

Short Thematic Report

National intelligence authorities and surveillance in the EU: Fundamental rights safeguards and remedies

Legal update

Country: Greece

Version of 11 July 2016

FRANET contractor: Centre for European Constitutional Law-Themistokles and
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DISCLAIMER: This document was commissioned under a specific contract as background material for the project on [National intelligence authorities and surveillance in the EU: Fundamental rights safeguards and remedies](#). The information and views contained in the document do not necessarily reflect the views or the official position of the EU Agency for Fundamental Rights. The document is made publicly available for transparency and information purposes only and does not constitute legal advice or legal opinion. FRA would like to express its appreciation for the comments on the draft report provided by Greece that were channelled through the FRA National Liaison Officer.

1 Description of tasks – Phase 3 legal update

1.1 Summary

FRANET contractors are requested to highlight in 1 to 2 pages **maximum** the key developments in the area of surveillance by intelligence services in their Member State. This introductory summary should enable the reader to have a snap shot of the evolution during the report period (last trimester of 2014 until mid-2016). It should in particular mention:

1. *the legislative reform(s) that took place or are taking place and highlight the key aspect(s) of the reform.*

According to article 22 of law 4249/2014 (OJ 73/A/24.03.2014), as it has been modified by law 4281/2014 (OJ 160/A/08.08.2014), the Hellenic Police Intelligence Division (HPiD) constitutes an independent central service acting as a central point for intelligence in the Hellenic Police, especially in reference with organised crime and terrorism. In particular, with article 27 of presidential decree 178/2014 (OJ 281/A/31.12.2014), the special structure of this Division is further defined. No other legislative reforms took place for the reported period.¹

2. *the important (higher) court decisions in the area of surveillance*

No court decisions on intelligence service surveillance in Greece were issued from late 2014-mid 2016.

3. *the reports and inquiry by oversight bodies (parliamentary committees, specialised expert bodies and data protection authorities) in relation to the Snowden revelations*

The Snowden revelations did not have an impact on Greece. Even though Greece was mentioned among targeted countries, the embassies and missions of which were under US surveillance², no parliamentary inquiry was conducted nor were any reports concluded or even initiated by expert bodies³.

However, according to investigative journalism, the Snowden revelations also contained files on the collaboration of the NSA and the Greek National Intelligence Service authority (EYP) prior to and during the 2004 Olympic Games. In fact, it was revealed in September 2015, that the NSA kept up this surveillance long after the Olympic Games without the knowledge of the Greek authorities and was linked to

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¹ This is also according to information provided through correspondence with various stakeholders: Office of Parliamentary Committees (*Γραφείο Κοινοβουλευτικών Επιτροπών*), Response Letter of 23.03.2016 (hereinafter Office of Parliamentary Committees Response); Hellenic Union of Judges and Prosecutors (*Ένωση Δικαστών και Εισαγγελέων*), Document No. 2787/23.2.2016 (hereinafter Judges and Prosecutors Response); Hellenic Data Protection Authority (DPA) (*Αρχή Προστασίας Δεδομένων Προσωπικού Χαρακτήρα*), Letter of 26.04.2016 (hereinafter Data Protection Authority Response); Hellenic Police, Special Violent Crime Squad (*Διεύθυνση Αντιμετώπισης Ειδικών Εγκλημάτων Βίας και εγκληματολογικής έρευνας*), Letter of 26.03.2016 (hereinafter Special Crime Squad Response); Greek National Commission for Human Rights (*Εθνική Επιτροπή Δικαιωμάτων του Ανθρώπου*), Letter of 07.04.2016 (hereinafter GNCHR Response); Hellenic Authority for Communication Security and Privacy (*Αρχή Διασφάλισης Απορρήτου Επικοινωνιών*); Ministry of Interior, General Secretary of Public Order (*Γενικός Γραμματέας Δημόσιας Τάξης*), Letter of 28.03.2016 (hereinafter General Secretary for Public Order Response).

² BBC World, 'Edward Snowden: Leaks that exposed US spy programme', 17 January 2014, available in English at: <http://www.bbc.com/news/world-us-canada-23123964> (Last accessed: 27 April 2016).

³ This was pointed out by state bodies: See Office of Parliamentary Committees Response and General Secretary for Public Order Response.

one of the greatest scandals in recent Greek history, the ‘Wiretapping’ scandal.⁴ The scandal had dominated headlines for months and led to a long parliamentary probe, as the surveillance targeted more than 100 top officials, including the then Prime Minister Kostas Karamanlis and his wife, Natassa; the mayor of Athens; members of the ministerial cabinet; military officials; and journalists.⁵ This of course was a case of targeted wire-tapping and not a general surveillance. At that time, the extent and targets of the tapping was not known to the Greek government and authorities. The Snowden files appear to link the NSA tapping of hundreds of lines through software installed at the Vodafone network in Athens to the death of Vodafone employee Costas Tsalikidis⁶. Initially his death was ruled a suicide and the case was archived, however, in 2011, the family requested a re-examination of medical reports, an investigation into his death was carried out and one suspect was named. In the light of these new revelations, no further steps have been taken by the prosecuting authorities.

