



21. GREECE²⁰

21.1 In the event of a data breach affecting residents of your country, is there any legal obligation or requirement to notify either a) affected individuals; or b) a regulator such as a data protection authority (DPA)?

No, under Law 2472 /1997 (which is the general law regarding the protection of personal data in Greece), in the event of a data breach, there is no legal obligation or requirement to notify either the affected individuals or the DPA.

However, according to Article 12, paragraph 5 of Law 3471/2006 (which is a specific Act on the protection of personal data and privacy in the electronic communications sector), in the event of a personal data breach, the provider of a publicly available electronic communications service must notify the Authority for Communication Security and Privacy (“ADAE”) and the DPA without undue delay. Furthermore, according to paragraph 6 of the same article, in case of a personal data breach that may have detrimental consequences to the data owner, the provider has to notify the affected person without undue delay. It is not necessary to notify the affected person if the provider has proved to the competent authorities in a satisfactory manner that it has applied the appropriate technical security measures and that these measures were applied to the data related to the security breach according to paragraph 7 of Article 12.

21.2 Under what conditions must such notification(s) be given, including a) what types of data must be breached to trigger notification; and b) whether the entity must be a data controller or data processor in your country for such obligations to apply?

The provider, who in this case acts as a controller, should notify of the data breach regarding the electronic communication sector irrespective of the type of data breached.

21.3 For such notification(s), is there any required or suggested a) content of the notice; b) time period in which notice must be given; or c) method of giving notice, such as regular mail, email, web-posting or publication?

In the case of a data breach regarding the electronic communications sector, the notification must include at least a description of the nature of the personal data breach and the contacts from whom further information can be obtained from the provider to deal with the breach. This notification must be given without undue delay. Law 3471/2006 does not provide a method or form of giving notice.

²⁰ Greece is a member state of the European Union. If you are interested in the EU law requirements, please refer to the section on the European Union.



21.4 What are the penalties, fines or risks in failing to notify, either by the DPA or in litigation?

Pursuant to Law 3115/2003 article 11, in case of a breach of privacy in the telecommunications sector or the revocation of its terms and procedures, ADAE is empowered to impose the following sanctions on any natural person or legal entity:

- A warning with a definite deadline within which the violation should cease; or
- A fine ranging between EUR 15,000 and EUR 1,500,000.

These administrative sanctions shall only be imposed following the issuance of a substantiated decision of ADAE and following a hearing of the interested parties.

Any natural person or legal entity, which, in breach of this law, causes material damage shall be liable for damages in full and in the case of non-pecuniary damage, shall be liable for compensation. The compensation payable, according to Article 932 of the Civil Code for non-pecuniary damage, is set at a minimum of EUR 10,000, unless a lesser amount is claimed. Such compensation shall be awarded irrespective of the claim for damages.

The claims referred to in the above article shall be litigated according to Articles 664-676 of the Code of Civil Procedure, notwithstanding whether the Data Protection Authority has issued a relevant decision on the ascertainment of criminal activities or criminal charges.

Custodial sentences may be given in the following circumstances:

- Anyone who unlawfully interferes in any way whatsoever with a personal data file of a subscriber or user, or takes notice of such data or extracts, alters, affects in a harmful manner, destroys, processes, transfers, discloses, makes accessible to unauthorised persons or permits such persons to take notice of such data or anyone who exploits such data in any way whatsoever, will be punished by imprisonment for a period of at least one year and a fine of between EUR 10,000 and EUR 100,000 unless otherwise subject to more serious sanctions;
- Any controller or representative thereof who does not comply with the acts of the Data Protection Authority (imposing the administrative penalties of provisional licence revocation, file destruction or interruption of processing of the pertinent data), will be punished by imprisonment for a period of at least two years and a fine of between EUR 12,000 and EUR 120,000;
- If perpetrators of the acts referred to above gained unlawful benefit on their own or on another person's behalf or intended to cause harm to a third party, then they shall be punished with imprisonment for a period of up to 10 years and a fine between EUR 15,000 and EUR 150,000;
- If this endangers the free operation of the democratic constitution or national security, the perpetrator shall be punished with imprisonment and a fine of between EUR 50,000 and EUR 350,000;



- If the perpetrator of the acts committed these by negligence, then they shall be punished with imprisonment for a period of up to 18 months and a maximum fine of EUR 10,000.

21.5 Even if there is no current legal obligation to do so, or if there is no “data controller” or “data processor” located in your country, is notification to individuals recommended in the event of a data breach affecting residents in your country (such as in credit card data breaches)?

It is advisable even though it is not required by law.

21.6 What are the applicable data protection laws or guidelines within your country?

The main data protection national laws and regulations are Law 2472/1997 and Law 3471/2006.

21.7 Contact information for Data Protection Authority:

Name: Hellenic Data Protection Authority Offices
Address: Kifissias 1-3, 115 23 Athens, Greece
Telephone: +30 210 647 5628
Fax: +30 210 647 5600
Email: contact@dpa.gr
Website: www.dpa.gr

For more information, contact:

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