

Annual Report



HELLENIC AUTHORITY FOR COMMUNICATION SECURITY AND PRIVACY

Section 1 - Institutional Framework

Establishment of ADAE

The Hellenic Authority for Communication Security and Privacy (ADAE) has been established under Law 3115/2003 (GG 47/A/27.2.2003), according to article 19 par. 2 of the Hellenic Constitution.

According to article 1 of its founding law, its purpose is to protect postal mail privacy as well as the free correspondence or communication in any possible way. The concept of communication privacy and security includes monitoring of compliance to the conditions and the procedures of the waiving of the right to communication privacy.

ADAE is an independent authority, which has been granted self-governing independence. Its seat is in Athens; however it may establish and operate offices in other cities throughout Greece. ADAE is responsible to submit its decisions to the Minister of Justice under its care, while at the end of each year a report of its activities is submitted to the President of the Parliament, the Minister of Justice and the Parliament parties' chairmen who are represented in the Greek and the European Parliament. ADAE is subject to parliamentary examination, in ways and procedures that follow current parliamentary rules.



Mission of ADAE

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

- 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 public 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.
- It receives information regarding its mission from the services, organizations and enterprises mentioned above, as well as from the supervising Ministers.
- It summons hearings of administrations, legal representatives and employees of public services, organizations, legal entities and enterprises mentioned above, as well as of every other individual whom it considers capable of contributing to the fulfillment of its mission.
- 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 competent courts reach their verdict. It proceeds to the destruction of information, evidence or data, which were obtained illegally by means of communication privacy violation.

- It examines complaints regarding the protection of the applicants' rights, whenever they are offended by the way and procedure of waving of communication privacy.
- On the occasions described in articles 3, 4 and 5 of L. 2225/ 1994, ADAE proceeds only in controlling the compliance to the terms and the procedures of waving of
- communication privacy, without examining the judgment of the competent judicial authorities.
- It maintains archives of classified correspondence, according to passage "b'" of par. 2 of article 12 of L.3115/03.
- It cooperates with national authorities, relevant authorities of other countries, European and international agencies, on issues that fall under its jurisdiction.
- It publishes and submits to the Parliament an annual report giving detailed information about its functioning and acts, pointing out any negligence that may exist, 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 (article1.par.2 L.3115/03).



- It delivers its opinion and issues recommendations and propositions regarding the measures that need to be taken, in order to secure the confidentiality of communications, as well as regarding the procedure of waving of communication privacy.
- It issues its Regulation for the internal functioning of the Authority, which are published in the Greek Government Gazette and must be in accordance to the provisions of the Hellenic Code of Administrative Proceedings.
- It compiles a Financial Management Regulation, which is submitted to and approved by the Minister of Economic Affairs and Finance.
- 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.

Furthermore ADAE has the following jurisdictions:

- It issues an act which sets out the procedures, manner and all other technical details for the implementation of the provision of Article 6, par. 4 of Law. 3471/2006 as regards the processing of the subscriber location data from public communication network providers or publicly available electronic communication services and in case of emergency calls, gives to the competent emergency response authorities the necessary calling location information. The processing of location data, in this case exceptionally is without prior consent of the subscriber or user.
- It issues an act which sets out the specific procedures, the manner, the duration of the possibility of calling line identification as well as all other necessary details which ensure the transparency of the process for the implementation of the provision of

Article 8 par.7 of L.3471/2006 in order to trace the malicious or nuisance calls for a limited time period, following a subscriber's request.

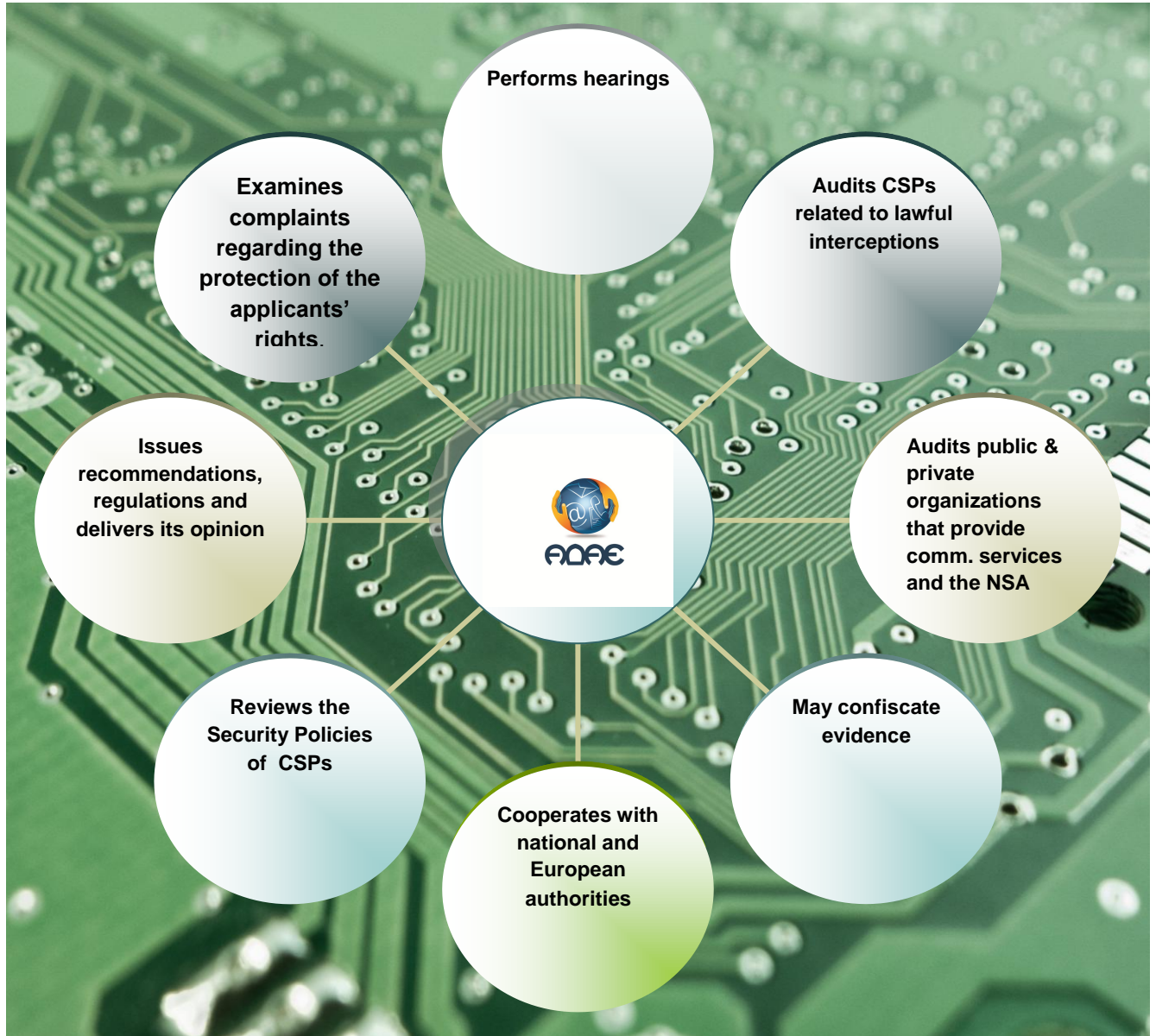
- It drafts regulations in regard to compatibility issues regarding the voice messaging encryption process among the providers in accordance to Article 2 of Law. 3674/2008. The provider notifies ADAE about the encryption methods used. The provider has to comply with the guidelines of the Authority, in regard to the relevance, the effectiveness or the replacement of the encryption methods used.
- It issues regulations regarding the procedure undertaken for log files maintenance by providers, pursuant to Article 5 of Law. 3674/2008, which are obliged to record the management procedure undertaken as regards the software of the digital switching center.
- It shall carry out regular and extraordinary audits in the infrastructure, the hardware and software which are under the supervision of the provider, in order to verify its compliance with the provisions of Law 3674/2008 and of the legislation for the protection of communication privacy. The audit of ADAE may include technical tests by using the infrastructure of the provider or the infrastructure of hardware and software of ADAE or another public authority.
- It issues a Regulation for the processing and transmission of retained data from the providers, by determining any matter related to specific security principles, the



procedure and how to implement the provisions of Article 8 of Law. 3917/2011 concerning the obligations of providers.

- ADAE and the Hellenic Data Protection Authority (HDPa) issue a joint Act which specifies all matters related to the procedure and the implementation of the provisions of Article 7 of Law 3917/2011 regarding the obligations of electronic communications service providers or public communications networks with respect to the protection and security of retained data, as defined in the aforementioned law.
- It issues a regulation regarding the security and integrity of networks and electronic communications services of operators providing public communication networks or services, according to the provisions of Article 37 of Law. 4070/2012.
- ADAE is notified about any incidents regarding security breaches or loss of integrity that have a significant impact on networks or services, issued by electronic communication service providers to EETT as appropriate, and informs the competent national authorities in other Member States and the European Union Agency for Network and Information Security (ENISA), pursuant to the provisions of Article 37 of Law 4070/2012.
- It conducts audits regarding the security and integrity to public communication service providers and to providers of services available to the public, following the provisions of article 37 of L.4070/2012.
- ADAE and Hellenic Data Protection Authority (HDPa) issue a joint Act which provides instructions to communication service providers in regard to the notification of personal data breaches, the template of the notifications and the manner that the notifications should take place, pursuant to the provisions of Article 8 of L. 4070/2012.

