

Global Guide to Whistleblowing Programs 2016



20. GREECE¹⁹

20.1 Applicable law and/or data protection guidelines?

No, Greece has no specific whistleblower protection laws in place.

However, since whistleblowing programs rely in the vast majority of cases on the processing of personal data, the rules and principles of the Act Regarding Protection of Individuals with Regard to the Processing of Personal Data applies to whistleblowing programs.

20.2 Is an English translation available?

Yes. A translation of the Act Regarding Protection of Individuals with Regard to the Processing of Personal Data is available from the Hellenic Data Protection Authority's website at: www.dpa.gr/portal/page?_pageid=33,43560&_dad=portal&_schema=PORTAL

20.3 Is prior notification or approval required?

Yes. According to the general provisions of the above mentioned Act, a company must notify the Hellenic Data Protection Authority ("DPA") in writing about the establishment and operation of a file or the commencement of data processing. Assuming that in order to set up a whistleblowing program, establishing and operating of a file or a commencing of data processing will take place, a notification to the DPA is required.

An approval from the DPA is required only when personal data that is collected for use in a whistleblowing program is transferred outside the EU/EEA.

20.4 Can notification or approval be filed online?

Yes. However, this is only available in Greek.

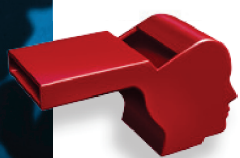
20.5 Generally, how long does it take to get approval?

According to the DPA, no approval is required for setting up a whistleblowing program in Greece, only a notification. However, the DPA does not directly respond to or otherwise acknowledge notifications.

20.6 Contact information for Data Protection Authority?

Name:	The Hellenic Data Protection Authority
Address:	Kifissias 1-3, 115 23 Athens, Greece
Telephone:	+30 210 6475600
Email:	contact@dpa.gr
Website:	www.dpa.gr

¹⁹ 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.



20.7 What is the scope of reporting permitted?

The scope of reporting is limited to accounting, internal accounting controls, auditing matters, bribery, banking and financial crime.

Other issues such as discrimination or harassment should be solved through the organization's internal management or through the Department of Labour's inspectors. Companies setting up a whistleblowing program should clearly define the type of information to be disclosed through the system.

20.8 Are there limits on who can make a report under a whistleblowing program? (E.g., only managers and executives? Other employees? Suppliers?)

A data controller, with a positive verification by the DPA, shall determine whether such limitation or restriction is appropriate under the circumstances.

20.9 Are there limits on who can be subject of a report?

A controller, with a positive verification by the DPA, shall determine whether such limitation or restriction is appropriate under the circumstances.

20.10 Is anonymous reporting permitted?

Yes. However, it is not recommended by the DPA.

20.11 Are there restrictions on the transfer of data in a whistleblowing program?

Yes, a DPA's permit is required when personal data will be transferred outside the EU/EEA.

20.12 Is the consent of employees required for either a whistleblower program or for the transfer of data in a whistleblowing program?

Yes, consent is required.

The DPA understands that, most of the time, even the written consent of the employee is not a product of free will. As a result, for a whistleblowing program or for the transfer of data in a whistleblowing program, it is crucial that this is absolutely necessary for the purposes of a legitimate interest pursued by the data controller (the employer), and on condition that such a legitimate interest evidently prevails over the right and interests of the person to whom the data refer and that his/her fundamental freedoms are not affected.

20.13 Is the consent of, or consultation with, a Works Council, union or other employee representative group required?

No. However, the Works Council, union or other employee representative group has to be informed about the implementation of a whistleblowing program.



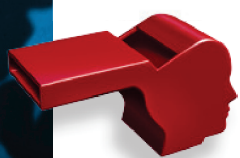


20.14 Are there any specific computers or other security requirements, including the deletion of the reported information, for the whistleblower program?

No. Personal data processed by a whistleblowing scheme should be deleted promptly and usually within two months of completion of the investigation of the facts alleged in the report.

For more information, contact:

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21. GUATEMALA

21.1 Applicable law and/or data protection guidelines?

No, Guatemala has no specific whistleblower protection laws in place.

21.2 Is an English translation available?

Not applicable.

21.3 Is prior notification or approval required?

No, it is not necessary to seek approval from any agency or authority to set up a whistleblowing program.

21.4 Can notification or approval be filed online?

Not applicable.

21.5 Generally, how long does it take to get approval?

Not applicable.

21.6 Contact information for Data Protection Authority?

There is no specific Data Protection Authority in Guatemala.

21.7 What is the scope of reporting permitted?

There is no limit to the scope permitted for reporting in whistleblowing programs in Guatemala.

21.8 Are there limits as to who can make a report under a whistleblowing program? (E.g., only managers and executives? Other employees? Suppliers?)

No.

21.9 Are there limits as to who can be a subject of a report?

No.

21.10 Is anonymous reporting permitted?

Yes. Anonymous reporting is allowed and usually implemented. However, the company must obtain the information legally and guarantee the accused employee's right to be heard.

21.11 Are there restrictions on the transfer of data in a whistleblowing program?

Yes. Prior written consent of employees is required to: a) create a database with their personal information; and b) transfer the above-mentioned information to a third party.

