

Athens, 15-11-2018

PRINCIPLE FOR DATA PRIVACY

FOR OPIC CHARACTER

Prot. No.: G/EX/9065/15-11-2018

A P O F A S H 70 /2018

The Personal Data Protection Authority met in composition

Department at its store on 14.11.2018, following an invitation from its President,

in order to examine the case referred to in the present history.

G. Batzalexis, Deputy President of the Authority, appeared, obstructing him

of the President of the Authority K. Menoudakou, and the regular members of the Authority X. Anthopoulos,

as rapporteur, and A. ymbonis. The regular member of the Authority. Vlachopoulos and the

alternate member of this Eu. Papakonstantinou, although they were summoned legally

in writing they did not attend due to obstruction. the meeting was also attended by

order of the President, K. Karveli, E.E.P.-Lawyer as assistant rapporteur, who

provided clarification and withdrew prior to the conference and decision making and

E. Papageorgopoulou, employee of the Authority's Administrative Affairs Department,

as secretary.

The Authority took into account the following:

A, citizen X (born...), with the no. of protocol A/EI /2/09-01-2018

his appeal to the Authority requested his deletion from the National List

of Unwanted Foreigners (hereinafter, E.K.A.N.A.). As specifically stated by

applicant, who resides in X and operates in Y, decided in 2015

to visit Greece for leisure and to investigate the Greek market at

context of his business development. Then he found out that he is prohibited from

entry into our country on the grounds that he had been registered as undesirable in

National Registry by virtue of a measure imposed in his name with number ...

on ...2013, for reasons of national security by the Directorate of State Security.

In addition, he claims that he has never been involved in any criminally hellish act and has never concerned the Greek prosecuting or prosecuting authorities with it his behavior. In fact, he emphasizes that in no other country he visited before and after the above refusal of entry, he did not face the slightest problem and gives as an example his entry into Π territory in ...2016. Also, the applicant is against the no. ... from ...2016 decision of Hellenic Headquarters Police who rejected the request to delete his registration in EKANA, as unjustified.

With no. prot. A/EX/2-1/30-01-2018 its document the Authority invited the Directorate of State Security of the Ministry of the Interior to inform her regarding the existence of an entry in the above lists, which with no. first ... her document informed the Authority about the details of the registration of the foreigner in question. specifically, the applicant A was registered by the Directorate of State Security on the National List of Undesirable Aliens on ...2010 for reasons of national security, because he was deemed dangerous to the security of our country, according to the no. ... from ...2010 decision of the Director of the State Administration Security. In ...2013 and before three years had passed, it was decided to retain of the said registration until ...2015 with the no. ... decision of the Director of the Directorate of State Security, since the reasons were still valid registration. the review framework of the above administrative measure, on ...2016, taking into account the views of the Directorate for Dealing with Special Violent Crimes (D.A.E.E.V.) and the previous informational material, it was decided to impose of the new administrative measure of the "Entry Ban" until ... 2019 with the no. ... decision of the Director of the State Security Directorate. The foreigner in question with his applications from ...2016 and ...2016, he requested from the Directorate of State

Security the lifting of the imposed administrative measure, while with the ones from ...2016 and ...2017 applications requested his fingerprinting, in order to be investigated, such as 1-3 Kifisias St., 11523 Athens, Tel: 210 6475600, Fax: 210 6475628, contact@dpa.gr / www.dpa.gr

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he claims, if someone has intercepted his information and implicated him on purpose. The relevant registration concerns only EKANA and not the system Second Generation Schengen Information System (SIS II) and therefore the entry in question does not affect the applicant's right to enter the Schengen area, except for it our country.