Chart 1: Main Responsibilities of ADAE

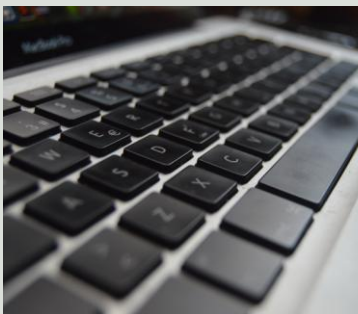




Regulatory Framework

ADAE issues Regulations, which are published in the Greek Government Gazette (GGG) to set the minimum requirements for the protection of communications privacy and include:

ADAE's Regulations enforce the application of organizational, procedural, technical security measures in CSPs in terms of Security and Privacy Policy.



- **Regulation for the Assurance of Confidentiality in Electronic Communications (GGG B/ 2715/ 17.11.2011)**
- **Regulation for the Safety and Integrity of Electronic Communications Networks and Services (GGG B /1742/ 15.7.2013)**
- **Regulation for the Assurance of Confidentiality in Postal Services (GGG B/ 384/ 24.3.2006)**

Other Regulations, Decrees include:

- **Control of Terms and Process of Communications Privacy Waiving (Presidential Decree 47/2005, GGG A/84/1898 /17.9.1008).**

The Presidential Decree is published in GGG A/64/10.3.2005.

It provides the types of communications, the related processes, as well as technical and organization guarantees for Communication Privacy Waiving.

- **Emergency Calls, (GGG B /1898/ 17.9.2008)**

An Act has been published by ADAE (September 2008) regarding the processing of caller location information in electronic communication networks for the purpose of location-enhanced emergency call services.

- **Malicious Calls, GGG B/1853/21.12.2006**

ADAE has published an Act regarding the elimination of Calling Line Identification Restriction, on a temporary basis, upon application of a subscriber requesting the tracing of malicious or nuisance calls.

The Plenary of ADAE

According to the provisions of article 2 of L. 3115/2003, ADAE Plenary consists of the President, the Vice-President, the substitute Vice-President, five more members and their alternates, who must possess the same attributes and qualifications.

The Plenary of ADAE is appointed by the Hellenic Parliament pursuant to article 101A, par.2 of the Hellenic Constitution according to the procedure provided for by the Parliament Regulations. They are commissioned by decree of the Minister of Justice within a period of 15 days after the Parliamentary Chairmen Board has delivered their opinion to the Minister of Justice.

According to the laws and decisions, by the Minister of Justice, the Plenary of ADAE has been appointed, since ADAE's establishment in 2003, pursuant to the provisions of the law in regard to the extensions or termination of the term of office of some Plenary members.: 125807/30.7.2003 Government Gazette (G.G.) 1072/B'/1.8.2003), 38507/3.4.2007 (G.G. 152/YODD'/13.4.2007, 95111/3.8.2007 (G.G. 336/YODD/6.8.2007), 62339/2008 (G.G. 256/YODD/12.6.2008), 88809/21.8.2008 (G.G. 370/YODD/21.8.2008), 87494/9.9.2010 (G.G. 305/YODD/13.9.2010), 33007/26.4.2011 (G.G. 112/YODD/27.4.2011), 2918/28.7.2011 (G.G. 257/YODD/10.8.2011), L. 4081/2012 (G.G. 1/YODD/2.1.2012), (G.G. 184/A'/27.9.2012), 64064/28.9.2012 (G.G. 457/YODD/28.9.2012), L. 4099/2012 (G.G. 250/A'/20.12.2012) L. 4126/2013 (G.G.A'49/28.02.2013), L. 4151/2013 (G.G. A' 103/29.04.2013), L. 4172/2013 (G.G. 167/A' /23.07.2013), L. 4237/2014 (G.G. 36/ A' /12.02.2014), L. 4271/2014 (G.G. 144/ A' /28.06.2014), L. 4316/2014 (G.G. 270/ A' /24.12.2014), (G.G. 19/ YODD /22.01.2014), L. 4325/2015 (G.G. 47/ A'/11.05.2015) and L. 4339/2015 (G.G. 133/

¹ Specially Positioned Employees and Administrative Bodies of Public and Broader Public Sector Entities (abbreviation YODD)



A/29.10.2015). Furthermore, by Decision No.16887/17.3.2016 of the Minister of Justice GGG/B/151/21.3.2016, members of the Plenary of ADAE were appointed.

The Plenary of ADAE in 2016



President

Christos Zampiras

Mechanical & Electrical Engineer, former Director of the Hellenic Telecommunications Organization (OTE)



Vice President

Michalis Sakkas

Mechanical & Electrical Engineer, former Vice President of EETT

Associate Vice President

Konstantinos Moustakas, Mechanical & Electrical Engineer, former Director of the Hellenic Telecommunications Organization (OTE)

Article 19 Hellenic Constitution

1. **Secrecy of letters and all other forms of free correspondence or communication shall be absolutely inviolable. The guarantees, under which the judicial authority shall not be bound by this secrecy for reasons of national security or for the purpose of investigating especially serious crimes, shall be specified by law.**

2. **The matters relating to the establishment, operation and powers of the independent authority ensuring the secrecy of paragraph 1 shall be specified by law.**

3. **Use of evidence acquired in violation of the present article and of articles 9 and 9A is prohibited.**



Members of the Authority

Ioannis Askoxylakis, Head of FORTH's Computer Emergency Response Team - FORTHcert Foundation for Research and Technology – Hellas (FORTH) Institute of Computer Science (ICS)

George Bakalis, Mechanical & Electrical Engineer, former Director of the Division for the Assurance of Infrastructures and Telecommunications Services Privacy of ADAE

Michalis Georgiakodis, Professor Emeritus, University of Piraeus

Aikaterina Papanikolaou, Attorney at Law

Panagiotis Rizomiliotis, Assistant Professor, University of the Aegean

Alternate Members of the Authority

Christos Kalloniatis, Assistant Professor, University of the Aegean

George Misailidis, Emeritus Attorney at Law

Spiridonas Pantelis, Mechanical & Electrical Engineer, former corporate member of the Hellenic Telecommunications Organization (OTE)

Spyros Skoularikis, Mechanical & Electrical Engineer, former corporate member of the Hellenic Telecommunications Organization (OTE)

Demosthenes Vouyioukas, Associate Professor, University of the Aegean



ADAAE's Staff

The staff of the Authority, according to article 8 of Law 3115/2003 titled "Hellenic Authority for Communication Security and Privacy" replaced by article 19 of Law 3472/2006 (GG 135/A/4.7.2006) titled "Adjustment of Ministry of Justice Jurisdiction issues and other provisions" (Greek Government Gazette Issue No. A135), consists of forty (40) persons but with the latest provisions of Law 4024/2011 titled "Pension arrangements, single payroll - gradebook, labor reserve and other provisions for implementing the medium-term fiscal strategy framework 2012-2015" two positions were repealed. The personnel of ADAAE nowadays consists of 36 persons out which there 16 are regular personnel (out of 17 positions) one position of personnel of unlimited duration governed by private law, 16 positions of Special Scientific Personnel (out of 17 positions), 2 appellate attorneys under payment order and one legal advisor.