4. *the work of specific ad hoc parliamentary or non-parliamentary commission (for example the NSA inquiry of the German Parliament) discussing the Snowden revelations and/or the reform of the surveillance focusing on surveillance by intelligence services should be referred to.*

No specific ad hoc parliamentary or non-parliamentary commission work related to the Snowden revelations or the surveillance carried out by intelligence services has been conducted⁷.

⁴ Greece, The Toc, ‘After Greek approval for wiretaps, a rogue NSA operation targeted officials’, 29 September 2015, available in English at: <http://www.thetoc.gr/eng/politics/article/after-greek-approval-for-wiretaps-a-rogue-nsa-operation-targeted-officials> (Last accessed: 27 April 2016).

⁵ *Ibid.*

⁶ The Intercept, ‘A Death in Athens: Did a Rogue NSA Operation Cause the Death of a Greek Telecom Employee?’, 29 September 2015, available in English at: <https://theintercept.com/2015/09/28/death-athens-rogue-nsa-operation/> (Last accessed: 27 April 2016).

⁷ Greece, Office of Parliamentary Committees (*Γραφείο Κοινοβουλευτικών Επιτροπών*), Response to the request for data.

1.2 International intelligence services cooperation

FRANET contractors are requested to provide information, in 1 to 2 pages **maximum**, on the following two issues, drawing on a recent publication by Born, H., Leigh, I. and Wills, A. (2015), *Making international intelligence cooperation accountable*, Geneva, DCAF.⁸

1. It is assumed that in your Member State international cooperation between intelligence services takes place. Please describe the legal basis enabling such cooperation and any conditions that apply to it as prescribed by law. If the conditions are not regulated by a legislative act, please specify in what type of documents such cooperation is regulated (eg. internal guidance, ministerial directives etc.) and whether or not such documents are classified or publicly available.

The Greek National Intelligence Service (EYP) states on its official website that, in the context of its mission, it cooperates closely with other Greek and foreign Intelligence and Security Services⁹. Indeed, under article 4 para. 9 of Law 3649/2008¹⁰ EYP cooperates with the relevant services of other countries and international organisations to ensure the effective fulfilment of its mission. However, there is no specific framework for the regulation of international cooperation; therefore the general framework, applies for the lawful collection of intelligence data, when it is carried out by the national authorities.

2. Please describe whether and how the international cooperation agreements, the data exchanged between the services and any joint surveillance activities, are subject to oversight (executive control, parliament oversight and/or expert bodies) in your Member States.

There is no specific provision for the oversight of data exchanged between services and joint surveillance activities concerning international cooperation. General provisions for the oversight of intelligence services apply to operations carried out by national intelligence agencies. The oversight bodies are Hellenic Data Protection Authority (HDP) and the Hellenic Authority for Communication Security and Privacy (ADAEP).

The Alternate Minister of Citizen Protection is competent to determine the activity of EYP in the context of national priorities of the government policy.

The Director General manages the Service, guides, coordinates, supervises and controls its tasks and is liable towards the Alternate Minister of the Citizen Protection for the performance of his/her duties.

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⁸ <http://www.dcaf.ch/Publications/Making-International-Intelligence-Cooperation-Accountable>

⁹ The website is available also in English at: <http://www.nis.gr/portal/page/portal/NIS/Faqs#faq13> (Last accessed on 27 April 2016).

¹⁰ Greece, Law 3649/2008, 'National Intelligence Service and other provisions', ('Εθνική Υπηρεσία Πληροφοριών και άλλες διατάξεις') (O.G. Α' 39/03.03.2008) as amended, available in Greek at http://www.dsanet.gr/Epikairothta/Nomothesia/n3649_08.htm

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1.3 Access to information and surveillance

FRANET contractors are requested to summarise, in 1 to 2 pages **maximum**, the legal framework in their Member State in relation to surveillance and access to information.

Please refer to the *Global Principles on National Security and the Right to Information (the Tshwane Principles)*¹¹ (in particular Principle 10 E. – Surveillance) and describe the relevant national legal framework in this context. FRANET contractors could in particular answer the following questions:

1. Does a complete exemption apply to surveillance measures in relation to access to information?

The freedom of information is constitutionally guaranteed. Under Article 5A: “1. All persons have the right to information, as specified by law. Restrictions to this right may be imposed by law only insofar as they are absolutely necessary and justified for reasons of national security, of combating crime or of protecting rights and interests of third parties. 2. All persons have the right to participate in the Information Society. Facilitation of access to electronically transmitted information, as well as of the production, exchange and diffusion thereof, constitutes an obligation of the State, always in observance of the guarantees of articles 9, 9A and 19.”

