax confidentiality**

Article 17 of Law 4174/2013, as amended by Article 42(8), (9) and (10) of Law 4223/2013, point (3) of subpar. D.2 of par. D of Article one of Law 4254/2014 and Article 33(5)(b) of Law 4258/2014

1. Any persons who are/were employed by the tax administration and the Ministry of Finance in general, or are/were associated with them on the basis of any employment relationship whatsoever, as well as any persons who are/were entrusted with tax administration functions or duties shall observe the confidentiality of all taxpayer data and information made available to them in the course of performing their duties, and may disclose them only to:

- (a) other tax administration officials and key staff members of the State Legal Service, in the context of performing their duties;
- (b) prosecuting authorities, in the context of crime investigation or prosecution procedures;
- (c) judicial authorities, in the context of hearing any criminal or tax case or any civil case to which the Hellenic State or a general government body is a party;
- (d) foreign tax authorities, in accordance with the provisions laid down in international conventions, in Law 4170/2013, which transposed Directive 2011/16/EU on administrative cooperation in the field of taxation, and in the legislation on legal assistance;
- (e) agencies of general government bodies, where this is deemed necessary by the tax administration, to determine the payables of taxpayers to those bodies in accordance with the legislation in force and to identify sources of repayment of their payables;
- (f) duly authorised officials of public agencies, legal persons governed by public law and public organisations entrusted with the management, monitoring and control of financing and aid or subsidy

from national or EU resources, as well as duly authorised staff or duly authorised persons of ELSTAT, in the context of performing their functions, in accordance with the provisions of Article 8(3) of Law 3832/ 2010, as currently in force, which provides for ensuring the confidentiality of data at all times;

(g) divorced or separated spouses, with a view to setting the alimony following an order from the public prosecutor, in respect of data explicitly referred to therein;

(h) the Authority for the Prevention of Money Laundering and the Financing of Terrorism and for Verification of Declarations of Assets, for performing its functions that are laid down in Law 3691/2008, as currently in force;

(i) third parties, following reasoned order from the public prosecutor to the effect that the tax confidentiality obligation does not apply;

(j) taxpayers engaging in business activity, at their request and only for the part that is absolutely necessary to verify the tax or business standing of another taxpayer engaging in business activity.

2. Persons becoming aware of confidential data or information as per paragraph 1 shall observe the confidentiality obligation, in accordance with the provisions of this Article. The information and data shall be used solely to attain the purpose for which they were supplied.

3. Except where the confidentiality obligation is lifted as per paragraphs 1 and 4, any persons becoming aware of information or data which are subject to a confidentiality obligation shall not disclose them and shall return to the tax administration any documents provided to them, which include such information or data.

4. Any data or information concerning a taxpayer may, upon request, be disclosed to a third party with written consent from the taxpayer.

5. A decision of the Secretary-General shall regulate all more specific matters that are necessary for applying this Article and shall provide for penalties to be imposed in the event of failure to comply with its provisions.

### **Article 93**

#### **Declarations of property details**

Article 23(7) of Law 3427/2005, as supplemented by Articles 51(3) of Law 3842/2010 and

Declarations of property details shall be used solely for tax purposes and shall not be used for prosecuting the declarant for breaching the provisions in force.

Declarations of property details shall be confidential, and disclosure thereof to any person other than the taxpayer concerned shall be prohibited.

- 18(8)(c) of Law 4002/2011 By way of exception, the following may be supplied exclusively:
- (a) data to the agencies of the Ministry of Finance and to certified assessors, with a view to performing their functions, as well as in the cases referred to in Article 1445 of the civil code;
  - (b) data to public agencies, legal persons governed by public law and organisations entrusted with the management, monitoring or control of all types of financing, aid or subsidy granted to natural or legal persons and bodies, derived from national or Community resources, solely with a view to performing their functions;
  - (c) data to the offices and members of the State Legal Service, with a view to defending the rights of the Hellenic State or opposing third party claims raised against the Hellenic State before the courts of law;
  - (d) data to a judicial authority, provided that a main or preliminary enquiry, or at least a preliminary investigation, has been ordered in due manner;
  - (e) data included in the insolvent party's declarations of property details to the administrator in bankruptcy;
  - (f) data to contractors of the Ministry of Finance or those implementing a project on behalf of the Hellenic State on the basis of a contract.