Chart 1: Education Level of ADAAE's Staff

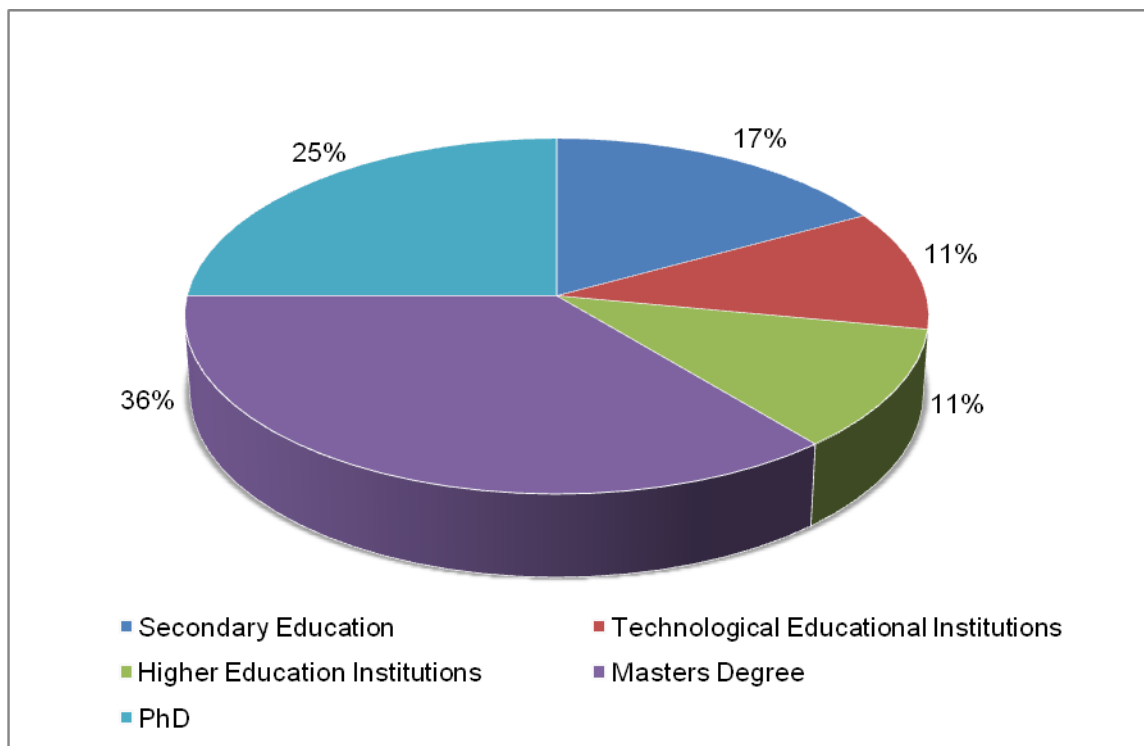
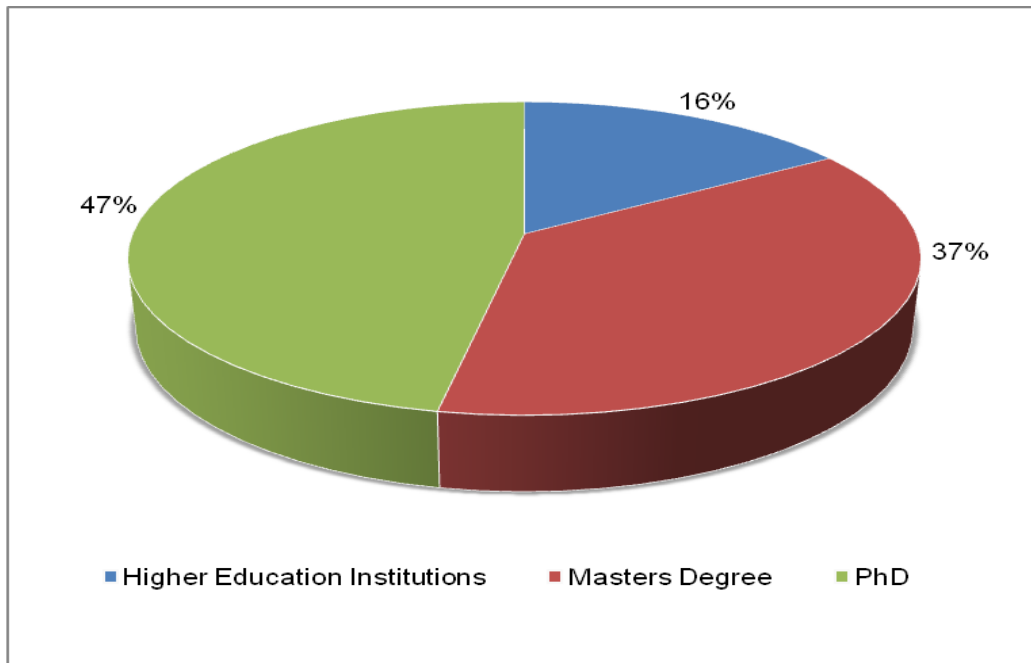


Chart 2: Education Level of ADAE's Scientific Personnel





Restrictions and incompatibilities of membership in ADAE

According to art. 4 Law 3115/03, the members of ADAE are subject to the following restrictions:

i. No individual may be appointed as a member of ADAE if :

- a) he/she has been sentenced by judgment which is res judicata for an offence that would prevent an appointment or would lead to the dismissal of any public service, according to the provisions of the Public Servant's Code,
- b) he/she is a partner, shareholder, member of the board of directors, manager, employee, consultant or researcher in a sole proprietorship or otherwise organised enterprise, which has activities in the fields of postal services, telecommunications, informatics, and processing of personal data.

ii. An individual is deprived of his membership status in ADAE if:

- a) he/she has been sentenced by judgment which is res judicata for an offence that would prevent an appointment or would lead to the dismissal of any public service, according to the regulations of the Public Servant's Code.
- b) he/she becomes a partner, shareholder, member of the board of directors, manager, employee, consultant or researcher in a sole proprietorship or otherwise organized enterprise, which has activities in the fields of postal services, telecommunications, informatics, and processing of personal data. In case members become in possession of company shares or stocks of the above enterprises, obtained during their service by hereditary right, they are obliged to refrain from exercising their participation and voting rights in administrative, management and control authorities of the enterprises concerned, up to the end of their service in ADAE.
- c) he/she proceeds in actions, undertakes a task or project, or obtains another status that, at the discretion of ADAE, cannot co-exist with his/her duties as an ADAE member.

The dismissal from membership in ADAE, as a result of a res judicata, as well as the acceptance of resignation is decided by the Minister of Justice within a period of fifteen (15) days after receiving the notification of the resolution of the Conference of Presidents of the Parliament according to article 4 para. 2 of L.3115/2003.

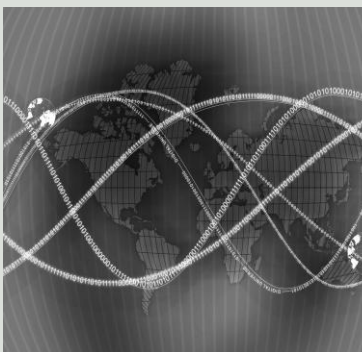
ADAE ascertains the remaining restrictions and incompatibilities, described in the same article, in absentia of its member, who is presumed to present the incompatibility. The final decision is made following a hearing of the member concerned. This entire procedure is set in motion by the President of ADAE or the Minister of Justice.

Disciplinary procedure for ADAE members

The following disciplinary procedure concerning members of ADAE is provided for under art. 5, Law 3115/03:

i) Members of ADAE are liable to disciplinary action for each and every violation of their obligations, as provided for by law. The Minister of Justice sets in motion the disciplinary procedure before the Disciplinary

Board of ADAE for the President, the Vice-President and the members of ADAE, while the President of ADAE can initiate the procedure concerning the Vice-President and the members. The Disciplinary Board decides the member's discharge or suspension at a first and final instance.





ii) The Disciplinary Board consists of a Vice-President of the Council of State as chairman, a Member of the Supreme Court and three Professors of the Law School. An employee of ADAE acts as Secretary of the Board. The President, the Secretary and the Members of the Board are appointed together with an equal number of substitutes. For the Board's Members who are judicial servants, a decree of the acquainted Supreme Council of Judicature is required. The Board is formed by decision of the Minister of Justice and it carries a three-year term of office. The Minister for Economic Affairs and Finance and the Minister of Justice define the remunerations of the President, the Secretary and the Members by common ministerial order. According to the Decision No. 33864/22.3.2007 (G.G. 470/B/4.4.2007) of the Minister of Justice, the Disciplinary Board of ADAE was established responsible for the breaches of members' obligations as deriving from L.3115/2003.

iii) All details regarding the ADAE members' liability to disciplinary action as well as the disciplinary procedure are adjusted according to the Regulation for the internal functioning of ADAE.

Audits and sanctions of ADAE

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 examine the books and data of enterprises and organizations as provided for under the Presidential Decree 186/1992 (Books and Data Code), but not to seize or acquire them, as well as to examine any kind of files, books, data and documents in general that belong to the individuals monitored, to engage inquiries in their offices and 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 Procedure. The relevant terms, restrictions, penalties and sanctions of Law 703/1977, are imposed *mutatis mutandis* in case of refusal to provide evidence, interception or distress of ADAE in its function, unless the sanctions provided for under the Law 3115/2003 as is currently valid.

Other jurisdictions

ADAE may decide to form permanent and non-permanent committees as well as working groups so as to perform research and examine issues of special interest 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 that can be executed, an application for revocation, as well as administrative appeals provided for by the Hellenic Constitution and national legislation, may be brought before the Council of State. The Minister of Justice is also entitled to exercise judicial remedies against the decisions of ADAE. ADAE participates in all kinds of trials that

involve its actions or omissions as a self-governed institution. It is represented by members of the State Legal Council or by members of its own Legal Department. In addition, ADAE may examine, supply and sign contracts, concerning issues that affect its function and jurisdiction. The signing and implementation of these contracts is governed by the provisions of the European Law, the provisions regarding the contracts signed by public authorities and the State in general, as well as the relevant regulations of ADAE. These ADAE





regulations are approved and modified by a common agreement between the Minister for Economic Affairs and Finance and the Minister of Justice.