Therefore, any restrictions to the right of freedom of information can only be introduced through a law which is in accordance with the principle of proportionality *latu senso* (i.e. proportionate, appropriate and necessary). The necessity requirement should be linked to the justification reasons of national security, combatting crime or the protection of the rights and interests of third parties. In other words, there is no complete exemption which applies to surveillance measures.

Under Article 5 para. 1 of the Administrative Procedural Code (Law 2690/1999¹²), any individual has the right of access to administrative documents following the submission of a written request. This provision constitutes a specialized aspect of the right of freedom of information contained in the Constitution (Article 5A). The characterisation of a document by the administrative authority as ‘confidential’ alone does not suffice as a justification to deny the access thereto.¹³ However, access can be

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¹¹ <http://www.right2info.org/exceptions-to-access/national-security/global-principles#section-10>

¹² Greece, Law 2690/1990 ‘Ratification of the Administrative Procedural Code and other provisions’ (as amended) (‘Κύρωση του Κώδικα Διοικητικής Διαδικασίας και άλλες διατάξεις’), (O.G. A’ 45/9.03.1999). The English text is available here: http://www.wipo.int/wipolex/en/text.jsp?file_id=187609 (Last accessed: 23 June 2016). Article 5 has also been included in the codification of Presidential Decree 28/2015 under article 1 (see below).

¹³ Greece, Legal Council of State (‘Νομικό Συμβούλιο του Κράτους’), Advisory Opinion No. 189/2015, Documents of the Ministry of Foreign Affairs and the concept of ‘secrecy’ under Art. 5 para. 3 of Law 2690/1999, (‘Έγγραφο του Υπουργείου Εξωτερικών και η έννοια του απορρήτου του άρθρου 5 παρα. 3 του Ν. 2690/1999’), 07.10.2015, available in Greek at http://www.nsk.gr/web/nsk/anazitisi-gnomodoteseon?p_p_id=nskconsulatories_WAR_nskplatformportlet&p_p_lifecycle=0&p_p_state=normal&p_p_mode=view&p_p_col_id=column-4&p_p_col_pos=2&p_p_col_count=3&nskconsulatories_WAR_nskplatformportlet_jspPage=%2Fjsp%2Fconsulatories%2Fview-consultatory.jsp&nskconsulatories_WAR_nskplatformportlet_returnURL=%2Fweb%2Fnsk%2Fanazitisi-gnomodoteseon%3Fp_p_id%3Dnskconsulatories_WAR_nskplatformportlet%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_pos%3D2%26p_p_col_count%3D3&nskconsulatories_WAR_nskplatformportlet_consultId=3337112 (Last accessed: 5 July 2016); District Attorney Office of Larissa, Advisory Opinion on the Access to Documents issued by the Administrative Authorities and Services to civilians (‘Γνωμοδότηση της Εισαγγελίας Πρωτοδικών Λάρισας για τη Χορήγηση Εγγράφων από Δημόσιες Αρχές και Υπηρεσίες στους πολίτες’), 04.03.2013, available in Greek at: <http://www.dslar.gr/2013/03/simantiki-gnomodotisi-k-isangeleos-protodikon-larisas-gia-chorigisi-engrafon-apo-dimosies-arches-ipiresies-stous-polites/> (Last accessed: 5 July 2016).

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denied under para. 3 of article 5 of the Administrative Procedural code which stipulates that the right of access does not include access to documents which refer to the private or family life of a third party, or when it refers to specific provisions on secrecy ('απόρρητο'). Here the provisions on secrecy ('απόρρητο') refer to confidential medical, tax and statistical records or data.¹⁴ The competent administrative authority can also reject the provision of this right, if the document refers to the hearings of the Council of Ministers, or when the provision of this right may substantially encumber the investigation of judicial, administrative, police or military authorities, regarding criminal acts or administrative infringements. This Article is invoked before administrative courts and applied in practice.¹⁵ The Council of State (Συμβούλιο της Επικρατείας) has even stipulated that the unlawful and unjustified denial of granting access to administrative documents may constitute the legal basis of a disciplinary action against the competent administrative authority (which denied the access).¹⁶

Following the publication of Presidential Decree 28/2015,¹⁷ which codifies the provisions for access to public documents and data,¹⁸ Article 5 of the Administrative Procedural Code should be read in conjunction with the relevant Chapters of the Decree. Therefore, under article 7(c)(i) of Presidential Decree 28/2015, the administrative authorities or services can also deny access based on reasons of national security, defence, public order, foreign policy or security of information systems.

Moreover, Art. 11, para. 4 of Law 2472/1997,¹⁹ states that the obligation to inform may be lifted in whole or in part provided that the data processing is carried out for reasons of national security or for the detection of particularly serious crimes. In a state of emergency this obligation may be lifted using provisional, immediately enforceable judgement by the President of Hellenic Data Protection Authority who shall convene the Board as soon as possible in order for a final judgement on the matter to be issued.