Breaching the tax confidentiality obligation contemplated in this Article shall constitute a disciplinary offence punishable in accordance with the applicable provisions of disciplinary law and a criminal offence punishable in accordance with the provisions of the Criminal Code for misconduct.

The obligations contemplated in the previous sentence shall also lie with the persons who are officials within the meaning of Article 13 of the Criminal Code and become aware of data that are subject to a tax confidentiality obligation and use these data for a purpose other than that permitted by law or disclose them to third parties in any way whatsoever, whether direct or indirect. Other persons shall be punished by imprisonment of up to six months following a report from the Head of the tax office (DOY) or the competent inspector to the public prosecutor of the misdemeanour court in the jurisdiction of which the tax office (DOY) operates and by such fine as specified by Article 4 of Law 2523/1997, as imposed by act of the head of the tax office (DOY) after a final criminal court judgment is rendered.

#### **Article 94**

##### **Register of properties**

- Article 23A(4) of Law 3427/2005, as
- The contents of the register of properties shall be subject to a confidentiality obligation, in accordance with the provisions of

supplemented Article 93 hereof.  
by Article 52 of  
Law 3842/2010

## **Article 95**

### **Confidentiality of customs data**

Article 11 of Law 2960/2001, as replaced by Article 1(2) of Law 3583/2007

1. All customs documents, as required by the legislation in force, shall be submitted to the customs authorities either in writing or on computer. They shall, as of the date of acceptance by the competent customs authority, constitute titles in favour of the Hellenic State.
2. The data derived from customs documents shall be subject to a confidentiality obligation and any disclosure thereof to a third party shall be prohibited. They may be disclosed to a judicial authority, though, only on condition that an enquiry has been ordered to verify that a punishable act has been committed against the interests of the Hellenic State and of the European Union.

Information derived from customs documents may be supplied to public authorities only in the event of matters relating to protecting public interests and claiming funds.

## **CHAPTER XII**

### **ACCESS TO THE ELECTRONIC REGISTER OF PUBLIC CONTRACTS**

#### **Article 96**

##### **Central electronic register of public contracts**

Article 139 of Law 4281/2014

1. The central electronic register of public contracts (KIMDIS), as referred to in Article 11 of Law 4013/2011 (Government Gazette, Series I, No 204), which is part of the national public e-procurement system (ESIDIS), aims to collect, process and make public data relating to public contracts entered into by contracting authorities, contracting bodies and central procurement authorities, as referred to in Law 4281/2014 (Government Gazette, Series I, No 160), irrespective of the estimated value and contracting procedure. A joint decision of the Ministers for Administrative Reform and e-Governance, and for Development and Competitiveness, as well as of the jointly competent Minister may further specify the contracts that are excluded from the scope of this Article.
2. The functioning of the KIMDIS shall be subject to the provisions of Law 2472/1997 (Government Gazette, Series I, No 50) and Article 22 of Law 4281/2014. The data included in the KIMDIS shall be accessed without prejudice to the provisions on the protection of the individual with regard to the processing of personal data and the State confidentiality obligations provided for by the legislation in

force, the intellectual and industrial property rules and the company or other confidentiality obligations provided for by more specific provisions.

3. The KIMDIS shall be used by the contracting authorities/bodies and central procurement authorities to enter electronic data relating to all public contracts at the following stages: (a) the initial request, (b) the request granted, i.e. the assumption of an obligation and/or the commitment of an appropriation, (c) the notices, in accordance with Article 152 of Law 4281/2014, and the call to tenders with its annexes, (d) the awarding decision, (e) the contract, (f) any payment order, and (g) the receipt for each payment. At least the following individual elements shall be entered: (1) the name of the body concerned, (2) its tax identification number (TIN), (3) the type of contract, i.e. supply, service or project, (4) the budget, (5) the obligation assumption number, where the expenditure concerned falls under the scope of Presidential Decree 113/2010 (Government Gazette, Series I, No 94), (6) the value of the contract, (7) the nationality of the economic operator to which the contract is awarded, (8) the procurement procedure and, where a negotiated procedure is used, reference to the legal basis in accordance with EU directives, (9) the number and value of the contracts entered into, (10) the code of the goods or services, in accordance with the Common Procurement Vocabulary (CPV), and (11) the geographical area, in accordance with the public body's nomenclature of territorial units for statistics (NUTS).