Function of ADAE

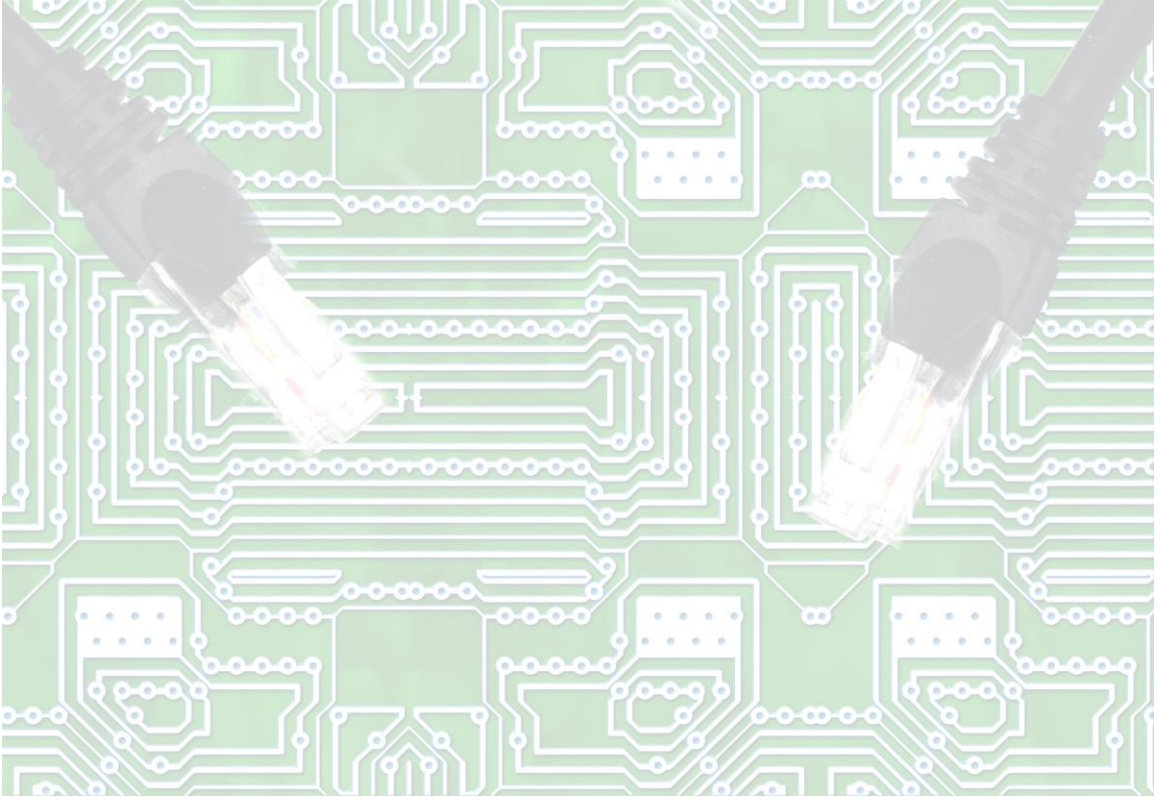
ADAE meets within or outside its headquarters, if previously arranged, regularly (at least once a month), or extraordinary upon the President's or two (2) of its members' request. The participation of at least three (3) members of ADAE in the meetings determines their quorum. Decisions are made by an absolute majority of the present members. In case of equality of votes the President's vote prevails, while in case of his absence, the Vice-President's. The unjustified absence of a member from three (3) consecutive ADAE meetings results in his/her dismissal, in accordance with paragraph 4 of article 4 of the current law.



The agenda topics are defined by the President and their introduction is performed by the President or by another member appointed by the President. The decisions of ADAE are justified, registered in a particular book and publicly announced, if possible, unless they are related to matters of national defense or public safety. Moreover, the meetings' minutes as well as the cases' files that have been handled by ADAE are at the disposal to those directly concerned, unless they are related to matters of national defense or public safety. In any case, ADAE is required to withhold information and data concerning natural and legal persons, which might assail their personality or adversely affect their professional or social status, unless it is otherwise dictated by law.

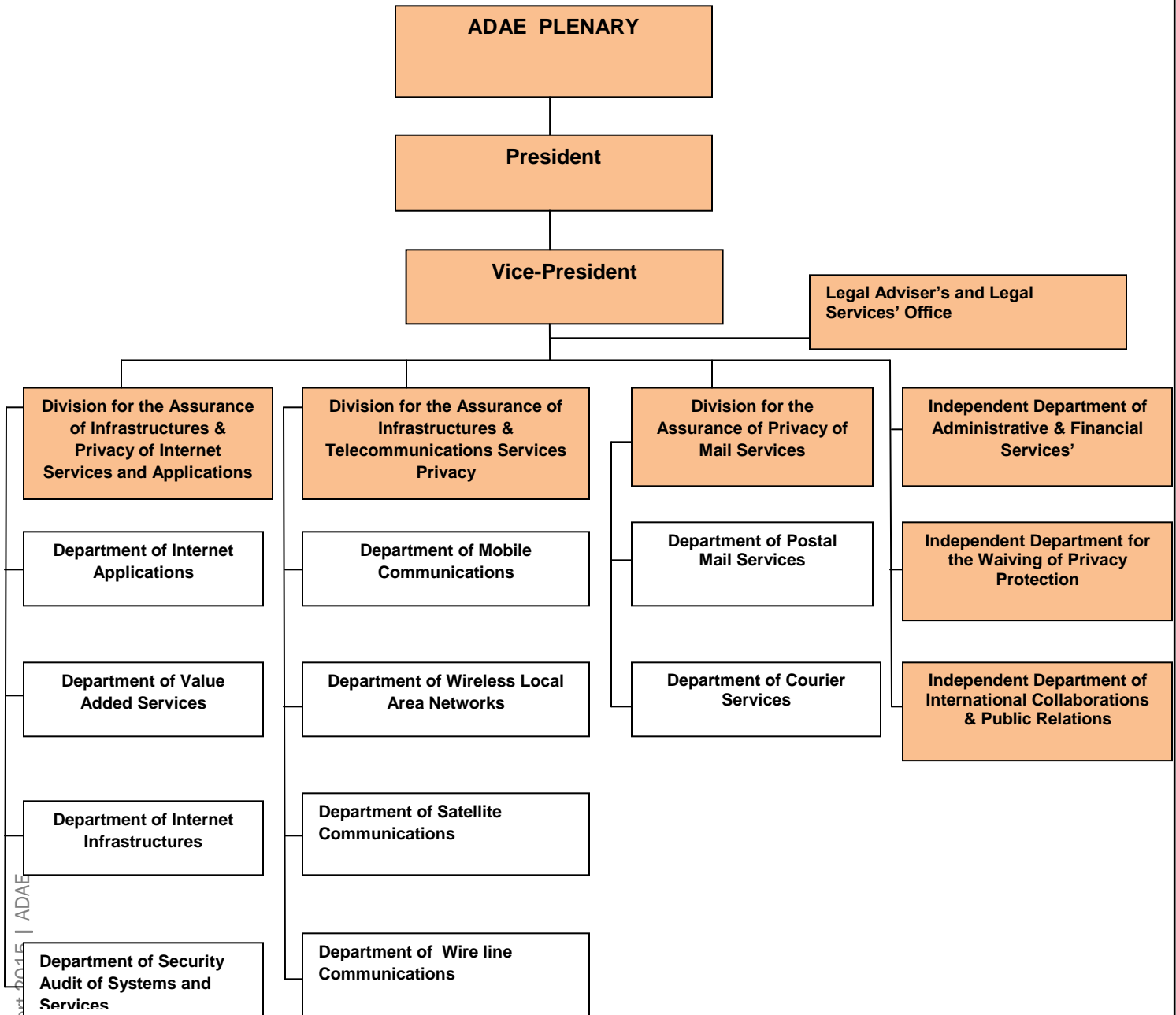
Members of ADAE act collectively upon exercise of their duties. The President is charged with coordinating and managing its services, as well as monitoring the execution of its resolutions, conclusions and remaining actions.

Following the President's decision and the assent of ADAE, specific powers, including duties of management or administration, may be assigned to its members or personnel. Following the President's decision, members or other ADAE authorities may be empowered to sign documents or other ADAE operations "by Presidential command". ADAE is judicially and extra judicially represented against third parties by its President or by its Vice-President in case the President is impeded. In case the Vice-President is also impeded, ADAE may assign its representation regarding a specific act or action or a specific group of acts and actions, to another ADAE member. The required funds for the operation of ADAE are registered by a similar institution in the budget of the Ministry of Justice, as proposed to the Minister of Economic Affairs and Finance by the president of ADAE, who is also its expenditure's authorizing officer. The relevant expenditure is settled by the authorized Agency of Financial Control (YDE) and is subject to the preventive and repressive auditing of the Court of Auditors, by law.



Organizational Chart of ADAE

As described in the Presidential Decree No. 40/2005, the Hellenic Authority for the Information and Communication Security and Privacy has the following organizational structure:





Section 2 – Activities of ADAE

1/1/2015 - 31/12/2015

The Annual Report of the Hellenic Authority for Communication Security and Privacy (ADAE) presents the overall work of the Authority during year 2015, based on the jurisdictions of the Authority, as prescribed in legislation.

1. Audits to the facilities of electronic communication and postal service providers.

The Hellenic Authority for Communication Security and Privacy, through the audits which conducts in electronic communications and postal service providers, aims to identify potential problems regarding the assurance of confidentiality of communications and to monitor the compliance with the terms and procedure of waiving of confidentiality as foreseen in legislation.