2. *Do individuals have the right to access information on whether they are subject to surveillance?*

The right to access information is a necessary corollary of the constitutionally protected right of freedom of information. The right to access information on whether

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¹⁴ Greece, Single-Member First Instance Court of Athens, Decision 2965/2015. More specifically, secrecy of tax data is established through article 85 of Law 2238/1994 on the Ratification of the Code on Income Tax ('Κύρωση Κώδικα Φορολογίας Εισοδήματος'), (O.G. A' 151/16.09.1994); Secrecy of medical data is established through Article 7A para. 1d of Law 2472/1997 (see below) and article 14 of 3418/2005; and the secrecy of statistical data through article 8 of Law 3832/2010.

¹⁵ Greece, Decisions by the supreme administrative court, the Council of State (Συμβούλιο της Επικρατείας): 1214/2000, 2015/2000, 2699/2008.

¹⁶ Greece, Council of State Decisions: 94/2013, 3755/2010 and 3387/2010.

¹⁷ Greece, Presidential Decree 28/2015 'Codification of Provisions for the Access to Public Documents and Data' ('Κωδικοποίηση των διατάξεων για την πρόσβαση σε δημόσια έγγραφα και στοιχεία'), (O.G. A' 34/23.03.2015).

¹⁸ Presidential Decree 28/2015 also includes amended (by previous legislation) articles of Law 2472/1997.

¹⁹ Greece, Law 2472/1997 'On the protection of individuals with regard to the processing of personal data (as amended) ('Για την προστασία των δεδομένων προσωπικού χαρακτήρα'), (O.G. A' 50/ 1997). An English version is available at : www.dpa.gr/pls/portal/docs/PAGE/APDPX/ENGLISH_INDEX/LEGAL%20FRAMEWORK/LAW%202472-97-NOV2013-EN.PDF (Last accessed: 27 April 2016).

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a person is the object of a surveillance scheme is regulated by Law 2472/1997 with regards to the protection of personal data.²⁰

1.4 Update the FRA report

FRANET contractors are requested to provide up-to-date information based on the FRA report on [Surveillance by intelligence services: fundamental rights safeguards and remedies in the EU – mapping Member States' legal framework](#).

Please take into account the **Bibliography/References** (p. 79 f. of the FRA report), as well as the **Legal instruments index – national legislation** (p. 88 f. the FRA report) when answering the questions.

Introduction

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*
Greece is not mentioned in this chapter.
2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*
Greece is not mentioned in this chapter.
3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*
There is no data that would call for a specific reference to the situation in Greece.

1 **Intelligence services and surveillance laws**

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*
Greece is mentioned in chapter 1.3. The reference is accurate.
2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*
There is no update on relevant data to report.
3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*
There is no data that would call for a specific reference to the situation in Greece.

1.1 **Intelligence services**

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*
Greece is not mentioned in this chapter.
2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

²⁰ Greece, Law 2472/1997 'On the protection of individuals with regard to the processing of personal data (as amended)' ('Για την προστασία των δεδομένων προσωπικού χαρακτήρα'), (O.G. A' 50/ 1997). An English version is available at : www.dpa.gr/pls/portal/docs/PAGE/APDPX/ENGLISH_INDEX/LEGAL%20FRAMEWORK/LAW%202472-97-NOV2013-EN.PDF (Last accessed: 27 April 2016).

Greece is not mentioned in this chapter.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no data that would call for a specific reference to the situation in Greece.

1.2 Surveillance measures

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*

Greece is not mentioned in this chapter.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

Greece is not mentioned in this chapter.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no data that would call for a specific reference to the situation in Greece.

1.3 Member States' laws on surveillance

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*

Greece is mentioned in this chapter and the reference is accurate.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

There is no update to be included in the chapter.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no indication that requires any further specific reference to Greece.

FRA key findings

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*

Greece is not mentioned in this chapter.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

Greece is not mentioned in this chapter.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no data to be included in this chapter since it provides a general conclusion on key findings.

2 Oversight of intelligence services

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*

Greece is not mentioned in this chapter.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

Greece is not mentioned in this chapter.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no data to be included in this chapter since it provides a general conclusion on key findings.

2.1 Executive control

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*

Greece is mentioned in this chapter (page 32) and the reference is accurate.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

There is no update on relevant data to report.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no indication that requires any further specific reference to Greece.

2.2 Parliamentary oversight

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*

Greece is mentioned in this chapter (page 34) and the reference is accurate.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

There is no update on relevant data to report.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no indication that requires any further specific reference to Greece.

2.2.1 Mandate

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*

Greece is mentioned in this chapter (page 37) and the reference is accurate.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

There is no update on relevant data to report.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no indication that requires any further specific reference to Greece.

2.2.2 Composition

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*
Greece is mentioned in this chapter (page 39) and the reference is accurate.
2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*
There is no update on relevant data to report.
3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*
There is no indication that requires any further specific reference to Greece.

2.2.3 Access to information and documents

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*
Greece is not mentioned in this chapter.
2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*
There is no update on relevant data to report.
3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*
There is no indication that requires any further specific reference to Greece.