The Authority, after examining the aforementioned data, heard the rapporteur and the clarifications from the assistant rapporteur, who then left, and after thorough discussion

SEVENTH E ACCORDING TO THE LAW

1. Greece's observance of the National List of Undesirable Aliens provided for in article 82 of Law 3386/2005, which stipulates that "The Ministry of Public A list of unwanted foreigners is maintained. The criteria and the stitching process and by foreign nationals from the same category are determined by decision of Ministries of Interior, Public Administration and Decentralization, Foreign Affairs, National Defense, Justice and Public Order". Based on the above authorization order was issued with number 4000/4/32-la'/17.10.2012 KYA, articles 1 and 3 of which respectively provide for the conditions for the registration of foreigners in the E.K.A.N.A. and the ex officio review of each registration every three years. In particular according to with article 1 thereof: "1. On the National List of Undesirable Aliens (E.K.A.N.A.A.) are written: a. Foreigners against whom a judicial or administrative order was issued expulsion decision from the country or return decision, if they have not been complied with with the obligation to return. b. Foreigners, whose presence on Greek soil

constitutes a threat to national security, public safety or public order...", while

according to article 3: "1. The validity period of the agreement with E.K.A.N.A.,

is determined by the decision-making body, based on their languages

which is imposed and does not exceed five (5) years. The above duration with seam

to E.K.A.N.A. it is possible, to exceed five years in case the foreigner

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constitutes a serious threat to national security, public safety or public order

as well as in case deportation is imposed by a criminal court decision and

Prohibition of re-entry of the foreigner into the Country, for as long as the time specified in it (par.

3 of article 74 of the Civil Code, such as

apply). Each case is related to E.K.A.N.A.

it is automatically reviewed every three years...". In addition, according to article 6 of

above KYA, for the observance of E.K.A.N.A. and the processing of the corresponding ones

for personal data, the relevant provisions of Law 2472/1997 apply

and especially of art. 4 and 13 thereof. Also, according to the provisions of art. 82 of the law

3386/2005 in combination with art. 2 paragraph 1 section b of KYA4000/4/32-

la/17.10.2012 (Sheet No. 2805/17-10-2012) provides for the enforcement of the administrative

measure of the "Entry Ban" in our country for reasons of national security, and

registration of a third-country national in the E.K.A.N.A.

2. Because, from the combined interpretation of the above and article 76 par. 1

item c' of Law 3386/2005 shows that the registration of a foreigner in EKANA

is allowed, as long as his presence on Greek territory is dangerous for the

public order or national security.

3. Because the registration of persons in the National List of Undesirable Aliens

(EKANA) for reasons of national security and public interest constitutes

classified material governed by the provisions of article 5 par. 3 of the Law.

2690/1999, articles 22 and 31 of Decree 75/1987 in combination with article 16 par.3

of Law 1599/1986. The decision to register the foreign applicant in EKANA is

confidential subject to the above-mentioned provisions.

4. the case under consideration, from the information in the file and the clarifications

of the Directorate of State Security of the Hellenic Police Headquarters emerged

that the applicant A was registered by the Directorate of State Security in the National

List of Undesirable Aliens in ...2010 for reasons of national security,

according to the no. ... decision of the Director of this Directorate. On ...2013 and

before three years had passed since the initial registration, it was decided to maintain it

said registration until ...2015 with the no. ...decision of its CEO

Directorate of State Security, since they continued to

the reasons apply

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of its registration. then on ...2016 as part of the review of the above

administrative measure, it was decided to reimpose her administrative measure

of his "Entry Ban" to the country until ...2019 with the no. ... decision

of the Director of the State Security Directorate.

Consequently, in accordance with the aforementioned provisions, its registration

applicant to E.K.A.N.A. it is legal, as long as it was registered for reasons

of national security, given that he was deemed dangerous to its national security

of our country, before the expiration of three years from his initial registration, it was decided

maintaining its entry in the said list and then in the context

review of the administrative measure, it was decided to reimpose it

banning his entry into the country until ...2019.

Consequently, his appeal must be rejected as unfounded.

For those reasons

The Authority rejects A's appeal for the deletion of his data from

E.K.A.N.A.

The Deputy President

The Secretary

George Batzalexis

Irini Papageorgopoulou

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