The audits are divided into regular and extraordinary and are mainly related to the implementation of the law, of the regulations and of the approved security policies for the assurance of confidentiality in electronic communications and postal services as well as of the procedures resulting from them. Furthermore, the audits are related to the investigation of security incidents, the examination of technical problems notified to ADAE by electronic communication and postal service providers, as well as the examination of potential violations of the confidentiality of communications resulting from articles in the Press.

1.1. Regular audits to electronic communication service providers.

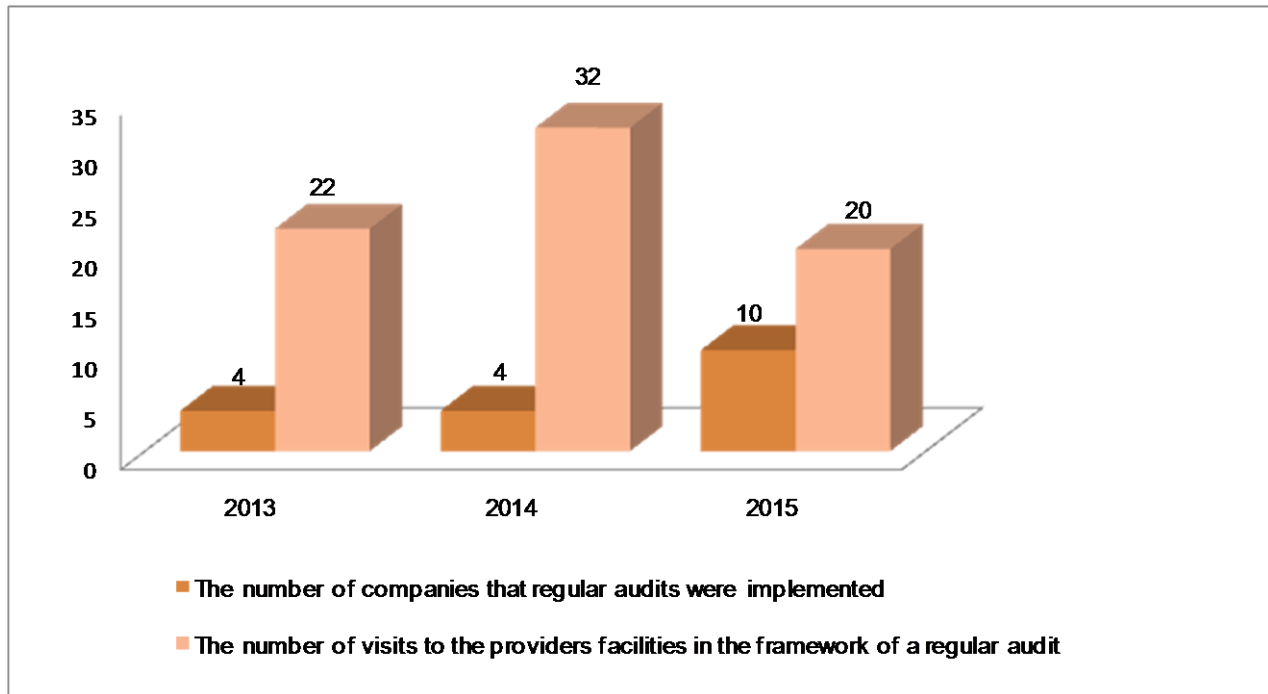
ADAE conducts regular audits to electronic communication service providers, in order to investigate the implementation of the approved security policy for the assurance of confidentiality of communications, as well as of the procedures, related to ADAE's "Regulation for the Assurance of Confidentiality in Electronic Communications" (Decision No. 165/2011, Government Gazette 2715 / B / 17.11.2011) as well as to the provisions of Law 3115/2003 ("Hellenic Authority for Communication Security and Privacy", G.G. A' 47) accordingly.

In 2015, ADAE performed regular audits to ten electronic communications service providers. These extensive audits, which included 20 visits to the facilities of the providers of electronic communication services (see Chart 1), have been completed and are in the process of approval by the Plenary of ADAE. The audits are related to the following electronic communication service providers: DB Databank SA (two visits), Telesuite Communications Ltd. (two visits), Upstream SA (one visit), Viva Online Services SA (three visits), Commercial and Industrial Chamber of Athens (EBEA) (one visit), Voiceland Telecommunications (two visits), Rise Up - Audiotext Services SA (two visits), One call Telecommunications Ltd. (two visits), Amaze SA (three visits) and Modulus SA (two visits).

Furthermore, during 2015, the Plenary of ADAE approved the audit reports regarding four regular audits carried out in 2014 to the following electronic service providers: Wind Hellas Telecommunications SA, Hellas Online SA, Hellenic Telecommunications Organization SA (OTE SA) and Cyta Hellas Telecommunications SA .



Chart 1: Regular audits and visits to the facilities of electronic communication service providers, 2013-2015.



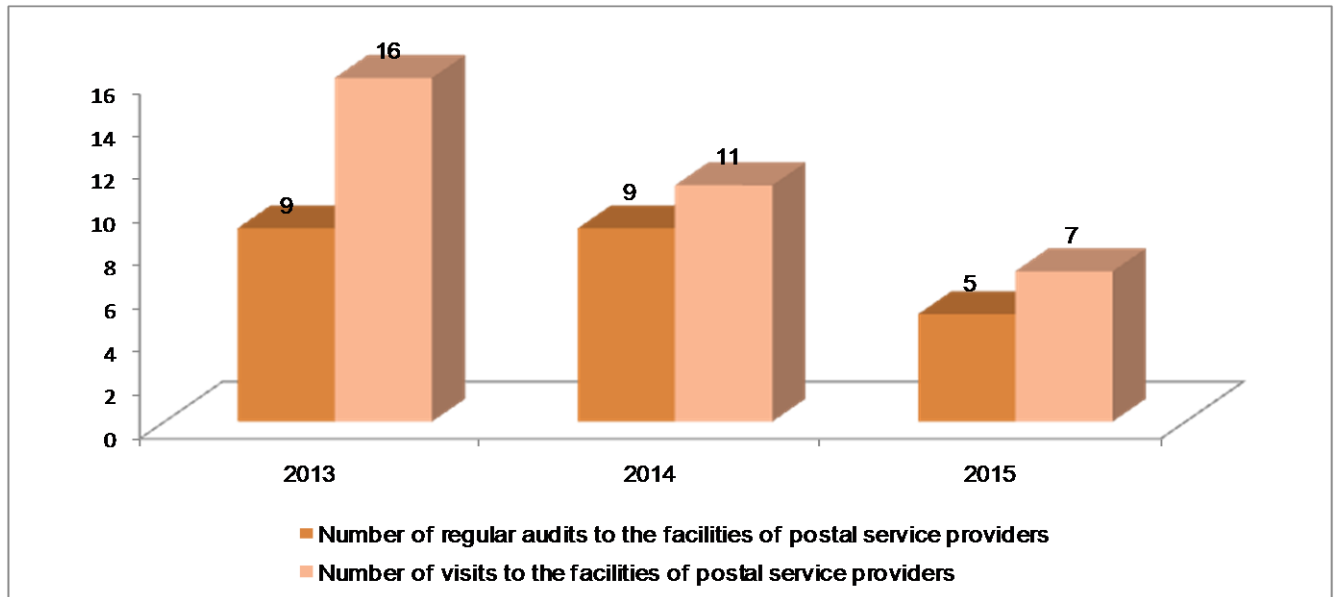
1.2. Regular audits to postal service providers

ADAE conducts regular audits to postal service providers in order to investigate the application of the security policy for the assurance of confidentiality of postal services, approved by the Authority as well as of the procedures related thereof as foreseen in the Regulation for the Assurance of Confidentiality of Postal Services issued by ADAE (Official Gazette 384/B/24.3.2005). During 2015, ADAE proceeded to conduct five regular audits to five providers of postal services that included seven visits to the provider's facilities (see Chart 2).

In particular, the audit process was completed for the following companies: Seagull Holdings Worldwide AG (one visit), Quick International Freight Services LTD (QFS) (one visit), S. Tavlaridis Courier (two visits), Delatolas Courier LTD (one visit), Eurofreight Hellas LTD (two visits). Their files are now at the stage of approval by the Plenary of ADAE. Furthermore, the audit relating to the provider ELTA Courier SA is currently under process and is expected to be completed in 2016.

Chart 2 depicts the regular audits and the visits to the premises of electronic communications and postal service providers for the period 2013-2015.

Chart 2: Regular audits and visits to the facilities of Postal Service Providers, 2013-2015.



1.3. Extraordinary audits to electronic communication service providers.

ADAE performs extraordinary audits acting ex officio or following a complaint to electronic communication service providers and public services, related to monitoring the compliance to the terms and the procedures of waiving of communication privacy, to the examination of technical problems transmitted to ADAE, to the monitoring of security measures and maintenance procedures for the assurance of confidentiality as well as for the security and integrity of networks and electronic communication services.



ADAE conducts audits in order to examine complaints, security incidents related to the confidentiality of electronic communication services, as well as to the security and integrity of networks and electronic communication services, examines incidents referred to in articles of the Press regarding potential violations of confidentiality of communications and overall problems related to the assurance of confidentiality of communications, as well as to network security and integrity of electronic communications services.