2.2.3 Reporting to parliament

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*
Greece is not mentioned in this chapter.
2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*
There is no update on relevant data to report.
3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*
There is no indication that requires any further specific reference to Greece.

2.3 Expert oversight

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*
Greece is mentioned in chapters 2.3.1 and 2.3.2 (pages 47, 48). The HDPA finds that the relevant comment referring to the powers afforded to the DPA as being limited, to be inaccurate. Moreover, the HDPA does indeed, have the power to issue binding recommendations on all matters concerning data protection issues including those related to national intelligence, as well as deliver binding decisions. The fact that some additional formal requirements have been put in place (the presence of the President of the DPA at the on site inspections, in art. 19 para.1 p. h of Law 2472/1997) indicates a difference in the procedural approach rather than a reduction in the level of supervision exercised and the curtailment of the DPA's powers. In fact the HDPA is of the opinion that it has the same powers over intelligence services as

over any other data controller. The difference in the above mentioned procedural approach refers only to specific data filing systems kept for reasons of national security or for the detection of particularly serious crimes. Even so, the power of the HDPA to exercise its supervising powers and perform on site inspections remains unaffected. The law cites only one exception to the HDPA's supervising powers in 3 that it denies the access to identity data relating to associates and contained in files kept for reasons of national security or for the detection of particularly serious crimes.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

There is no update on relevant data to report.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no indication that requires any further specific reference to Greece.

2.3.1 Specialised expert bodies

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*

Greece is mentioned in this chapter (page 44) and the reference is accurate.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

There is no update on relevant data to report.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no indication that requires any further specific reference to Greece.

2.3.2 Data protection authorities

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*

Greece is mentioned in this chapter (three times on page 47) and the references are accurate.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

There is no update on relevant data to report.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no indication that requires any further specific reference to Greece.

2.4 Approval and review of surveillance measures

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*

Greece is mentioned in this chapter (twice on page 54) and the references are accurate.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

There is no update on relevant data to report.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no indication that requires any further specific reference to Greece.

FRA key findings

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*

Greece is not mentioned in this chapter.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

See previous answer.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no data to be included in this chapter since it provides a general conclusion on key findings.

3 Remedies

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*

Greece is not mentioned in this chapter.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

There is no update on relevant data to report.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no indication that requires any further specific reference to Greece.

3.1 A precondition: obligation to inform and the right to access

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*

Greece is mentioned in this chapter (page 62 and twice on page 65) and the references are accurate.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

There is no update on relevant data to report.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no indication that requires any further specific reference to Greece.

3.2 Judicial remedies

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*

Greece is not mentioned in this chapter.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

There is no update on relevant data to report.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no indication that requires any further specific reference to Greece.

3.2.1 Lack of specialisation and procedural obstacles

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*

Greece is not mentioned in this chapter.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

There is no update on relevant data to report.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no indication that requires any further specific reference to Greece.

3.2.2 Specialised judges and quasi-judicial tribunals

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*

Greece is not mentioned in this chapter.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

There is no update on relevant data to report.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no indication that requires any further specific reference to Greece.

3.3 Non-judicial remedies: independence, mandate and powers

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*

Greece is not mentioned in this chapter.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

There is no update on relevant data to report.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no indication that requires any further specific reference to Greece.

3.3.1 Types of non-judicial bodies

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*
Greece is not mentioned in this chapter.
2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*
There is no update on relevant data to report.
3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*
There is no indication that requires any further specific reference to Greece..

3.3.2 The issue of independence

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*
Greece is not mentioned in this chapter.
2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*
There is no update on relevant data to report.
3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*
There is no indication that requires any further specific reference to Greece..

3.3.3 Powers and specialisation of non-judicial remedial bodies

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*
Greece is mentioned in this chapter (page 74) and there is no reference.
2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*
There is no update on relevant data to report.
3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*
There is no indication that requires any further specific reference to Greece.

FRA key findings

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*
Greece is not mentioned in this chapter.
2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*
See previous answer.
3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*
There is no data to be included in this chapter since it provides a general conclusion on key findings.

Conclusions

1. *If your Member State is mentioned in this chapter/section/sub-section, please check the accuracy of the reference.*

Greece is not mentioned in this chapter.

2. *If your Member State is mentioned, please update the data (new legislation, new report etc.)*

See previous answer.

3. *If your Member State is not mentioned, please provide data that would call for a specific reference given the relevance of the situation in your Member State to illustrate/complement FRA comparative analysis.*

There is no data to be included in this chapter since it is the concluding remarks based on the overall findings.

