

**GREEK LAW AND JURISPRUDENCE ON INFRINGEMENTS OF PERSONAL  
PRIVACY & PERSONALITY RIGHTS**

**(2008)**

**By Popi Papantoniou & Christos Gramatidis**

**I. LAWS REFERRED TO NON-CONTRACTUAL OBLIGATIONS RESULTING  
FROM INFRINGEMENTS OF PERSONAL PRIVACY AND PERSONALITY RIGHTS**

1. Article 9 par. 1 of the Greek Constitution provides that: “The private and family life of the individual is inviolable”.
2. Article 8 par. 1 of the European Convention on Human Rights, as enacted into Greek Law by Law 53/1974, provides that: “Everyone has the right to respect for his private and family life, his home and his correspondence”.
3. Article 57 of the Greek Civil Code provides that: “A person who has suffered an unlawful infringement on his personality has the right to claim the cessation of such infringement as also the non-recurrence thereof in the future. A claim for compensation, according to the provisions about tort, is not excluded”.
4. Article 59 of the Greek Civil Code provides that: “Following the petition of the person infringed and after taking into consideration the kind of the infringement, the Court with its decision may also condemn the liable person to satisfy the moral damage of the person infringed”.
5. In relation to infringement of the personality through the press, Law 1178/1981 on “Civil liability of the press”, as amended and in force today, provides for a fine of at least 30,000 Euros for the newspapers published in Athens and Thessalonica and at least 6,000 Euros for those published in the rest of the country upon a publication that infringes a person’s honour and reputation. Said minimum fines are 300,000 and 90,000 Euros respectively with regard to television channels and radio stations.
6. Especially for the infringement of personal privacy, Law 2472/1997 “Personal Data Protection Act” may also apply. Said law provides in Article 23 that anyone, who in breach of the personal data regulatory framework, causes material or moral damage, is liable for damages in full.

In light of the above, the Greek Civil Code recognizes an all-inclusive, comprehensive right of personality of natural persons. This protection encompasses

compensation for the victim, thus going beyond the protection of Constitutional Law, which, strictly speaking, protects the person from state rather than from private intrusion. On purpose, the Greek Civil Code does not define the exact perimeters of the concept of personality, thus allowing expansion of the concept as the fabric and mores of society change. It is generally said that personality encompasses all the tangible and intangible elements, which constitute one's physical, emotional, intellectual, moral, and social existence. The Greek Civil Code grants a general action for the protection of one's personality against any "unlawful" intrusion, invasion, or infringement. The action is available even against a defendant who is not, or is incapable of being, at fault, and may result in a prohibitory or mandatory injunction. If at fault, the defendant may be forced to pay monetary compensation or make other reparation for moral damage and may be sued under general tort law for damages. Special provisions are in force regulating the infringement of personality through the press and the case of infringement of privacy through the processing of personal data.

## **II. IMPORTANT GREEK COURT DECISIONS**

1. Decision No 1143/2003 of the Supreme Court of Greece ruled that:
  - The Court can freely decide upon the amount of the awarded compensation based on the principle of "common sense".
  - The infringement of personality establishes legal liability even if committed by negligence.
2. Decision No 391/2006 of the Supreme Court of Greece ruled that liability cannot be established if the infringement of personality is committed through a lawful act.
3. Decision No 816/2007 of the Supreme Court ruled that even though the law provides for minimum fines in cases of personality infringement through the press, the Courts may award lesser amounts based on the constitutional principle of "justice and proportionality".

## **III. APPLYING LAW WHEN THERE IS AN INTERNATIONAL ELEMENT**

According to article 25 of the Greek Civil Code, the law which applies to obligations arising from tort is the law of the state in which the wrongdoing was committed. In other words applying law is the law of the state where the infringement took place.

Decision No 1143/2003 of the Supreme Court of Greece deals with the issue of infringement taking place in Greece and abroad simultaneously and ruled that in such case Greek Courts have jurisdiction and Greek Law is applicable.