In 2015, ADAE examined two more cases, beyond the complaints, queries and security incidents related to the confidentiality of electronic communications services. The first case was related to the investigation of a security incident regarding the security and integrity of networks and services of DIGEA company - Digital Services Provider S.A. For this case, the audit was completed during the year, two visits were conducted in total and the Audit Report was communicated to the National Telecommunications and Post Commission (EETT), according to the law. The second case was related to the examination of the level of security regarding the assurance of confidentiality of communications of a new service provided by OTE SA. Regarding this case, one visit took place and the investigation is expected to be completed in 2016.

Finally, it should be noted that, in 2015, the Plenary of ADAE approved the Audit Reports of audits to ten network operators and electronic communications services, conducted during the previous year, in order to ascertain that the providers have taken the appropriate measures for the security and integrity of electronic communication networks and services as foreseen in ADAE's Decision No. 205/2013. (Government Gazette 1742/B/15.7.2013). The relevant Audit Reports were forwarded to the National Telecommunications and Post Commission for further actions.

1.4 Extraordinary audits to postal service providers

ADAE performs extraordinary audits acting ex officio or following a complaint to postal service providers. In 2015, ADAE performed nine extraordinary audits following complaints or security incident reports submitted to ADAE.

In particular, the following companies were audited: ACS Courier Services SA (two visits) following two different complaints, Speedex SA Courier (one visit), following a complaint. Furthermore, one complaint concerned the

following provider's: Xidi Nick. Evangelos (one visit), Transaction System (one visit), Skywalk SA (one visit), Attica Business Courier (one visit) and Pantinaki Xrysi (one visit).

Furthermore, an ad hoc audit was conducted to Hellenic Post (ELTA) SA, following a complaint filed in 2014. These audits were completed and they are in the process of approval by the Plenary of ADAE.

2. Investigation of complaints – inquiries

Taking into account the existing institutional framework, interested parties may submit complaints or inquiries to ADAE regarding the confidentiality of electronic communications and postal services. The complaints or inquiries may be sent by post or in person at the following address: Ierou Lochou 3, Maroussi 151 24, or via fax +30 210 6387666. Furthermore one may complete the relevant form in ADAE's website <http://www.adae.gr/en/adae/contact/> or by email: info@adae.gr.

The Authority, via the investigation of complaints for potential violations of the rule of law and detection of potential security gaps in electronic communications and postal services, aims to propose a solution or impose sanctions thereof. Alongside, the authority responds to inquiries of citizens and operators regarding the assurance of confidentiality of communications.

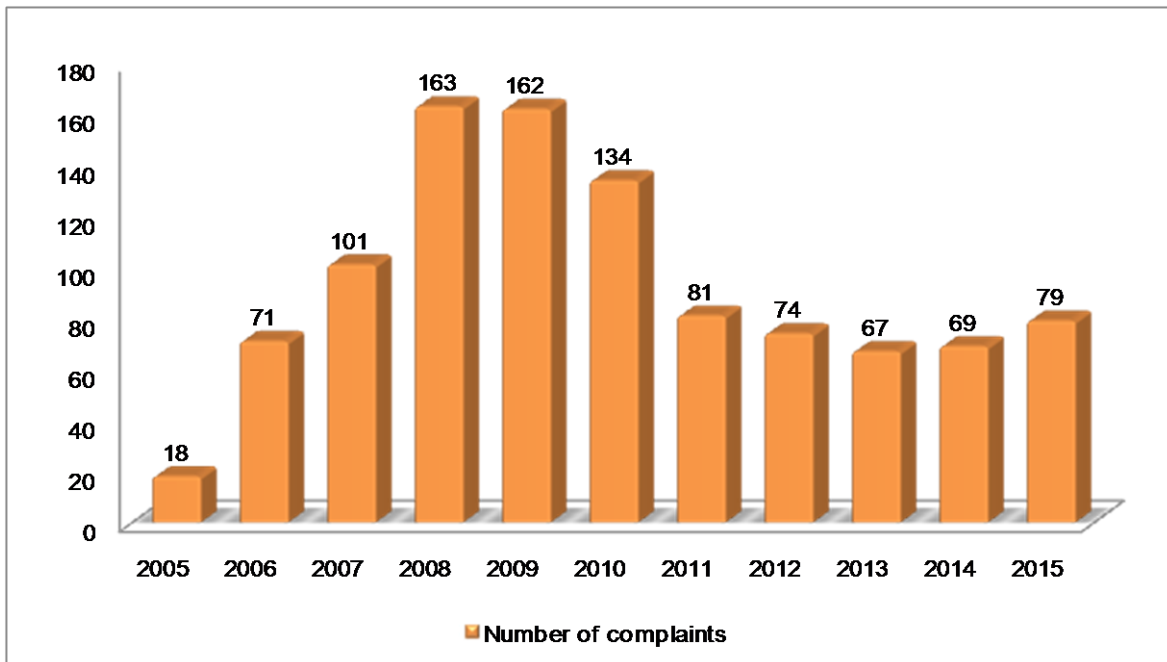
In 2015, 79 complaints were submitted to ADAE, out of which 71 were related to electronic communications services and eight to postal services.

Furthermore, 41 inquiries were submitted to ADAE, which were related to electronic communication services.



Chart 3 presents the overall number of complaints regarding electronic communications and postal services submitted to ADAE during the period 2005-2015.

Chart 3: Complaints for electronic communications and postal services submitted to ADAE, 2002-2015.



2.1 Complaints and inquiries regarding electronic communications

In 2015, a total of 71 complaints were submitted to ADAE, related to electronic communications services, while the Authority processed 21 complaints filed in the previous year.

Regarding the 92 aforementioned complaints: the processing for the 49 complaints was completed, while another 19 cases are at the stage of approval by the Plenary of ADAE. Furthermore, for 24 complaints, the procedure is expected to be completed in 2016.

These 68 complaints, which were examined in 2015 (49 complaints for which the process was completed and 19 complaints at the stage of approval by the Plenary of ADAE) are classified in terms of content as following:

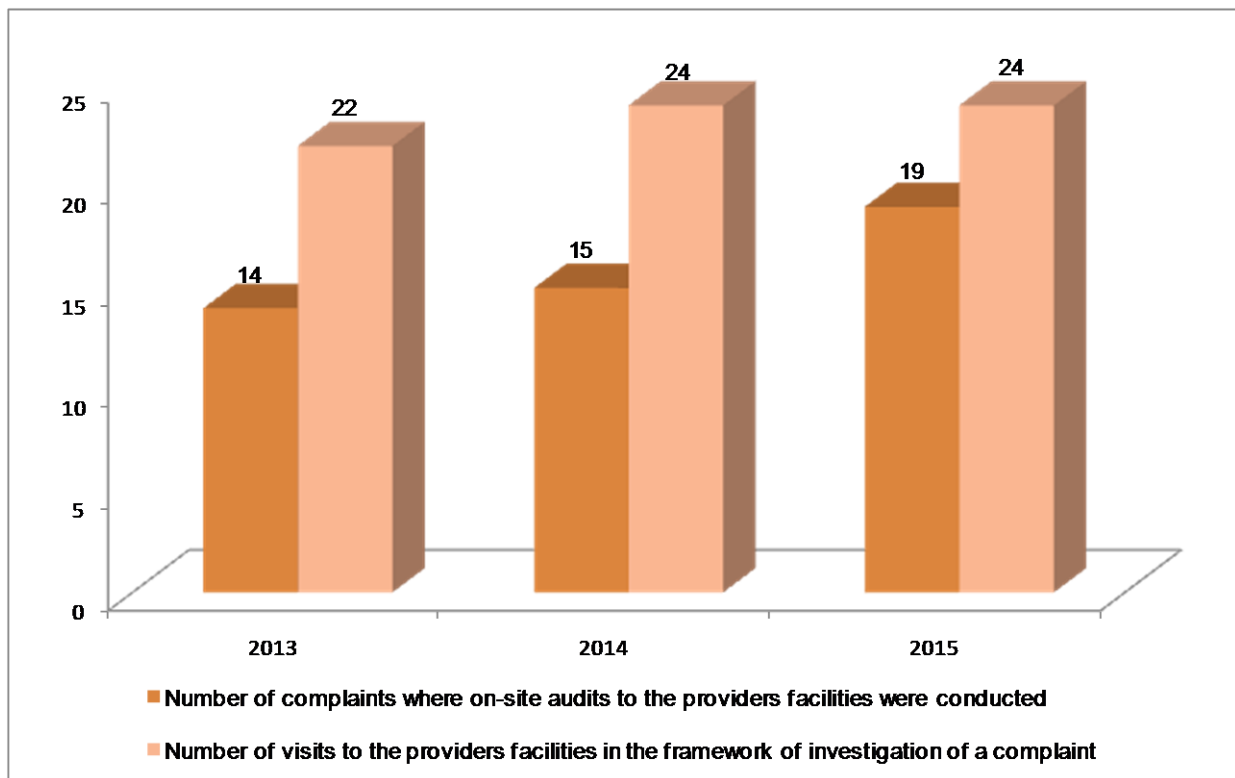
- 54 complaints are related to potential breaches of confidentiality of electronic communications services. In particular, these complaints refer to:
 - 46 line connections, (29 mobile connections and 17 fixed telephone line subscriptions).
 - 10 possible breaches of communications confidentiality related to internet communication,
 - two possible breaches of confidentiality related to e-mails,
 - six cases related to malicious calls,
 - 24 cases related to other issues, which fall under the jurisdiction of ADAE.
- 14 complaints related to issues that fall outside the jurisdiction of ADAE, i.e. unwanted electronic communication, unsolicited communication, social media and e-mail accounts of overseas providers. The above mentioned complaints were forwarded to the competent authorities.

