

GREECE

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Ad Hoc Information Report

Data protection: Redress mechanisms and their use

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Centre for European Constitutional Law (CECL)

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In Greece there are 4 main redress mechanisms in the area of data protection:

- a) The procedure through the Data Protection Authority
- b) The administrative procedure
- c) The criminal procedure
- d) The civil procedure.

The detailed outcomes of each one of the above procedures are mapped in Annex 1, as follows:

Outcomes No 1 to No 11 refer to the procedure through the DPA.

Outcomes No 12 to No 13 refer to the administrative procedure at the Council of State.

Outcomes No 14 to No 18 refer to the criminal procedure.

Outcomes No 19 to No 20 refer to the civil procedure.

Finally, outcome No 21 is provided by the data protection act and is possible under both the administrative and the civil procedure. It refers to¹ the possibility provided in article² 14 of the Data Protection Act to request from the competent administrative or civil court the immediate suspension or non-application of an act or decision affecting a person, based solely on automated processing of his/her data and intended to evaluate his/her personality.³

A) The procedure through the Data Protection Authority

This is the main and the most important procedure for a data subject that has suffered a violation of his/her rights to the protection of personal data. According to the Hellenic Data Protection Act 2472/1997 (implementing the relevant European Data Protection Directive 95/46/EC) every person that has suffered a violation of his/her rights can lodge a complaint to the Data Protection Authority (DPA). This procedure is very simple and free of charge. The complainant does not need to use a lawyer. The DPA is empowered with a large range of competences that can lead to ten (10) possible outcomes, explicitly provided in the law, which are mapped in details in Annex 1. These outcomes can be decided by the DPA acting as a college. The 11th outcome (Provisional order for immediate suspension of the processing) can be decided by the President of the DPA himself.

As the formalities to initiate the procedure in order to achieve outcomes No 1 to No 11 are the same, the DPA could not provide detailed data on the total number of times the procedure was initiated for each one of the outcomes mapped in the relevant table. The data available refer to the total number of complaints submitted to the DPA per respective year and are valid for the whole list of the respective outcomes.

¹ Right to provisional judicial protection. The rights of this article can be satisfied even when there are no other substantive requirements for the provisional judicial protection, as specified each time.

² Right to provisional judicial protection. The rights of this article can be satisfied even when there are no other substantive requirements for the provisional judicial protection, as specified each time.

³ And particular efficiency at work, financial solvency, the reliability and overall behaviour.

B) The administrative procedure

This is not a redress mechanism per se, as it is used as an appeal mechanism against the decisions of the DPA. Nevertheless, we considered important to include it to Annex 1 of this report as its impact is very important with regard to the clarification and the definition of the legal substance of the right to data protection. The Council of State is one of the three (3) high courts in Greece and is competent to examine the legality of the acts published by the Administration, including those of Independent Authorities. A data subject can lodge a petition for annulment to the Council of State in case that he/she considers that the DPA's decision was not satisfactory. There is also the possibility to lodge a petition for suspension of a DPA's act in cases of urgency and until the final decision is published.

This procedure is very important from the jurisprudential point of view, but it is very expensive and very time consuming, as the Council of State is loaded with an enormous number of pending cases.

C) The criminal procedure

Violations of the provisions of the Data Protection Act constitute also a criminal offence. Violations refer not only to the substance of the rights but also to the formal obligations of the data controllers, such as the obligation to inform the data subject of the processing of his/her personal data, the obligation to notify the processing to the DPA, the processing of sensitive data without prior authorization by the DPA etc.

The criminal procedure can be initiated by the data subject. This is a procedure that can run in parallel to the administrative one. It can also be initiated either by the DPA if it considers that a case pending in front of it is of major importance implying criminal dimensions or ex officio by the Attorney General or pursuant a general complaint or accusation by a civil society organization.

Data protection offences can be judged in first instance either by the First Instance Criminal Court or by the Appeal Court, according to the importance of the violation and the respective sanction provided by the law.

Due to the lack of a central criminal data base the only data available on the use of this procedure come from the Athens Criminal Court. Nevertheless, this can be considered as representative enough, since this is the most important criminal court in Greece.