1.5 Check the accuracy of the figures and tables published in the FRA report (see the annex on Figures and Tables)

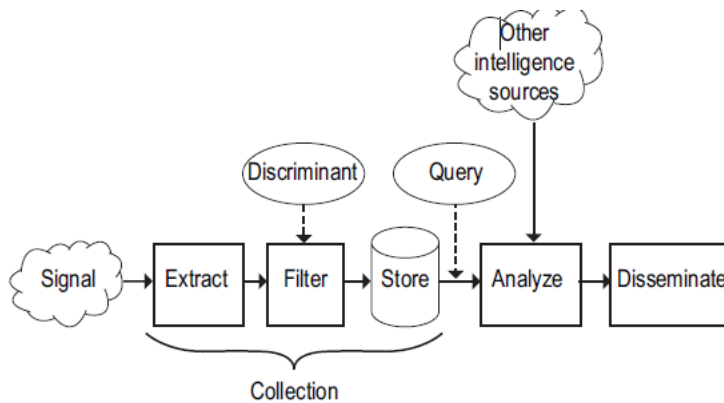
1.5.1 Overview of security and intelligence services in the EU-28

The information in the following table is accurate.

	Civil (internal)	Civil (external)	Civil (internal and external)	Military
EL	(HPiD)/Hellenic Police Intelligence Division / Διεύθυνση Διαχείρισης και Ανάλυσης Πληροφοριών της Ελληνικής Αστυνομίας		National Intelligence Service / Εθνική Υπηρεσία Πληροφοριών (ΕΥΠ)	Directorate of Military Intelligence of the National Defence General Staff/ Διεύθυνση Στρατιωτικών Πληροφοριών του Γενικού Επιτελείου Εθνικής Άμυνας

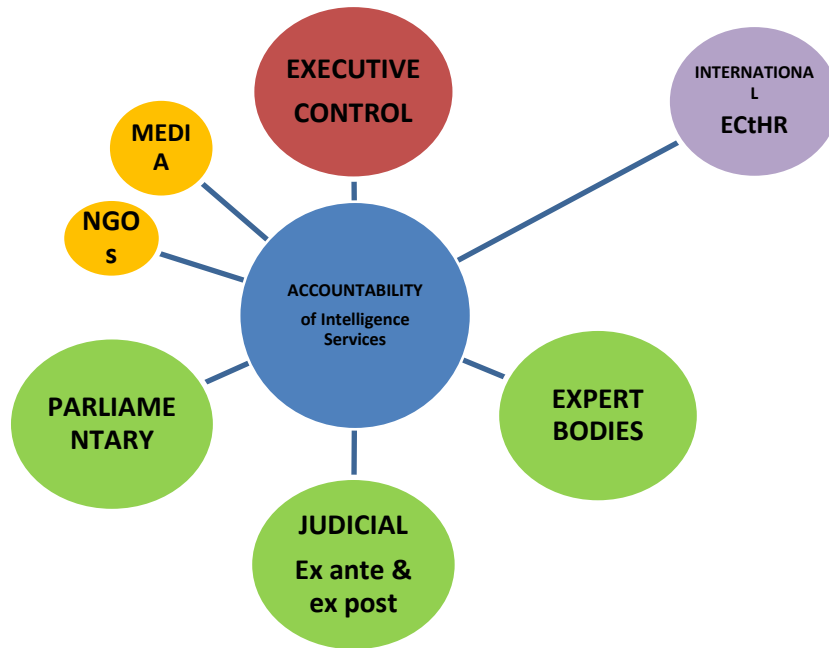
1.5.2 Figure 1: A conceptual model of signals intelligence

No alternative figure has been published in Greece.



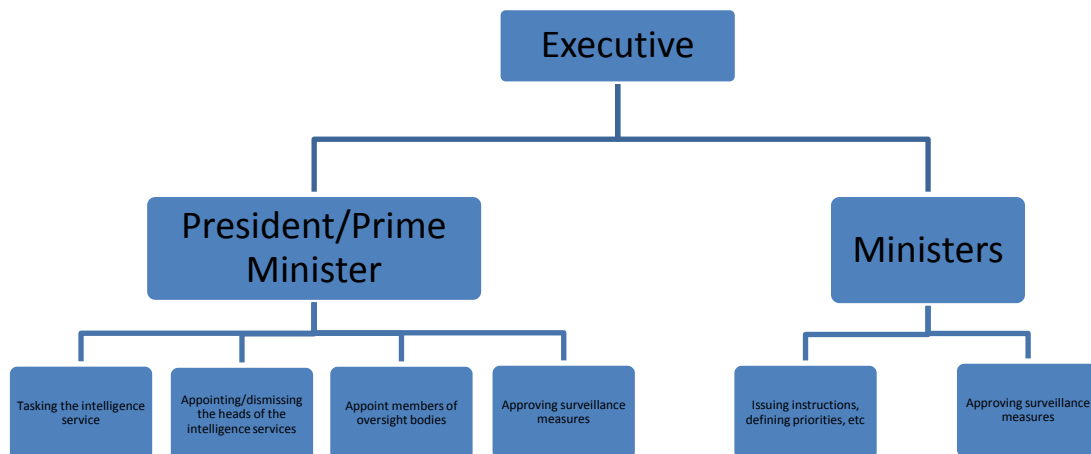
1.5.3 Figure 2: Intelligence services' accountability mechanisms

The figure below corresponds to the situation in Greece.