Regarding the total number of these complaints, for which the auditing procedure was completed, six cases were filled, due to incomplete or unclear submitted data.



Finally, in order to inspect the 19 complaints, ADAE conducted on-site audits which included 24 visits to the facilities of electronic communication service providers (see Chart 4 for the period of 2013-2015).

Chart 4: Visits to electronic communication service providers' facilities following submitted complaints, 2013-2015.



In 2015, ADAE received 41 inquiries from citizens and entities of which 40 were answered, while one is expected to be answered in 2016. The above inquiries are classified as following:

- 23 inquiries related to issues or problems that fall under the jurisdiction of ADAE, indicatively malicious calls, detailed calling data, lifting of secrecy procedure, function and relevant legislation of the Authority, social media, e-mail accounts and obligations of the providers with regard to ADAE's regulations.

- 11 inquiries from entities (national and international).
- 7 inquiries related to issues that did not fall under the jurisdictions of the Authority.

2.2 Complaints related to postal services

In 2015 eight complaints related to postal services were submitted to ADAE. Furthermore, the investigation regarding six complaints submitted during the previous years was completed in 2015. Regarding these 14 complaints, for six the investigation was completed within the year, whereas seven complaint files are at the stage of approval by the Plenary of ADAE.

Furthermore, for one complaint which was processed at the end of the year, the procedure is expected to be completed in 2016. Finally, in one case, for which the procedure was completed, the complaint did not fall under the jurisdiction of ADAE.

3. Security policies of electronic communications service providers and postal services for the assurance of confidentiality of communications.

According to the provisions of the Regulation for the Assurance of Confidentiality in Electronic Communications, issued by ADAE (Decision No. 165/2011 of ADAE, Government Gazette 2715/B/17.11.2011), in particular pursuant to article 1 thereof, the electronic service providers are bound to submit for approval by ADAE a Security Policy for the assurance of confidentiality of communications.



Security Policies, submitted to ADAE, are assessed for compliance with the above mentioned Regulation for the Assurance of Confidentiality in Electronic Communications. In case the security policy submitted fulfills the requirements of the above Regulation, it is approved by the Plenary of ADAE and the approval is communicated to the electronic communication service provider. In case a security policy is not fully compatible with the Regulation and it is not approved by ADAE, the provider is obliged to review it within a specific time period, according to the remarks of the Authority.

The revised security policy submitted by the provider is examined again by the Authority and in the case of non-approval, the provider is requested to attend a hearing in order to provide further explanations either for delaying the submission or for non-compliance to the Regulation.

Postal service providers are obliged to submit a security policy for the assurance of confidentiality of postal services to ADAE, according to the Regulation issued by ADAE (Decision No. 1001/2005 of ADAE, G.G. 384 / B /24.3.2005).

ADAE monitors the security policies for the assurance of confidentiality of postal services submitted to the Authority by postal enterprises. Furthermore, ADAE identifies the new postal service providers as well as those who have ceased their operations and calls for a hearing companies that have not submitted a security policy. The procedure is generally similar to the above mentioned procedure regarding electronic communications.

3.1. Security policies for the assurance of confidentiality of electronic communication service providers

In 2015, 19 security policies in total, including revised security policies, were submitted to the Authority (see Chart 5 and 6), according to the Regulation for the Assurance of Confidentiality in Electronic Communications.

In particular:

- five security policies were approved,
- three were not approved and submission of a revised security policy was requested by ADAE,
- three are still in process,

- eight are at the stage of approval by the plenary of ADAE.

Moreover, with regard to 16 security policies submitted to ADAE during the previous year, seven were approved and nine were not approved, within 2015.

Summarizing the above figures, within 2015, 35 security policies for which the processing was completed are classified as follows:

- 12 security policies were approved,
- 12 were not approved and ADAE requested submission of a revised Security Policy,
- the procedure regarding three security policies is expected to be completed in 2016,
- eight security policies are at the stage of approval by the Plenary of ADAE.



Chart 5: Security policies (including revised security policies) for the assurance of confidentiality in electronic communications submitted to ADAE, 2005-2015.

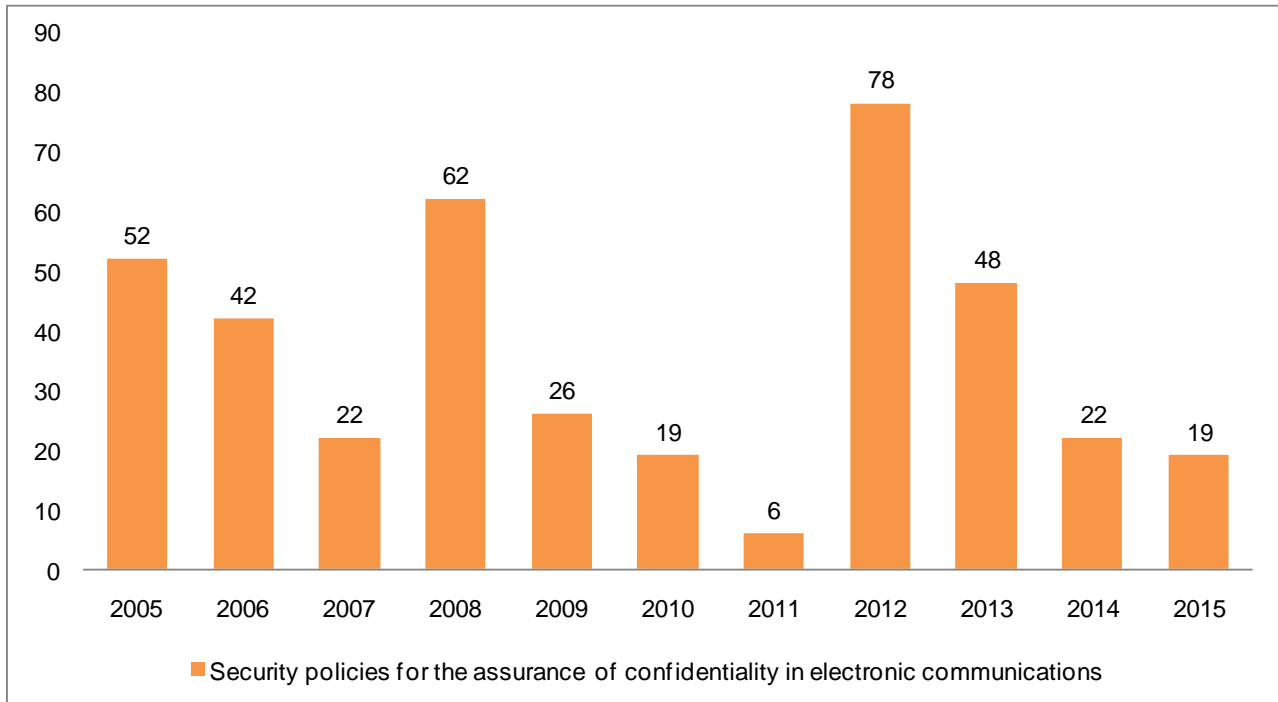
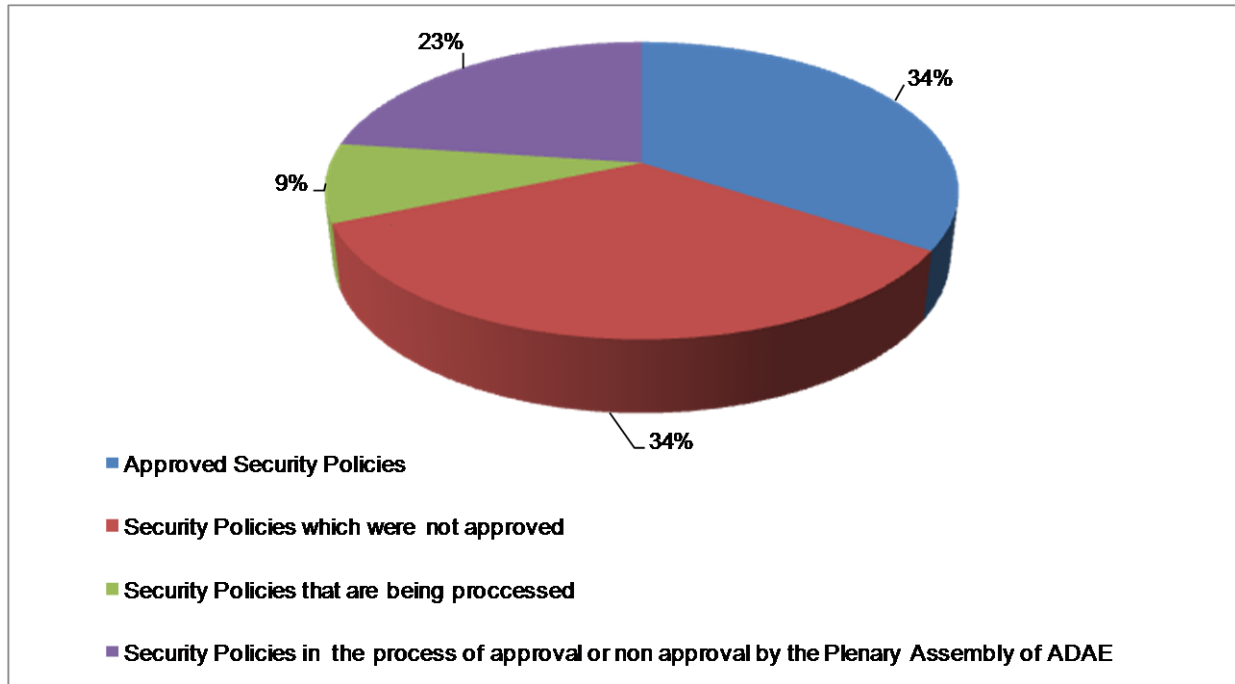