D) The civil procedure

A data subject can seek compensation from any data controller who, in breach of the data protection law, causes any kind of damage or moral prejudice. The procedure is initiated in front of the civil courts only by the person who has suffered the damage. This procedure can also run in parallel with the administrative or the criminal ones.

Due to the lack of a central electronic data base there are no data available on the number of times this procedure was initiated and the respective outcomes.

Mapping of Redress mechanisms in the area of data protection

Redress Mechanism Number	Type of possible outcomes of procedure	first Instance	Total Number of times this procedure was initiated in 2009 (please provide source of information in footnote)	Total Number of times this procedure was initiated in 2010 (please provide source of information in footnote)	Total Number of times this procedure was initiated in 2011 (please provide source of information in footnote)
1	Warning	Data Protection Authority	781 ⁴	851	812 ⁵
2	Fine	Data Protection Authority	⁶	See footnote 5	See footnote 5
3	Temporary revocation of the permit	Data protection authority	See footnote 5	See footnote 5	See footnote 5
4	Definitive revocation of permit	Data Protection authority	See footnote 5	See footnote 5	See footnote 5
5	Destruction of the filing system	Data Protection Authority	See footnote 5	See footnote 5	See footnote 5
6	Ban of the processing	Data Protection Authority	See footnote 5	See footnote 5	See footnote 5
7	Destruction of the data	Data Protection Authority	See footnote 5	See footnote 5	See footnote 5
8	Return of the data	Data Protection Authority	See footnote 5	See footnote 5	See footnote 5
9	Locking of the data	Data Protection Authority	See footnote 5	See footnote 5	See footnote 5

⁴ Source: DPA. This number refers, as it is explained in the main part of the Report, to the total number of complaints lodged each year and not to each outcome separately, since one complaint can lead to more than one outcomes.

⁵ Latest data available after the drafting of the 2011 annual report of the DPA.

⁶ This field should not be considered as blank. See footnote 4. The figures given for Redress mechanism No 1 (Warning) correspond to the number of complaints submitted to the Hellenic DPA for the years 2009, 2010 and 2011. These complaints could lead to different outcomes mapped in the above table under No 1 to No 11 (Warning, fine, temporary revocation of the permit, definite revocation of the permit, destruction of the filing system, ban of the processing, destruction of the data, return of the data, locking of the data, access to data & provisional order for immediate suspension of the processing).

10	Access to data	Data Protection Authority	See footnote 5	See footnote 5	See footnote 5
11	Provisional order for immediate suspension of the processing	President of the Data Protection Authority	See footnote 5	See footnote 5	See footnote 5
12	Annulment of a DPA act	Council of State	9 ⁷	4	2
13	Suspension of a DPA act	Council of State	3	1	0
14	Imprisonment	Criminal Court of first instance	19 ⁸	18	14
15	Fine	Criminal Court of first instance	See footnote 7	See footnote 7	See footnote 7
16	Imprisonment	Criminal Court of Appeals	See footnote 7	See footnote 7	See footnote 7
17	Fine	Criminal Court of Appeals	See footnote 7	See footnote 7	See footnote 7
18	Confinement	Criminal Court of Appeals	See footnote 7	See footnote 7	See footnote 7
19	Compensation	Civil Court of first instance	Non available ⁹	Non available (See footnote 8)	Non available (See footnote 8)
20	Reparation for moral prejudice	Civil Court of first instance	See footnote 8	See footnote 8	See footnote 8
21	Provisional judicial protection	Administrative Court / Civil Court	Non available (See footnote 8)	Non available (See footnote 8)	Non available (See footnote 8)

⁷ Source: DPA

⁸ Source: Criminal Court of Athens. The data refers to outcomes No 14 to No 18 for the district of Athens. The data provided by the Court referred to the total number of criminal cases on the legal basis of art. 22 of the Data protection act 2472/1997.

⁹ Data requested on 25-4-2012.