The above data shall not be entered directly in the 'Transparency Programme', but they shall be derived automatically from the KIMDIS.

Failure to enter in the KIMDIS the data referred to in the above indent shall constitute a disciplinary offence on the part of the body issuing the act or the official responsible for the entry. This paragraph shall enter into force as of publication of the decision referred to in paragraph 5.

4. The data referred to in paragraph 3 and all such other data as specified in the ministerial decision referred to in paragraph 5 shall, for reasons of national security and provided that they relate to the armed forces, be entered in an internal classified information subsystem of KIMDIS, without prejudice to observance of the security regulations of the Ministry of National Defence. A joint decision of the Ministers for Development and Competitiveness, and for National Defence shall specify how to submit and access the data, as well as all other relevant matters.

5. A joint decision of the Ministers for the Interior, for Administrative Reform and e-Governance, for Finance, and for Development and Competitiveness, as well as of the jointly competent Minister in each

case shall regulate more specifically those matters that relate to the functioning and administration of the KIMDIS, the website used to maintain it, the structure and contents, thereof, the access thereto, any levels of classification, the procedure for issuing electronic entry codes, the data entered in each case, the time of entry thereof, the persons responsible for entry each time and the competent bodies responsible for verifying that it is maintained properly, as well as all other relevant matters. A similar decision may regulate more specific matters relating to determining the method and time of, and the individual procedures used for, the entry of the data of public contracts falling under the scope of Law 4281/2014 which are pending as of the date of entry into force of Law 4013/2011.

6. The acts referred to in points (c), (d) and (e) of paragraph 3, as entered in the KIMDIS, shall enter into force as of entry therein. The provisions of the previous sentence shall not affect the relevant procedural arrangements for lodging means of redress or the arrangements applicable to administrative appeals.

7. Distinct online posting numbers (ADAMs) should be issued for all documents entered in the KIMDIS. These numbers shall be used to link the corresponding acts that are related to one another. The entry of public contracts in the KIMDIS, as well as the reference made to the ADAM, shall constitute evidence of the regularity of the expenditure, meaning that the existence of an ADAM shall be treated as a supporting document as required by Article 26(2) of Law 2362/1995 (Government Gazette, Series I, No 247). In the event of discrepancy between the text entered in the KIMDIS and the text of the act, the text entered in the KIMDIS shall apply. The person or body issuing the act shall see to it that the necessary corrections are made without delay to the text posted on the KIMDIS. The acts posted on the KIMDIS shall, in accordance with the provisions of Law 4281/2014, be exempted from the provisions of Article 11(2) and (3) of Law 2690/1999 (Government Gazette, Series I, No 45) and may be used without ratification. Invoking the ADAM shall suffice to search automatically for the acts entered both during the processing of cases of individuals and during communication between the bodies and the Hellenic State.

8. Posting a call to tenders on the KIMDIS, in accordance with Article 152 of Law 4281/2014, shall replace the obligation to publish it in the Series for Public Calls for Tenders of the Hellenic Government Gazette.

9. The KIMDIS shall be the national information system used for the direct electronic submission of public calls to tenders (eSenders) to Tenders Electronic Daily (TED).

10. The KIMDIS shall be interfaced necessarily and uninterruptedly with the national public procurement database of the Single



Independent Public Procurement Authority (EAADISY). The provisions of Article 136(2)(d) of Law 4281/2014 shall apply to interfacing the KIMDIS with other information systems.

11. A joint decision of the Ministers for Finance, and for Development and Competitiveness, as well as of the jointly competent Minister in each case, to be issued following opinion from the Hellenic Data Protection Authority, may regulate matters relating to the interfacing and interoperability of the KIMDIS with the national public procurement database of the Single Independent Public Procurement Authority, the register of commitments of the General Accounting Office of the State, the ESIDIS, the management information system used to monitor co-financed projects, as well as any other information system deemed necessary for State agencies to monitor the award and implementation of public contracts for audit, fiscal, statistical and other purposes.

