

Greece-Legal Framework

Legal framework

The founding law of the Hellenic Mapping and Cadastral Organization (HEMCO) (law no. 1647/1986) deals with the use, dissemination of personal data and general national security issues. Law 3882/2010 FEK 166A on the creation of the National Geospatial Information Infrastructure (EVGEP) is the law that transposes the INSPIRE Directive. The Law was adopted on September 22, 2010 and aims to ensure equal access to geospatial data and services for all citizens and Public Administration. The Law is the answer to the need to:

a) establish harmonized practices and standards for the collection, production, procurement, management, sharing and distribution of geospatial data and

b) comply with Directive 2007/2/EC (INSPIRE), which provides a framework of technical specifications for interoperability to enable the automated sharing of geospatial data in the environment (e.g. areas NATURA 2000) at national and European level.

Public-private partnerships (PPPs)

The Hellenic Mapping and Cadastre Organization was created in 1986 and is the official cartographic agency in Greece operating under the Ministry of Environment, Energy and Climate Change. One of the responsibilities include the establishment of the National Cadastre system. In July 1994, the HEMCO started with the preparation for the building of the Hellenic Cadastre. For this purpose, a company was created: “Ktimatologio S.A.”, a Legal Entity of Private Law with the mission to study, develop and operate the Hellenic Cadastre. The company was founded with a joint decision of the Minister of Economy and Finance and the Minister of Environment, Physical Planning and Public Works (Decision 81706/6085/6-10-1995/Government Gazette 872#/19-10-1995). Ktimatologio S.A. operates according to the rules of private finance and the provisions of article 5 of Law 2229/1994, of the coded Law 2190/1920, of Law 2308/1995 and Law #.2664/1998, as these stand today. Furthermore, the company does not fall under the class of organizations and businesses of the broader state sector; regulations that concern companies directly or indirectly owned by the State do not apply to Ktimatologio S.A. The sole shareholder of the company is the Ministry of Environment, Energy and Climate Change. However, since there is no private capital involved, it is not considered as a true PPP. Both the HEMCO and Ktimatologio S.A. (Hellenic Cadastre) are members of EuroGeographics. EC-INSPIRE: Spatial Data Infrastructures in Europe: State of play Spring 2011 Greece K.U.Leuven (SADL) 13

Policy and legislation on access to public sector information(PSI)

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The main laws regulating and facilitating access to the information maintained by the Public Sector are:

1. Law 2690/1999 “Hellenic Code for Administrative Procedure” (especially article 5) which replaced law 1599/1986 “State–Citizen Relations”. It is a new freedom of information act that gives citizens the right of access to the administrative documents created by government agencies.
2. Law 3448/2006 “Reuse of public Sector Information, Local authorities Affairs etc” through which PSI Directive 2003/1998 was transposed into national law.
3. The Common Ministerial Decision No 11764/653 of 17th March 2006 by a joint Ministerial Decision (Minister of Interior, Public Administration and Decentralization, the Minister of Economy and Finance, the Minister of Environment, Energy and Climate Change and the Minister of Justice), through which the European Directive 2003/4/EC concerning the access to environmental information was transposed into national law.

Legal protection of GI by intellectual property rights

In the past decade Greece has rapidly caught up with the rest of Europe by introducing modernized laws in the area of intellectual property. The Greek Copyright Act (Law no. 2121/1993) was a landmark in the legal history of copyright in Greece. However, the copyright legislation is still considered to be inadequate for the development of an NSDI. This is partly covered by the transposition of the 2001 directive on copyright in the information society. Directive 96/9 of the European Parliament and the Council of 11-3-1996 concerning the Legal Protection of Databases and other Regulations on the legal protection of databases was implemented in Greece by specific legal provisions (art. 7 of Law 2819/2000). Article 2 of the Copyright Act stipulates that the protection afforded under this Law shall not apply to official texts expressive of the authority of the State, notably to legislative, administrative or judicial texts. The Hellenic Military Geographical Service has set restrictions to the access to spatial datasets and services due to National Defense for classified areas. Law 3257/2004 “Regulation of the Armed Forces Staff Affairs” and especially article 11, which amended article 13 of the Legislative Decree 1013/1971, refers to the protection of intellectual property rights of the Hellenic Military Geographical Service in cases of use by the public or private sector of the geographical data produced and maintained by this Service, while an approval by the same Service is required before any production, dissemination or circulation of high resolution (i.e., higher than 1 meter) geographical data or imagery acquired from any source. With regard to the protection of national defense within the EC-INSPIRE: Spatial Data Infrastructures in Europe:

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However, until 2010, the data sharing arrangements and intellectual property right restrictions for the use and reproduction of these maps posed significant barriers, both economic and practical, with regard to the development and data sharing of spatial information generated from the use of those, such as geological maps. The INSPIRE-Law for the "National Geospatial Information Infrastructure" mandates the obligatory free sharing of spatial data and services within the public sector as well as to the public for non-commercial uses. The establishment of the catalogue of existing datasets and services and their metadata within the national geoportal, following the determination of focal points and establishment of datasets owners, provides the necessary technical and governance supportive measures to enable the effective implementation of the law. As a result, the data of the governmental bodies are becoming freely available for the public through geodata.gov.gr (open data) which offers open data on the background of Google maps, open street map and LandInc accordingly their specific simplified and standardized data and license agreements. Other geospatial data are provided using the specific terms of the Greek license Creative Commons Attribution (CC BY V.3.0) as specified in detail in the relevant license. This means that it is sufficient to indicate the source, i.e. geodata.gov.gr.

Restricted access to GI further to the legal protection of privacy

During the last decade, Greece harmonized its legislation to the one in force in the European Union by introducing modern laws for the protection of intellectual property but also of privacy. More specifically:

1. Law 2472/1997: “Protection of the Individual from the Processing of Personal Data” (http://www.dpa.gr/legal_eng.htm) that follows the provisions of European Directive 95/46/EC concerning the protection of personal data.
2. Law 2915/2001 and especially article 34: “Amendment of Law 2472/1997 – Protection of the

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Individual from the Processing of Personal Data”

3. Law 3057/2002 and especially article 81: “Harmonization with Directive 2001/29/EC of the European Parliament and the Council of 29-5-2001 for the Harmonization of Certain Aspects of the Creator and of Related Rights to the Information Society and other Regulations”.

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4. The Presidential Decree No 131/2003: “Adaptation to Directive 2000/31/EC of the European Parliament and the Council concerning Certain Legal Aspects of the Information Society Services, especially Electronic Commerce, in the Internal Market”.

5. Law 3471/2006: “Protection of Personal Data and of Private Life in the Electronic Communications Sector and Amendments to Law 2472/1997” through which Directive 2002/58/EC of the European Parliament and the Council of 12-7-2002 on privacy and electronic communications has been transposed into Greek law.

Licensing framework

Until the new law ‘National Infrastructure for Geospatial Information’, a clear and harmonized licensing national policy concerning spatial datasets and services, either among public authorities or for public access did not exist. Law 3882/20107 creates the National Geospatial Information Infrastructure which includes the establishment of general principles , rules, measures and procedures in administrative, legal and technological level for the organization of uniform management practices, availability and sharing of geospatial information.

UN-GGIM Knowledge Base

<http://ggim.un.org/knowledgebase/KnowledgebaseArticle51528.aspx>