Detailed information

Ad Redress Mechanism Number 1 (Warning):

- Range of possible outcomes: N/A
- Legal basis: Article 21 par. 1 point a of the Data protection act 2472/1997
- Type of procedure: Administrative (Data Protection Authority)
- Possibilities of appeal: (petition for modification/revocation at the same instance, i.e. DPA) + procedure for annulment at the Council of State
- Burden of proof: Illegal processing of personal data (The complainant has the burden of proof, but the DPA can proceed on its own further investigation of the case)¹⁰
- Available mechanism to lower the burden of proof: for example: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? YES
- Is there free legal advice/representation available from a public body (please specify the public body)? (Before submitting the complaint the complainant can get general advice by the DPA in the context of the latter's awareness policy. The advice is free of cost.)¹¹
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? The DPA can initiate the procedure in the meaning that it is authorized by law to investigate a case on its own initiative. Other persons may lodge a complaint (not only the data subject). There is however no statutory locus standi for third parties to be active in the procedure.
- Cost of procedure: Free of charge
- Average duration of procedure: 17.8 months¹²
- Outcomes:
 - 2009: 14
 - 2010: 2
 - 2011: 9

Ad Redress Mechanism Number 2 (Fine):

- Range of possible outcomes: 900 – 150.000 euro
- Legal basis: Article 21 par. 1 point b of the Data protection act 2472/1997
- Type of procedure: Administrative (Data Protection Authority)
- Possibilities of appeal: 2nd administrative instance (petition for redress) + procedure for annulment at the Council of State
- Burden of proof: Illegal processing of personal data (see redress mechanism 1 & footnote 9)
- Available mechanism to lower the burden of proof: N/A

¹⁰ This is valid for all procedures in front of the DPA (Redress mechanisms No 1 to No 11)

¹¹ This is valid for all procedures

¹² This number refers to the investigation of complaints, applicable to redress mechanisms 1 – 10.

Moreover, it should be noted that the average of 17.8 months refers to the investigated cases, whilst 1/3 of the total incoming complaints are still pending due to the limited human resources. Latest data available after the drafting of the 2011 annual report of the DPA.

- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? YES
- Is there free legal advice/representation available from a public body (please specify the public body)? (see redress mechanism 1 & footnote 10)
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? YES. The DPA can initiate the procedure (see redress mechanism 1).
- Cost of procedure: Free of charge
- Average duration of procedure: 17.8 months (see redress mechanism 1 & footnote 11)
- Outcomes:
 - 2009: 7
 - 2010: 8
 - 2011: 4

Ad Redress Mechanism Number 3 (Temporary revocation of the permit):

- Range of possible outcomes: N/A
- Legal basis: Article 21 par. 1 point c of the Data protection act 2472/1997
- Type of procedure: Administrative (Data Protection Authority)
- Possibilities of appeal: 2nd administrative instance (petition for redress) + procedure for annulment at the Council of State
- Burden of proof: Illegal processing of personal data (see redress mechanism 1 & footnote 9)
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? YES
- Is there free legal advice/representation available from a public body (please specify the public body)? (see redress mechanism 1 & footnote 10)
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? YES. The DPA can initiate the procedure (see redress mechanism 1)
- Cost of procedure: Free of charge
- Average duration of procedure: 17.8 months (see redress mechanism 1 & footnote 11)
- Outcomes: None

Ad Redress Mechanism Number 4 (Definite revocation of permit):

- Range of possible outcomes: N/A
- Legal basis: Article 21 par. 1 point d of the Data protection act 2472/1997
- Type of procedure: Administrative (Data Protection Authority)
- Possibilities of appeal: 2nd administrative instance (petition for redress) + procedure for annulment at the Council of State
- Burden of proof: Illegal processing of personal data (see redress mechanism 1 & footnote 9)
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? YES
- Is there free legal advice/representation available from a public body (please specify the public body)? (see redress mechanism 1 & footnote 10)

- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? YES. The DPA can initiate the procedure (see redress mechanism 1)
- Cost of procedure: Free of charge
- Average duration of procedure: 17.8 months (see redress mechanism 1 & footnote 11)
- Outcomes:
 - 2009: 1
 - 2010: 0
 - 2011: 0

Ad Redress Mechanism Number 5 (Destruction of the filing system):

- Range of possible outcomes: N/A
- Legal basis: Article 21 par. 1 point e of the Data protection act 2472/1997
- Type of procedure: Administrative (Data Protection Authority)
- Possibilities of appeal: 2nd administrative instance (petition for redress) + procedure for annulment at the Council of State
- Burden of proof: Illegal processing of personal data (see redress mechanism 1 & footnote 9)
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? YES
- Is there free legal advice/representation available from a public body (please specify the public body)? (see redress mechanism 1 & footnote 10)
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? YES. The DPA can initiate the procedure (see redress mechanism 1).
- Cost of procedure: Free of charge
- Average duration of procedure: 17.8 months (see redress mechanism 1 & footnote 11)
- Outcomes:
 - 2009: 2
 - 2010: 0
 - 2011: 2

