

APPLICATION FORM FOR ACCREDITATION AS A DATA PROTECTION AUTHORITY

Application to the Credentials Committee for accreditation as a data protection authority pursuant to the resolutions adopted at the 23<sup>rd</sup> International Conference of Data Protection and Privacy Commissioners at Paris on 25<sup>th</sup> September 2001.

Notes:

- (a) Please complete application in French or English.
- (b) Please keep answers brief and to the point.
- (c) Please ensure that all 33 questions are answered.
- (d) If you retype the form, please include the numbered questions with your answers. It is possible to avoid such retyping by getting the electronic application form in French or in English upon request by e mail at [credentials@privacy.org.nz](mailto:credentials@privacy.org.nz).

Details of applicant

1. Name and postal address of authority

Hellenic Data Protection Authority 8 Omirou Str, 105 64 Athens, Greece

2. Contact person for this application:

(a) Name

Dr Pelopidas Donos

(b) Email address

pdonos@dpag.gr

(c) Direct telephone number

+30 210 925 2723

(d) Fax contact

+30 210 925 2717

Type of application

3. The application is for accreditation as:

(a) national Authority

YES/NO

(b) sub-national Authority YES/NO

(c) Authority within an international, if yes which one... ..YES/NO

### Description of applicant

4. Description of Authority (e.g. commissioner, commission, board etc)

COMMISSION

5. Is the Authority a public body? YES/NO

6. Geographical jurisdiction

GREECE

7. Sectoral coverage (i.e. does the applicant's jurisdiction cover the entire public and private sectors? If only part of a sector or if there are significant activities not covered, please specify)

ENTIRE PUBLIC AND PRIVATE SECTORS

8. Is the role of the Authority mainly concerned with data protection and privacy?  
YES/NO

### Legal basis

9. Title of law under which the Authority is constituted

Law 2472/97 on the protection of individuals with regard to the processing of personal data

10. Is this principally a data protection law? YES/NO

11. Status of the law (e.g. statute, regulation, executive order)

Law

12. Which body made the law?

Greek Parliament

13. What body has the power to amend or revoke the law?

Greek Parliament

### Autonomy and independence

14. Who appoints member(s) of the Authority? (Please explain if a different process applies to the presiding member from other Authority members in this question and in subsequent questions.)

Parliamentary Committees' Chairmen Conference

15. What process is followed?

Since 2001 (amendment of constitution) appointment by Parliament with qualified majority (H/S)

16. For what term are appointments made?

Four (4) years. Possibility of only one (1) renewal

17. Does the law under which the Authority operates explicitly state that it acts independently? YES/NO

18. May the member(s) be removed before expiry of their term? YES/NO

19. If yes, who may remove members of the Authority before expiry of their term?

President of authority/Greek Parliament

20. Are there limited reasons specified in the statute, or in another law, providing the permitted grounds for removal?

Incompatibility of duties - convictions

21. What are the grounds for removal?

Automatically forfeit if s/he acquires position/tasks incompatible with the duties – also in case of irrevocable disciplinary or criminal conviction

22. Does the Authority possess the following powers (briefly describe and give statutory references)

- (a) to initiate an investigation with seeking provision YES/NO

details:

- (b) to report to the head of State, head of Government or legislature YES/NO

details:

- (c) make public statements YES/NO

details:

23. Does the Authority (and its staff) have immunity from legal suit for actions performed in the course of their duties?

Not specified in the law

24. Applicants may list any other measures set out in the statute or in other laws which guarantee the Authority's independence (for example if the law provides specifically that the Authority's finances are protected).

Independent budget, personal and functional independence guaranteed by the law

#### Consistency with international instruments

25. Does the Authority explicitly implement any international instrument (for example if the law under which the Authority operates specifies that it implements such international instrument)?

YES/NO

If "yes", which of the following does it principally implement?

- |  |        |
|--|--------|
| (a) OECD Guidelines (1980)                                   | YES/NO |
| (b) (i) Council of Europe Convention No 108 (1981)           | YES/NO |
| (ii) Council of Europe Additional Protocol (8 November 2001) | YES/NO |
| (c) UN Guidelines (1990)                                     | YES/NO |
| (d) EU Directive (1995)                                      | YES/NO |

26. Does the law instead, or additionally, implement any general or specific international instrument? (If so, list the international body and the instrument)

NO

27. Have significant questions been raised about the extent to which the law is consistent with the international instruments which are claimed to be implemented in answer to questions 25 and 26? (Applicants should supply further information to assist the Committee including a description of any measures under way to address these inconsistencies.)

