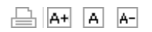


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The Hellenic Authority for Communication Security and Privacy has been established under Law 3115/2003 and according to article 19 par. 2 of the Hellenic Constitution.

In accordance with article 6 of L.3115/03, ADAE has the following duties:

- a) It puts into effect scheduled and emergency auditing procedures, ex officio or upon complaint, of installations, equipment, archives, data bases and documents of the Hellenic National Intelligence Service (NIS), of other civil services, corporations and enterprises of the civil sector in general, as well as of private corporations that engage in postal, telecommunications, or other services concerning networking and communication. Monitoring is executed by a member (or members) of ADAE. Moreover, an ADAE employee participates in the monitoring process in order to provide secretarial support, as commanded by its President. The personal attendance of the President of ADAE is required for the monitoring of archives kept for reasons of national security.
- b) It receives information regarding its mission from the services, organisations and enterprises reported under “a’”, as well as from the supervising Ministers.
- c) It summons hearings of administrations, legal representatives and employees of civil services, organisations, legal entities and enterprises mentioned under element “a’” as above, as well as of every other individual whom it considers capable of contributing to the fulfilment of its mission.
- d) It proceeds to the seizure of means of confidentiality violation as it perceives them during its function and is appointed as their receiver-manager, until the final verdict of the competent courts. It proceeds to the destruction of information, evidence or data, which were obtained illegally by means of communication privacy violation.
- e) It examines complaints regarding the protection of the applicants’ rights, whenever they are offended by the fashion and procedure of waving of communication privacy.
- f) On the occasions described in articles 3, 4 and 5 of L. 2225/ 1994, ADAE proceeds only in monitoring the compliance to the terms and the procedures of waving of communication privacy, without placing under scrutiny the judgement of the competent judicial authorities.
- g) It maintains archives of classified correspondence, according to passage “b” of par. 2 of article 12 of L.3115/03.
- h) It cooperates with national authorities, relevant authorities of other countries, European and international agencies, on issues that fall under its jurisdiction.
- i) It publishes and submits to the Parliament an annual report giving detailed information about its functioning and acts, underlying cases of negligence, presenting key observations and suggesting appropriate legislative changes in the field of securing the confidentiality of communications subject to the provisions of the

founding law (article 1, par. 2 L. 3115/03).

j) It delivers its opinion and issues recommendations and propositions regarding the measures of securing the confidentiality of communications, as well as the procedure of waving of communication privacy.

k) It issues its Internal Administration Regulations, which are published in the Greek Government Gazette and must be in accordance to the provisions of the Hellenic Code of Administrative Proceedings.

l) It issues legislative acts which are published in the Greek Government Gazette and by which every procedure and detail regarding its aforementioned powers as well as securing of the confidentiality of communications in general, is determined.

m) It establishes a Financial Management Regulation, which is submitted to and approved by the Minister of Economic Affairs and Finance. In order to ascertain the infringement of security of confidentiality legislation, ADAE members and personnel, excluding assistant personnel, maintain the powers and rights that are provided for under L. 703/1977, as this applies currently. In addition, they possess the right to monitor the books and data of enterprises and organisations as provided for under the Presidential Decree 186/1992 (Books and Information Code), excluding their seizure or acquisition, as well as all kinds of files, books, data and remaining documents belonging to the individuals monitored, to engage inquiries in their offices and remaining installations and, finally, to receive statements under or without oath, depending on their judgment, under the reservation of article 212 of the Code of Criminal Procedures. The relevant terms, restrictions, penalties and sanctions of Law 703/1977, as is currently valid, are imposed mutatis mutandis in case of refusal to provide evidence, interception or distress of ADAE in its function, subject to the application of the sanctions provided for under the current law. ADAE may decide to form permanent and emergency committees as well as working groups so as to perform research and examination of special interest issues that correlate to issues of its jurisdiction, in which individuals that are not members or do not belong to the personnel of ADAE may participate. The work of the committees and working groups is directed by members of ADAE.

The proposals and opinions of the committees and working groups are submitted to ADAE, which decides on any publication of the final conclusions. In order to oppose the ADAE decisions enforcers, an application for revocation, as well as administrative appeals provided for by the Hellenic Constitution and national legislation, may be processed in the presence of the Council of State. Judicial remedies against the decisions of ADAE may be exercised by the Minister of Justice. ADAE is presented as a self-governed institution in all kinds of trials that involve its actions or omissions. It is judicially represented by members of the State Legal Service or by members of its own Legal Department. In addition, ADAE may examine, supply and service contracts, concerning issues that affect its function and jurisdiction. The provisions of the European Union Law, the provisions governing contracts entered into by bodies dependent on a public authority and the relevant Regulations of ADAE govern contract implementation. These ADAE regulations are approved and modified by a common agreement between the Minister for Economic Affairs and Finance and the Minister of Justice.

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The website of ADAE is based on the guidelines of W3C, on XHTML and CSS.