Ad Redress Mechanism Number 6 (Ban of the processing):

- Range of possible outcomes: N/A
- Legal basis: Article 21 par. 1 point e of the Data protection act 2472/1997
- Type of procedure: Administrative (Data Protection Authority)
- Possibilities of appeal: 2nd administrative instance (petition for redress) + procedure for annulment at the Council of State
- Burden of proof: Illegal processing of personal data (see redress mechanism 1 & footnote 9)
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? YES
- Is there free legal advice/representation available from a public body (please specify the public body)? (see redress mechanism 1 & footnote 10)

- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? YES. The DPA can initiate the procedure (see redress mechanism 1).
- Cost of procedure: Free of charge
- Average duration of procedure: 17.8 months (see redress mechanism 1 & footnote 11)
- Outcomes:
 - 2009: 1
 - 2010: 2
 - 2011: 0

Ad Redress Mechanism Number 7 (Destruction of the data):

- Range of possible outcomes: N/A
- Legal basis: Article 21 par. 1 point e of the Data protection act 2472/1997
- Type of procedure: Administrative (Data Protection Authority)
- Possibilities of appeal: 2nd administrative instance (petition for redress) + procedure for annulment at the Council of State
- Burden of proof: Illegal processing of personal data (see redress mechanism 1 & footnote 9)
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? YES
- Is there free legal advice/representation available from a public body (please specify the public body)? (see redress mechanism 1 & footnote 10)
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? YES. The DPA can initiate the procedure (see redress mechanism 1).
- Cost of procedure: Free of charge
- Average duration of procedure: 3 – 12 months (see redress mechanism 1 & footnote 11)
- Outcomes:
 - 2009: 19
 - 2010: 14
 - 2011: 19

Ad Redress Mechanism Number 8 (Return of the data):

- Range of possible outcomes: N/A
- Legal basis: Article 21 par. 1 point e of the Data protection act 2472/1997
- Type of procedure: Administrative (Data Protection Authority)
- Possibilities of appeal: 2nd administrative instance (petition for redress) + procedure for annulment at the Council of State
- Burden of proof: Illegal processing of personal data (see redress mechanism 1 & footnote 9)
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? YES
- Is there free legal advice/representation available from a public body (please specify the public body)? (see redress mechanism 1 & footnote 10)

- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? YES. The DPA can initiate the procedure (see redress mechanism 1).
- Cost of procedure: Free of charge
- Average duration of procedure: 3 – 12 months (see redress mechanism 1 & footnote 11)
- Outcomes: None

Ad Redress Mechanism Number 9 (Locking of the data):

- Range of possible outcomes: N/A
- Legal basis: Article 21 par. 1 point e of the Data protection act 2472/1997
- Type of procedure: Administrative (Data Protection Authority)
- Possibilities of appeal: 2nd administrative instance (petition for redress) + procedure for annulment at the Council of State
- Burden of proof: Illegal processing of personal data (see redress mechanism 1 & footnote 9)
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? YES
- Is there free legal advice/representation available from a public body (please specify the public body)? (see redress mechanism 1 & footnote 10)
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? YES. The DPA can initiate the procedure (see redress mechanism 1).
- Cost of procedure: Free of charge
- Average duration of procedure: 17.8 months (see redress mechanism 1 & footnote 11)
- Outcomes: None

Ad Redress Mechanism Number 10 (Access to data):

- Range of possible outcomes: N/A
- Legal basis: Article 12 of the Data protection act 2472/1997
- Type of procedure: Administrative (Data Protection Authority)
- Possibilities of appeal: 2nd administrative instance (petition for redress) + procedure for annulment at the Council of State
- Burden of proof: Violation of the right to access (see redress mechanism 1 & footnote 9)
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? YES
- Is there free legal advice/representation available from a public body (please specify the public body)? (see redress mechanism 1 & footnote 10)
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? YES. The DPA can initiate the procedure (see redress mechanism 1).
- Cost of procedure: Free of charge
- Average duration of procedure: 17.8 months (see redress mechanism 1 & footnote 11)
- Outcomes:

- 2009: 2
- 2010: 1
- 2011: 2

Ad Redress Mechanism Number 11 (Provisional order for immediate suspension of the processing):

- Range of possible outcomes: N/A
- Legal basis: Article 19 par. 7A of the Data protection act 2472/1997
- Type of procedure: Administrative (Data Protection Authority)
- Possibilities of appeal: 2nd administrative instance (petition for redress) + procedure for annulment at the Council of State
- Burden of proof: Illegal processing of personal data (see redress mechanism 1 & footnote 9)
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? YES
- Is there free legal advice/representation available from a public body (please specify the public body)? (see redress mechanism 1 & footnote 10)
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? YES. The DPA can initiate the procedure (see redress mechanism 1).
- Cost of procedure: Free of charge
- Average duration of procedure: 1 – 15 days (the duration is calculated on figures of the years previous to 2009)
- Outcomes: None

Ad Redress Mechanism Number 12 (Annulment of a DPA act):

- Range of possible outcomes: Annulment / Confirmation
- Legal basis: Article 19 par. 9 of the Data protection act 2472/1997 + Presidential decree 18/1989
- Type of procedure: Administrative
- Possibilities of appeal: NO
- Burden of proof: Unlawful act by the DPA. a) The complainant must substantiate that the DPA's act has been unlawfully adopted. The lawfulness of the act is then examined by the Court. b) In case of an error in the merits of the case, the complainant bears the burden of proof.
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? The complainant must be represented by a lawyer.
- Is there free legal advice/representation available from a public body (please specify the public body)? NO
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? The DPA cannot initiate the procedure, but it can participate in it, as defendant. YES for civil society organisations, but they must prove a legitimate interest.
- Cost of procedure: approximately 500 euro to lodge the petition + 1600 euro minimum for the discussion
- Average duration of procedure: 2 – 10 years
- Outcomes:
 - 2009: -

- 2010: 4
- 2011: 29

Ad Redress Mechanism Number 13 (Suspension of a DPA act):

- Range of possible outcomes: Suspension / Non-suspension
- Legal basis: Article 19 par. 9 of the Data protection act 2472/1997 + Presidential decree 18/1989
- Type of procedure: Administrative
- Possibilities of appeal: NO
- Burden of proof: Immediate damage pursuant an unlawful act by the DPA
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? The complainant must be represented by a lawyer.
- Is there free legal advice/representation available from a public body (please specify the public body)? NO
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? NO for the DPA. YES for civil society organisations, but they must prove a legitimate interest.
- Cost of procedure: Free of charge + 1600 euro minimum for the discussion
- Average duration of procedure: 1 – 6 months
- Outcomes: None

Ad Redress Mechanism Number 14 (Imprisonment):

- Range of possible outcomes: 1 month – 3 years
- Legal basis: Article 22 par. 1, 2, 3, 4, 8 of the Data protection act 2472/1997
- Type of procedure: Criminal justice
- Possibilities of appeal: YES
- Burden of proof: The complainant shall provide the facts. The prosecutor shall prove the illegal processing of personal data.
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? The complainant must be represented by a lawyer.
- Is there free legal advice/representation available from a public body (please specify the public body)? No (see redress mechanism 1 & footnote 10)
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? NO.¹³
- Cost of procedure: approximately 200 euro minimum
- Average duration of procedure: 2 – 5 years
- Outcomes: Non available

Ad Redress Mechanism Number 15 (Fine):

- Range of possible outcomes: 3000 – 30.000 euro
- Legal basis: Article 22 par. 1, 2, 3, 4, 8 of the Data protection act 2472/1997
- Type of procedure: Criminal justice
- Possibilities of appeal: YES

¹³ DPA can forward a case to the criminal courts. Civil society organisations and associations can file a charge to the prosecutor for infringement of art. 22 of the data protection act, where applicable.