1.5.4 Figure 3: Forms of control over the intelligence services by the executive across the EU-28

The figure below is accurate.



1.5.5 Table 1: Categories of powers exercised by the parliamentary committees as established by law

The information in the table below is accurate.

Member States	Essential powers	Enhanced powers
EL	X	

1.5.6 Table 2: Expert bodies in charge of overseeing surveillance, EU-28

The information in the table below is accurate.

EU Member State	Expert Bodies
EL	Hellenic Authority for Communication Security and Privacy (Αρχή Διασφάλισης του Απορρήτου των Επικοινωνιών)

1.5.7 Table 3: DPAs' powers over national intelligence services, EU-28

The information in the table below is accurate.

EU Member State	No powers	Same powers (as over other data controllers)	Limited powers
EL			X
TOTAL	12	7	9

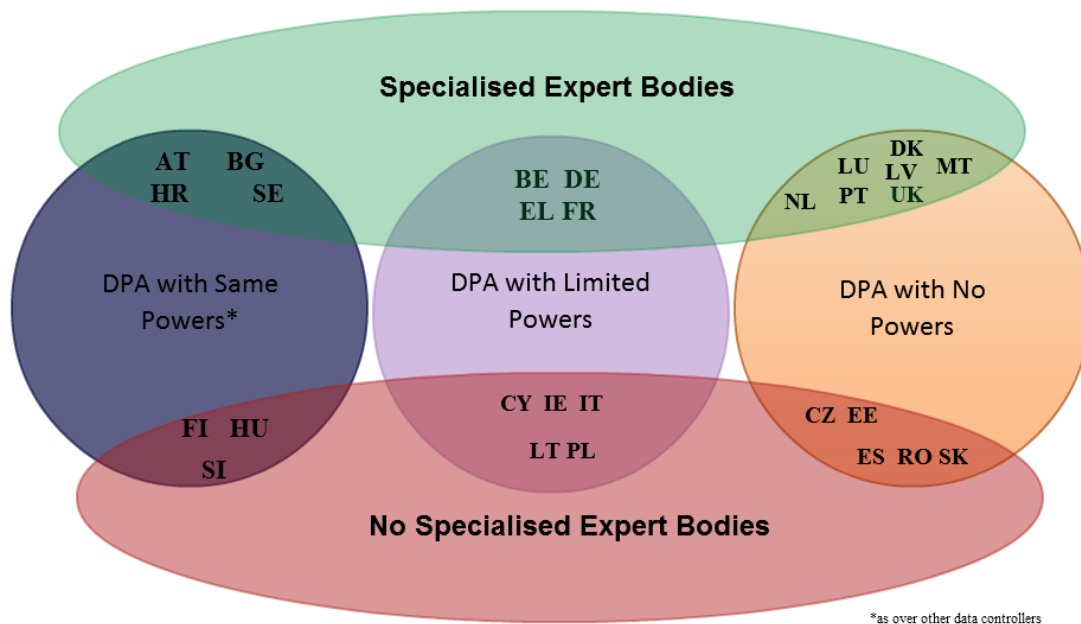
Notes: No powers: refers to DPAs that have no competence to supervise NIS.

Same powers: refers to DPAs that have the exact same powers over NIS as over any other data controller.

Limited powers: refers to a reduced set of powers (usually comprising investigatory, advisory, intervention and sanctioning powers) or to additional formal requirements for exercising them.

1.5.8 Figure 4: Specialised expert bodies and DPAs across the EU-28

The figure below provides accurate information on Greece.



1.5.9 Table 4: Prior approval of targeted surveillance measures, EU-28

The information in the table below is accurate.

