

GREECE'S DATA PROTECTION BILL IS READY FOR OCTOBER DEBATE

Greece, like the other Mediterranean EEC countries, Italy, Spain, and Portugal, is gradually moving toward adopting a data protection law. Greece has a constitutional provision stating that an individual's privacy is inviolable, and has signed the OECD Guidelines and the Council of Europe Convention. In addition, a committee consisting of two members of the Supreme Court and three professors of constitutional and administrative law started in 1983 drafting a data protection bill. This bill is now being studied by the Minister of Justice.

Dr. Anastase Marinos, one of the Supreme Court members of the drafting committee, described the bill for PL&B and says that he hopes that the minister will present the bill to parliament in October this year.

Scope

The bill is based on the OECD and Council of Europe principles and draws particularly on France's data protection law. The bill covers automated and manual name-linked records, physical persons, and has a central data protection commission (DPC) like France's Commission Nationale de l'Informatique et des Libertes.

The Data Protection Commission

The DPC's role will include:

- * Licensing users to establish and use name-linked data files
- * Reviewing the way in which the law is being implemented, for example, ordering a data user to grant a data subject access to records on himself
- * Awarding financial compensation for damages arising from improper use of name-linked data
- * Authorizing the linking of name-linked files
- * Licensing international transfers of data
- * Revoking data licenses if necessary

The DPC's membership

The part-time members of the DPC will consist of 1 member of the Supreme Administrative Court, 1 member of the Supreme Civil Court, 1 member nominated by the government, 1 member nominated by the largest opposition party, 1 member nominated by the second largest opposition party, and two law professors. They will be supported by a full-time secretary-general and other staff.

The courts

The DPC will be under judicial control so that, for example, either a party requesting or refusing access may appeal against a decision of the DPC to the Supreme Administrative Court. Where necessary, criminal penalties will be imposed by a court.

A CHECKLIST FOR THE INTERNATIONAL DATA PROTECTION MANAGER

You have been given the job of co-ordinating data protection policy for your company worldwide, or just a group of European countries. Where do you start? Here are some suggestions:

- 1. Aim for broad understanding rather than mastering every detail at the start.** As most of the detailed material on the laws is available only in national languages, it will be confusing to try and understand the precise requirements of every one.
- 2. Appoint a person in each country who can take responsibility for complying with the national rules.** He will not necessarily be full-time on data protection but will need sufficient authority and time to carry out this task. If the country manager is hostile to the role of national data protection manager, he may need a memo from the chief executive officer of the company, or someone sufficiently senior, who appreciates the damage that can be done to the company in terms of management-labour relations and public relations, if the company is discovered breaking a data protection law.
- 3. Obtain a copy of the law, and any implementing regulations, in each country where your company operates.** Use the chart on page 10 of February's PL&B to identify the first ten countries with data protection laws affecting company operations. Charts covering the next group of laws and current bills will appear in future issues. PL&B has a copy of all data protection laws in their original languages and in English. The Council of Europe has also translated most data protection laws into French.
- 4. Obtain explanatory materials produced by the data protection authorities to help explain the way in which the laws work.** The EEC Commission has commissioned a businessman's guide to European data protection laws. It is being completed now and the intention is for it to be published as soon as it is in easily understood format. (The thought of a guide in obscure EEC-style language on complex data protection issues is quite painful)! Fortunately, the responsible EEC Commission officials recognize this problem and aim to avoid it.
- 5. Introduce staff training on good data protection practice.**
- 6. Review your data security routines, for example, passwords and**