- Burden of proof: The complainant shall provide the facts. The prosecutor shall prove the illegal processing of personal data.
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? The complainant must be represented by a lawyer.
- Is there free legal advice/representation available from a public body (please specify the public body)? (see redress mechanism 1 & footnote 10)
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? NO
- Cost of procedure: approximately 200 euro minimum
- Average duration of procedure: 2 – 5 years
- Outcomes: Non available

Ad Redress Mechanism Number 16 (Imprisonment):

- Range of possible outcomes: 5 – 10 years
- Legal basis: Article 22 par. 6, 7 of the Data protection act 2472/1997
- Type of procedure: Criminal justice
- Possibilities of appeal: YES
- Burden of proof: The complainant shall provide the facts. The prosecutor shall prove the illegal processing of personal data.
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? The complainant must be represented by a lawyer.
- Is there free legal advice/representation available from a public body (please specify the public body)? (see redress mechanism 1 & footnote 10)
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? NO
- Cost of procedure: approximately 200 euro minimum
- Average duration of procedure: 2 – 5 years
- Outcomes: Non available

Ad Redress Mechanism Number 17 (Fine):

- Range of possible outcomes: 6000 – 30.000 euro
- Legal basis: Article 22 par. 6, 7 of the Data protection act 2472/1997
- Type of procedure: Criminal justice
- Possibilities of appeal: YES
- Burden of proof: The complainant shall provide the facts. The prosecutor shall prove the illegal processing of personal data.
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? The complainant must be represented by a lawyer.
- Is there free legal advice/representation available from a public body (please specify the public body)? (see redress mechanism 1 & footnote 10)
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? NO
- Cost of procedure: approximately 200 euro minimum
- Average duration of procedure: 2 – 5 years
- Outcomes: Non available

Ad Redress Mechanism Number 18 (Confinement):

- Range of possible outcomes: 5 – 10 years
- Legal basis: Article 22 par. 6, 7 of the Data protection act 2472/1997
- Type of procedure: Criminal justice
- Possibilities of appeal: YES
- Burden of proof: The complainant shall provide the facts. The prosecutor shall prove the illegal processing of personal data.
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? The complainant must be represented by a lawyer.
- Is there free legal advice/representation available from a public body (please specify the public body)? (see redress mechanism 1 & footnote 10)
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? NO
- Cost of procedure: approximately 200 euro minimum
- Average duration of procedure: 2 – 5 years
- Outcomes: Non available

Ad Redress Mechanism Number 19 (Compensation):

- Range of possible outcomes: No limit
- Legal basis: Article 23 of the Data protection act 2472/1997
- Type of procedure: Civil justice
- Possibilities of appeal: YES
- Burden of proof: Illegal processing of personal data
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? The complainant must be represented by a lawyer.
- Is there free legal advice/representation available from a public body (please specify the public body)? (see redress mechanism 1 & footnote 10)
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? NO
- Cost of procedure: approximately 350 euro minimum + 8/1000 on the required compensation
- Average duration of procedure: 2 – 5 years
- Outcomes: Not available

Ad Redress Mechanism Number 20 (Reparation for moral prejudice):

- Range of possible outcomes: 6.000 euro minimum
- Legal basis: Article 23 of the Data protection act 2472/1997
- Type of procedure: Civil justice
- Possibilities of appeal: YES
- Burden of proof: Illegal processing of personal data
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? The complainant must be represented by a lawyer.
- Is there free legal advice/representation available from a public body (please specify the public body)? (see redress mechanism 1 & footnote 10)
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? NO

- Cost of procedure: approximately 350 euro minimum + 8/1000 on the required compensation
- Average duration of procedure: 2 – 5 years
- Outcomes: Non available

Ad Redress Mechanism Number 21 (Provisional judicial protection):

- Range of possible outcomes: Suspension / Non-suspension
- Legal basis: Article 14 of the Data protection act 2472/1997
- Type of procedure: Administrative / Civil justice
- Possibilities of appeal: NO
- Burden of proof: Immediate damage due to a decision based solely on automated processing of data intended to evaluate the personality of the data subject.
- Available mechanism to lower the burden of proof: N/A
- Requirement of legal representation: can the complainant initiate/be active in a procedure on his own? The complainant must be represented by a lawyer.
- Is there free legal advice/representation available from a public body (please specify the public body)? (see redress mechanism 1 & footnote 10)
- Is there locus standi for DP authorities, civil society organisations and associations to initiate/be active in procedure? NO
- Cost of procedure: approximately 350 euro minimum
- Average duration of procedure: 1 – 6 months
- Outcomes: Not available