

# Securing communication privacy in Greece

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# The legal basis (1/2)

- **Article 19 of the Constitution:** *1. Secrecy of letters and all other forms of free **correspondence or communication** shall be absolutely inviolable. The guaranties under which the judicial authority shall not be bound by this secrecy for reasons of national security or for the purpose of investigating especially serious crimes, shall be specified by law. 2. The matters relating to the establishment, operation and powers of the **independent authority** ensuring the secrecy of paragraph 1 shall be specified by law. 3. Use of evidence acquired in violation of the present article and of articles 9 and 9A is prohibited.*

# The legal basis (2/2)

- Law 2225/94
  - Protection of communication privacy
- Law 3115/03
  - Protection of Information and Communication Security and Privacy
  - Establishment of Hellenic Authority for Information and Communication Security and Privacy
- Law 3471/06
  - EU Directive 2002/58
  - Protection of personal data and privacy in communications

# The Hellenic Authority for the Information and Communication Security and Privacy (ADAE) (1/2)

- The Hellenic Authority for the Information and Communication Security and Privacy (ADAE) has been established under article 1 of the law 3115/2003, following the guidelines set in paragraph 2 of the article 19 of the Greek Constitution, in order **to protect the secrecy of mailing, the free correspondence or communication in any possible way as well as the security of networks and information. The concept of privacy encompasses the control of observing and regulating the terms and processes of waiving of privacy protection rights as foreseen by the law.**
- The Authority for the Assurance of Information and Communication Privacy and Security is an authority with **administrative independency**. ADAE is based in Athens, but can decide to establish and function offices in other cities of Greece. ADAE is responsible to submit its decisions to the Minister of Justice. At the end of every year, all the activities performed and the actions taken by ADAE are submitted to the President of the Parliament, the Minister of Justice and the Greek parliament.
- ADAE is subject to parliamentary examination, in ways and procedures that follow current parliamentary rules.

# The Hellenic Authority for the Information and Communication Security and Privacy (ADAE) (2/2)

- Audits (National Security Agency, public and private organizations that provide communication services)
- Hearings
- May confiscate evidence
- Audits the procedures related to lawful interceptions
- Issues recommendations, opinions, regulations

# Regulations

- Regulation for securing communication privacy in mobile communications (Decision 629α, ΦΕΚ 87 Β/26-1-2005),
- Regulation for securing communication privacy in fixed communications (Decision 630α, ΦΕΚ 87/Β/26-1-2005),
- Regulation for securing communication privacy in wireless networks (Decision 631α, ΦΕΚ 87/Β/26-1-2005),
- Regulation for securing communication privacy in internet communications and in relevant services and applications (Decision 632α, ΦΕΚ 88/Β/26-1-2005),
- Regulation for securing communication privacy in internet infrastructure (Decision 633α , ΦΕΚ 88/Β/26-1-2005),
- Regulation for securing communication privacy in applications and the use of the internet (Decision 634α, ΦΕΚ 88/Β/26-1-2005),
- Regulation for securing communication privacy in mail services (Decision 1001/Φ.21, ΦΕΚ 384/Β/24-3-2005),
- Regulation for securing communication privacy when using ATMs (Decision 969/Φ.12, ΦΕΚ 298/Β/8-3-2005).

# Subscriber complaints

- 2005: 18
- 2006: 71
- 2007: 101 of which
  - 66 on electronic communications, of which
    - 32 fixed telephony
    - 23 mobile telephony
    - 11 internet of which
      - 93% on connections
      - 4% on e-mail services
      - 3% use of webpage
  - 17 on postal services
  - 17 on matters not related to ADAE
  - 1 on ATM usage

# Other activities (indicative)...

- Audits following complaints (2007)
  - 7 regarding internet services
  - 30 regarding telephony
- Providers' security policies
  - 2005: 52
  - 2006: 42
  - 2007: 22
  - 65% have been approved, 35% not approved

## ...Other activities (indicative)

- Seminars in Athens, Thessaloniki, Corfu, Patras, Heraklion, Athens (2008)
- Participation in ETSI working group on LI and formulation of standard
- Issuance of ADAE act on the handling of E112 emergency calls
- Participation in law preparation committee for data retention

# The need for a national strategy

- Increased risks, threats and security breaches
- Proliferation, interconnectivity and interaction of Information and Communication Systems and their use in everyday life
- Increased dependence of society and economy on Information & Communication Systems
- Many stakeholders: The state, the private sector, the citizens
- The nature of the subject matter: conflicting goals, interconnection of practices and measures

# Fundamental goals

- Enhancing national and international cooperation on I&CS
  - Co-ordinated participation in EU and international legislative process and in standardization process
- Fostering national competitiveness and formulating an appropriate functional environment for Greek ICT enterprises
  - Investigation of financial importance of I&CS in the knowledge economy
- Improving risk management
  - Implementing a national risk monitoring and management system
- Protecting fundamental citizen rights as well as the national knowledge capital
  - Ensuring the protection of fundamental citizen rights in every new legislation, directive, regulation and standard.
- Improving societal awareness and professional competencies in I&CS
  - Introducing I&CS education in all educational levels

# The way to proceed

- Establishment of a body with responsibility for formulating, monitoring and auditing the implementation of the national strategy and for providing information to the state, the businesses and the citizens
- Establishment of an I&CS office in every ministry
- Establishment of an I&CS Forum