### **Article 97**

#### **Entry into force**

Relevant Article 201 of Law 4281/2014 The date of entry into force of the previous article shall be specified in accordance with Article 201 of Law 4281/2014. Up until that time, Article 11 of Law 4013/2011, as replaced by Article 10 of Law 4038/2012, and Articles 2, 3 and 6 of Joint Ministerial Decision No TT1/2380/2012 (Government Gazette, Series II, No 3400) shall remain in force.

## **CHAPTER XIII**

### **ACCESS TO A MEDICAL RECORD**

#### **Article 98**

##### **Meanings, definitions and scope**

Article 1 of Law 3418/2005

1. 'Medical procedure' means a procedure aiming to ensure, by the use of any scientific method, the prevention, diagnosis, therapy and restoration of human health.
2. Medical acts also include those of a research nature, provided that they aim necessarily to ensure more accurate diagnosis, restoration and/or improvement of human health and promotion of science.
3. The term 'medical procedure' also includes the writing of prescriptions, an order given for carrying out all kinds of paraclinical examinations, the issuance of medical certificates and attestations, as well as the provision of general counselling support to a patient.
4. According to the Code of Professional Conduct for Physicians:
  - (a) the term 'patient' includes all users of healthcare services;
  - (b) the term 'family members' includes relatives by blood or marriage in direct line, foster parents and foster children, spouses,

permanent partners, brothers, spouses and permanent partners of brothers, as well as the guardians or custodians of a patient and of those subject to guardianship.

5. The provisions of this chapter shall apply while pursuing the medical profession and during the provision of first, second or third-level healthcare services in the public or private sector and irrespective of the manner or form of pursuing the medical profession, individually, collectively or in the context of a healthcare company, whether as a liberal profession or not.

### **Article 99**

#### **Keeping a medical record**

Article 14 of  
Law 3418/2005

1. A physician shall keep a medical record, whether in electronic form or not, including data which are inseparably or causally linked to the illnesses or health of his patients. The provisions of Law 2472/1997 shall apply to the keeping of that record and the processing of data.

2. Medical records shall contain the patient's full name, father's name, gender, age, occupation and address, the dates of his/her visits and all other important information which is linked to the provision of care to the patient, such as, on an indicative basis and depending on the medical specialty concerned, his/her health problems and the reason for the visit, the first and second-level diagnosis or the treatment prescribed.

3. Clinics and hospitals shall also include in their records the results of all clinical and paraclinical examinations.

4. The obligation to keep medical records shall apply:

(a) for private practices and other first-level healthcare units in the private sector, for ten years from the patient's latest visit; and

(b) in all other cases, for twenty years from the patient's latest visit.

5. The physician shall take all necessary measures to ensure that, in the event of publication of scientific papers, the identity of the patient concerned is not disclosed in any way whatsoever. Where, due to the nature of the publication, it is necessary to disclose the patient's identity, or information which indicates his/her identity or could make his/her identification possible, specific written consent from him/her shall be required.

6. The physician shall keep his/her professional books in such a way that will ensure protection of medical confidentiality and of personal data.

7. Medical records should not include judgments or comments on patients, unless they concern their illnesses.

8. A patient has the right of access to his/her medical records and to obtain copies of his/her file. Said right shall, after the patient's death,

be exercised by his/her heirs, provided that they are relatives up to the fourth degree.

9. Third-party access to one's medical records is prohibited. By way of exception, access is permitted:

(a) for the judicial and public prosecuting authorities in the course of performing their functions, either on an ex officio basis or at the request of a third party invoking a legal interest and in accordance with the legal procedures;

(b) for other bodies of the Hellenic State which, in accordance with their statutes, have this right and power.

10. A patient shall, in accordance with the provisions concerned, have the right of access to national and international records in which personal data relating to him/her are included.

**Article two**

This decree shall enter into force on the date of its publication in the Government Gazette. The Minister for the Interior and Administrative Reconstruction is hereby instructed to publish and execute this Decree.

Athens, 17 March 2015

THE PRESIDENT OF THE REPUBLIC  
**PROKOPIOS V. PAVLOPOULOS**

THE MINISTERS

THE ALTERNATE MINISTER FOR  
THE INTERIOR AND ADMINISTRATIVE  
RECONSTRUCTION

**GEORGIOS KATROUNGALOS**

FOR JUSTICE,  
TRANSPARENCY  
AND HUMAN RIGHTS

**NIKOLAOS PARASKEVOPOULOS**



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