NO

### Appropriate functions

28. Does the Authority possess functions in any of the following areas (briefly describe and give statutory references):

(a) compliance (e.g. audit, inspection) YES/NO

details:

(b) approvals (e.g. prior-checking, notification) YES/NO

details:

(c) redress for individuals (e.g. complaints, conciliation enforcement)  
YES/NO

details:

(d) sanctions available to Authority (for example, prosecution and enforcement)  
YES/NO

details:

(e) guidance (e.g. compliance advice) YES/NO

details:

(f) public education YES/NO

details:

(g) policy advice for government YES/NO

details:

(h) studies or research (e.g. into developing technologies, privacy issues)  
YES/NO

details:

### Additional comments

29. Applicants are invited to offer any further comments that they wish.

### Other materials

30. List any attachments which will accompany the application as an electronic attachment or to follow by post.

Overview of authority (18 pages)

31. If law under which the Authority operates is accessible on the Internet, please give the reference

URL: [www.dpa.gr](http://www.dpa.gr) (+ English version)

32. If a recent annual report of the Authority (or a similar recent publication outlining typical activities) is available on the Internet, please give the reference

URL: [www.dpa.gr](http://www.dpa.gr) (available in Greek)

### Research use

33. With the consent of applicants, the Committee proposes to make copies of the applications available to appropriate researchers approved by the Committee to facilitate a study on data protection. Please indicate whether you agree to this use:

- I agree to this application being released to a researcher YES/NO

### Making the application

The application should be emailed to the credentials committee at [credentials@privacy.org.nz](mailto:credentials@privacy.org.nz)

If sent as an email attachment it should be in M/S Word.

If unable to email the application, it should be posted to:

Credentials Committee  
C/- Privacy Commissioner  
P O Box 466  
Auckland  
New Zealand

The Committee needs access to a copy of the law under which the Authority is constituted. This need not be supplied in hard copy if it is available on the Internet and listed at question 31. If the law itself is not in English or French, it will be useful to supply an English or French summary or translation if one exists.

### Use of information

The information in this form will be used for processing the application and will be disclosed to members of the committee and their staff (being the commissioners from New Zealand, France and the United Kingdom) and future committees. It may be also disclosed also to the Data Protection Authorities which participate to the international

conference and approved researchers. Any personal data contained in the form is available for access and correction in accordance with the applicable data protection laws of current and future committees. In the first instance it is subject to the New Zealand Privacy Act 1993.

RECEIVED  
21 III 2002  
BY: \_\_\_\_\_

**Conférence Internationale des Commissaires à la Protection des Données  
Comité de Vérification**

**International Conference of Data Protection Commissioners  
Credentials Committee**

**DOSSIER DE CANDIDATURE POUR UNE ACCREDITATION EN  
TANT QU'AUTORITE EN CHARGE DE LA PROTECTION DES  
DONNEES**

Candidature auprès du Comité de Vérification pour l'accréditation d'une autorité chargée de la protection des données prévue par les résolutions adoptées lors de la 23ème conférence internationale des commissaires à la protection des données à Paris le 25 septembre 2001.

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**APPLICATION FORM FOR ACCREDITATION  
AS A DATA PROTECTION AUTHORITY**

Application to the Credentials Committee for accreditation as a data protection authority pursuant to the resolutions adopted at the 23rd International Conference of Data Protection and Privacy Commissioners at Paris on 25th September 2001.



### Description of applicant

4. Description of Authority (e.g. commissioner, commission, board etc)

COMMISSION

5. Is the Authority a public body?  YES  NO

6. Geographical jurisdiction

GREECE

7. Sectoral coverage (i.e. does the applicant's jurisdiction cover the entire public and private sectors? If only part of a sector or if there are significant activities not covered, please specify)

ENTIRE PUBLIC AND PRIVATE SECTORS.

8. Is the role of the Authority mainly concerned with data protection and privacy?

YES  NO

### Legal basis

9. Title of law under which the Authority is constituted

LAW 2472/97 ON THE PROTECTION OF INDIVIDUALS WITH REGARD TO THE PROCESSING OF PERSONAL DATA.

10. Is this principally a data protection law?  YES  NO

11. Status of the law (e.g. statute, regulation, executive order)

LAW

12. Which body made the law?

GREEK PARLIAMENT

13. What body has the power to amend or revoke the law?

GREEK PARLIAMENT

## Autonomy and independence

14. Who appoints member(s) of the Authority? (Please explain if a different process applies to the presiding member from other Authority members in this question and in subsequent questions.)

PARLIAMENTARY COMMITTEES' CHAIRMEN  
CONFERENCE.