EU Member State	Judicial	Parliamentary	Executive	Expert bodies	None
EL	X				

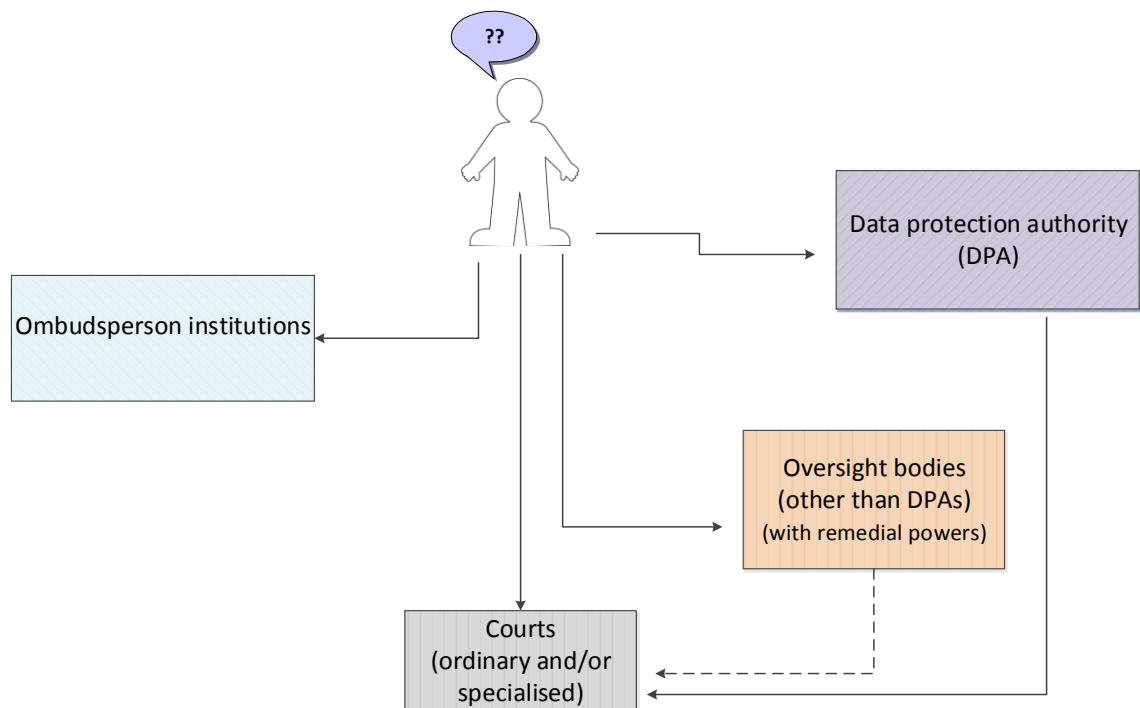
1.5.10 Table 5: Approval of signals intelligence in France, Germany, the Netherlands, Sweden and the United Kingdom

N/A.

EU Member State	Judicial	Parliamentary	Executive	Expert
FR			X	
DE		X (telco relations)		X (selectors)
NL			X (selectors)	
SE				X
UK			X	

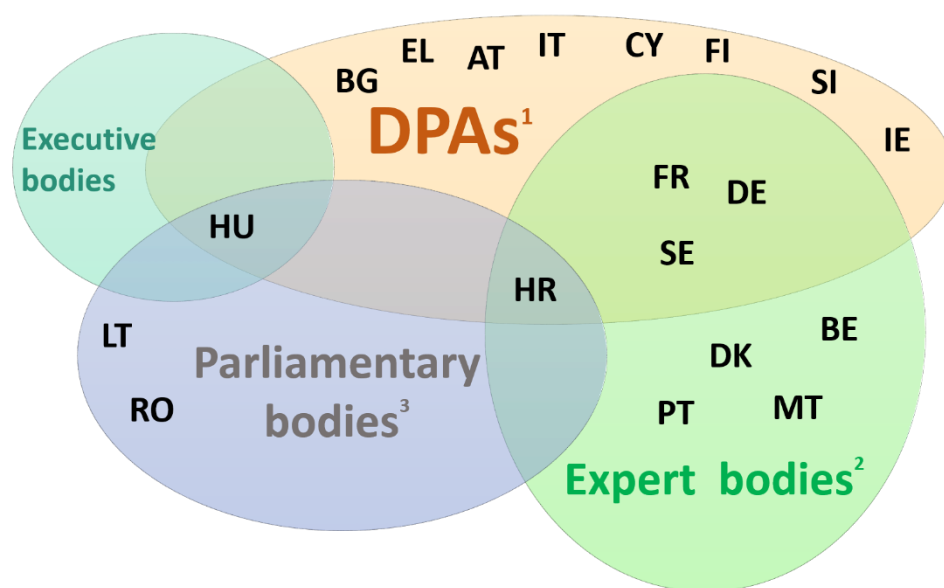
1.5.11 Figure 5: Remedial avenues at the national level

The information in the figure below is accurate.



1.5.12 Figure 6: Types of national oversight bodies with powers to hear individual complaints in the context of surveillance, by EU Member States

The information below concerning Greece is accurate.



- Notes: 1. *The following should be noted regarding national data protection authorities: In Germany, the DPA may issue binding decisions only in cases that do not fall within the competence of the G 10 Commission. As for 'open-sky data', its competence in general, including its remedial power, is the subject of on-going discussions, including those of the NSA Committee of Inquiry of the German Federal Parliament*
2. *The following should be noted regarding national expert oversight bodies: In Croatia and Portugal, the expert bodies have the power to review individual complaints, but do not issue binding decisions. In France, the National Commission of Control of the Intelligence Techniques (CNCTR) also only adopts non-binding opinions. However, the CNCTR can bring the case to the Council of State upon a refusal to follow its opinion. In Belgium, there are two expert bodies, but only Standing Committee I can review individual complaints and issue non-binding decisions. In Malta, the Commissioner for the Security Services is appointed by, and accountable only to, the prime minister. Its decisions cannot be appealed. In Sweden, seven members of the Swedish Defence Intelligence Commission are appointed by the government, and its chair and vice chair must be or have been judges. The remaining members are nominated by parliament.*
3. *The following should be noted regarding national parliamentary oversight bodies: only the decisions of the parliamentary body in Romania are of a binding nature.*