15. What process is followed?

SINCE 2001 AMENDMENT OF CONSTITUTION  
APPOINTMENT BY PARLIAMENT WITH QUALIFIED

16. For what term are appointments made? MAJORITY (4/5)

FOUR (4) YEARS. POSSIBILITY OF ONLY ONE  
(1) RENEWAL

17. Does the law under which the Authority operates explicitly state that it acts independently? YES/NO

18. May the member(s) be removed before expiry of their term? YES/NO

19. If yes, who may remove members of the Authority before expiry of their term?

PRESIDENT OF AUTHORITY / GREEK PARLIAMENT

20. Are there limited reasons specified in the statute, or in another law, providing the permitted grounds for removal?

INCOMPATIBILITY OF DUTIES - CONVICTIONS

21. What are the grounds for removal?

AUTOMATICALLY FORFEIT IF S/HE ACQUIRES POSITION/TASKS  
INCOMPATIBLE WITH THE DUTIES - ALSO IN CASE OF  
IRREVOCABLE DISCIPLINARY OR CRIMINAL CONVICTION

22. Does the Authority possess the following powers (briefly describe and give statutory references)

(e) to initiate an investigation with seeking provision YES/NO

details:

(f) to report to the head of State, head of Government or legislature YES/NO

details:

(g) make public statements YES/NO

details:

23. Does the Authority (and its staff) have immunity from legal suit for actions performed in the course of their duties?

NOT SPECIFIED IN THE LAW

24. Applicants may list any other measures set out in the statute or in other laws which guarantee the Authority's independence (for example if the law provides specifically that the Authority's finances are protected).

INDEPENDENT BUDGET, PERSONAL AND FUNCTIONAL INDEPENDENCE GUARANTEED BY THE LAW.

**Consistency with international instruments**

25. Does the Authority explicitly implement any international instrument (for example if the law under which the Authority operates specifies that it implements such international instrument)?

YES/NO

If "yes", which of the following does it principally implement?

- (e) OECD Guidelines (1980) YES/NO
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27. Have significant questions been raised about the extent to which the law is consistent with the international instruments which are claimed to be implement in answer to questions 25 and 26? (Applicants should supply further information to assist the Committee including a description of any measures under way to address these inconsistencies.)

NO

**Appropriate functions**

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YES  NO

details:

(e) approvals (e.g. prior-checking, notification)

YES  NO

details:

(f) redress for individuals (e.g. complaints, conciliation enforcement)

YES  NO

details:

(g) sanctions available to Authority (for example, prosecution and enforcement)

YES  NO

details:

(h) guidance (e.g. compliance advice)

YES  NO

details:

(i) public education

YES  NO

details:

(g) policy advice for government

YES  NO

details:

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YES  NO

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**Additional comments**

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ACCREDITATION OF DATA PROTECTION AUTHORITY  
CHECKLIST FOR THE CREDENTIALS SUB-GROUP

1 Name of Authority

Hellenic Data Protection Authority, Greece

2 Does the authority have clear and wide ranging data protection functions covering a broad area of economic activity (eg not just an advising body or a body operating in a narrow field such as medical privacy)?

Yes

Notes

Entire public and private sectors

3 Legal Basis.

Is the authority a public body established on an appropriate legal basis (eg by statute or regulation)?

Yes

Notes

4 Autonomy and Independence?

Is the authority guaranteed an appropriate degree of autonomy and independence to perform its functions (eg the power to make public statements and protection from removal from office)?

Yes

Notes

5 Consistency with International Instruments.

Is the law under which the authority operates compatible with at least one of the international instruments dealing with data protection and privacy (eg EU Directive, OECD Guidelines, Council of Europe Convention)?

Yes

Notes

Surprisingly the application says that the authority/law does not explicitly implement any international instrument. I presume that there may be some misunderstanding about the purpose or wording of the question on the application form since clearly Greece's DP law implements either or both of the EU/CoE instruments? I have

therefore recommended a finding of consistency with international instruments on my general understanding of Greece's position rather than in reliance on the answer in the application.

*As Greece is an EU member state and must have adopted a national law in compliance with the EU Directive, it is safe to make the assumption that its law is consistent with international instruments*

- 6 Appropriate Functions.  
Does the authority have an appropriate range of functions with the legal powers necessary to perform those functions (eg the power to receive and investigate complaints from individuals without seeking permission)?

Yes

Notes

- 7 Does the Sub-group recommend accreditation?

Yes

Notes

- 8 If accreditation is recommended what is the accreditation as?

**National authority (within the UN criteria)**

Notes

- 9 If accreditation is as an authority within an international/supranational body does the recommendation include voting rights?

Voting Rights

No Voting Rights

Notes

10 If accreditation is not recommended does the Sub Group recommend that accreditation is refused or is more information needed before a decision can be made?

Refusal

More Information

Notes

11 If accreditation is not recommended and the application is from an authority with narrow functions does the Sub Group recommend that, at the discretion of the conference host, observer status is granted?

Not Applicable

Yes

Not

Notes

If more information is required what is this:

Signed on behalf of the Sub-group:

**BLAIR STEWART**

Date: **26 July 2002**

*Jonathan Bamford*

Date: 26/07/02

Date:

Note: 2 signatures required for recommendations for accreditation.  
3 signatures required for recommendations for refusal