Chart 6: Classification of security policies for the assurance of confidentiality of electronic communications, 2015.





3.2. Status of Providers regarding their obligation to submit a Security Policy for the Assurance of Confidentiality in Electronic Communications

In 2015, ADAE continued to survey the General Authorization Registry of the National Telecommunications and Post Commission (EETT) in order to renew ADAE's list of electronic communication service providers who have the obligation to submit a security policy to ADAE.

Following the exemption of the providers who de facto have ceased their operations for which they have a license; the Authority concluded to the number of providers who have, at the end of 2015, the obligation to submit a security policy to ADAE. The total number of the providers is 175, out of which 90 have submitted, as obliged, a security policy to the Authority, while 85 have not submitted a security policy.

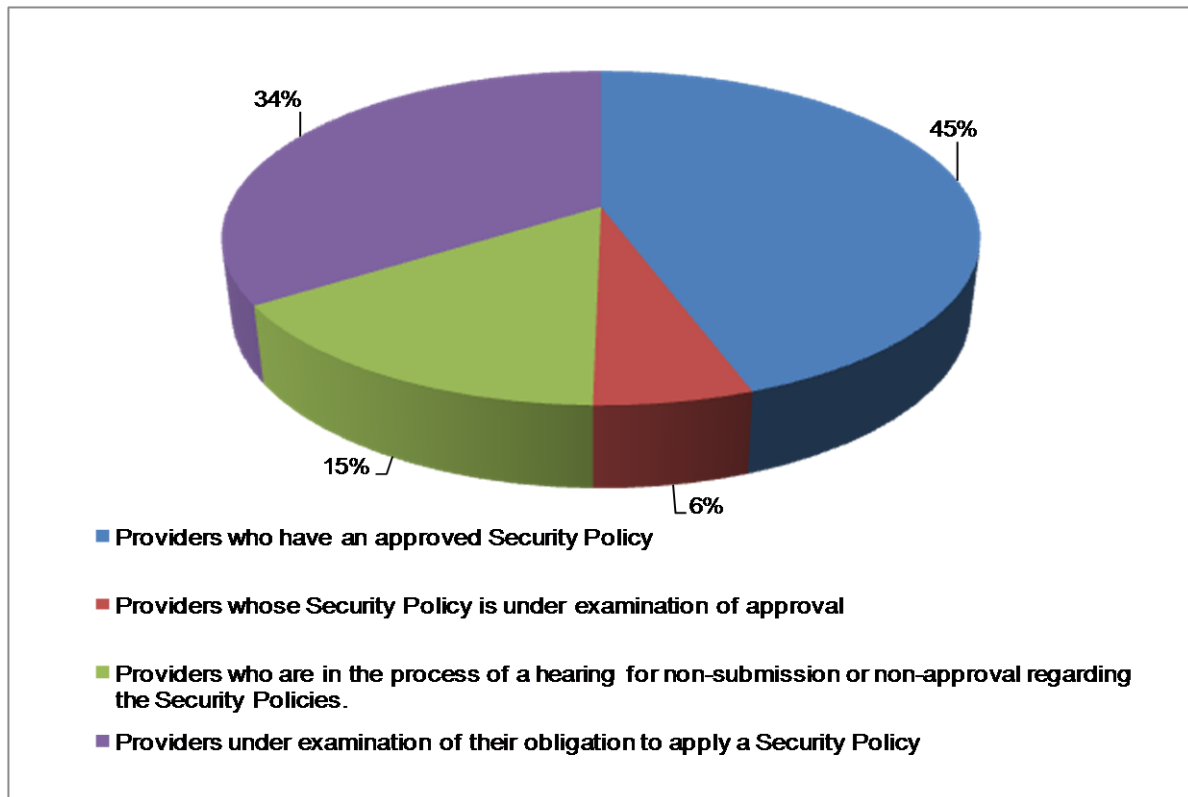
More specifically, as regards the 90 providers who have submitted a security policy:

- 78 providers have an approved security policy,
- for two providers, a summon to a hearing is pending, due to the fact that the security policy, which they have submitted, was not approved.
- With regard to 10 providers, the approval of the security policy by the Plenary of ADAE is pending.

Furthermore, as regards the 85 providers who have not submitted a security policy:

- 25 providers are in the process of a hearing for not submitting a security policy
- 60 cases are still under investigation regarding their obligation to submit a security policy (see. Chart 7).

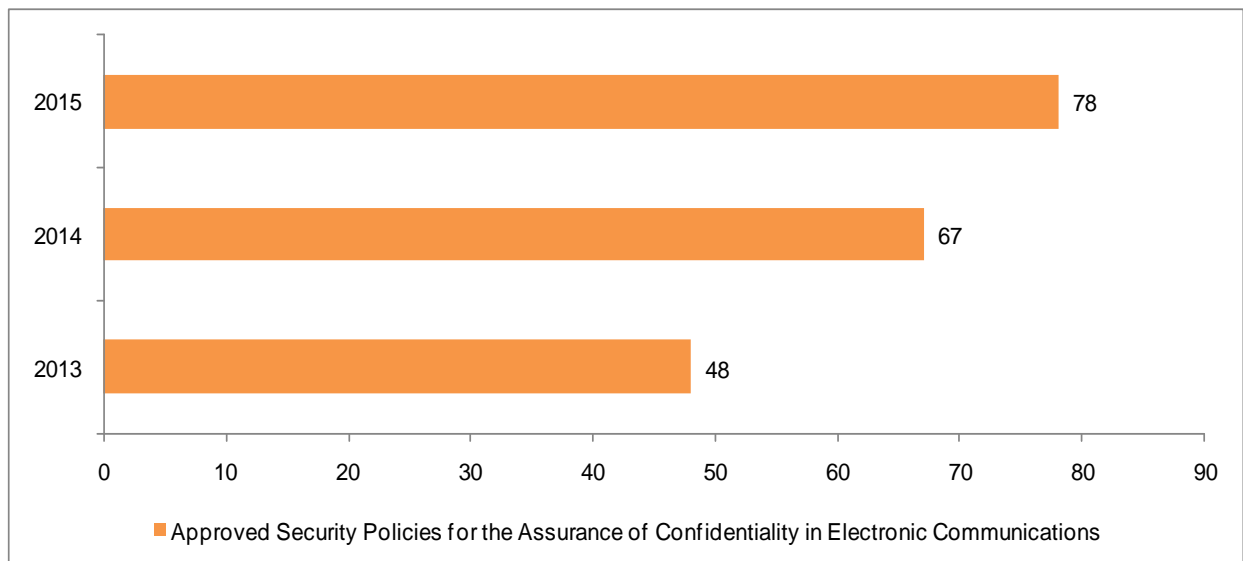
Chart 7: Overview of the electronic communication service providers regarding the submission of a security policy.





It should be noted that the largest companies providing electronic communications services have submitted security policies as obliged by the Regulation for the Assurance of Confidentiality in Electronic Communications (Decision No. 165/2011 of ADAE) and their policies have been approved by the Plenary of ADAE. In particular, by the end of 2013, 48 security policies of electronic communications providers have been approved. By 2014, 67 providers had an approved security policy and by the end of 2015 a total of 78 security policies of electronic communication providers had been approved by ADAE (see Chart 8).

Chart 8: Overview of the approved security policies for the assurance of electronic communications confidentiality.



3.3 Security policies for the assurance of postal services confidentiality

Taking into account the applicable General Authorization Registry of EETT, which includes companies that provide postal services, ADAE sent letters to all registered companies, in order to inform the postal services providers who have not submitted a security policy for the assurance of confidentiality. Furthermore, ADAE communicated over the phone and informed the newly established companies as regards their obligation to submit a security policy. This communication allowed ADAE to compile further information regarding providers' activities.

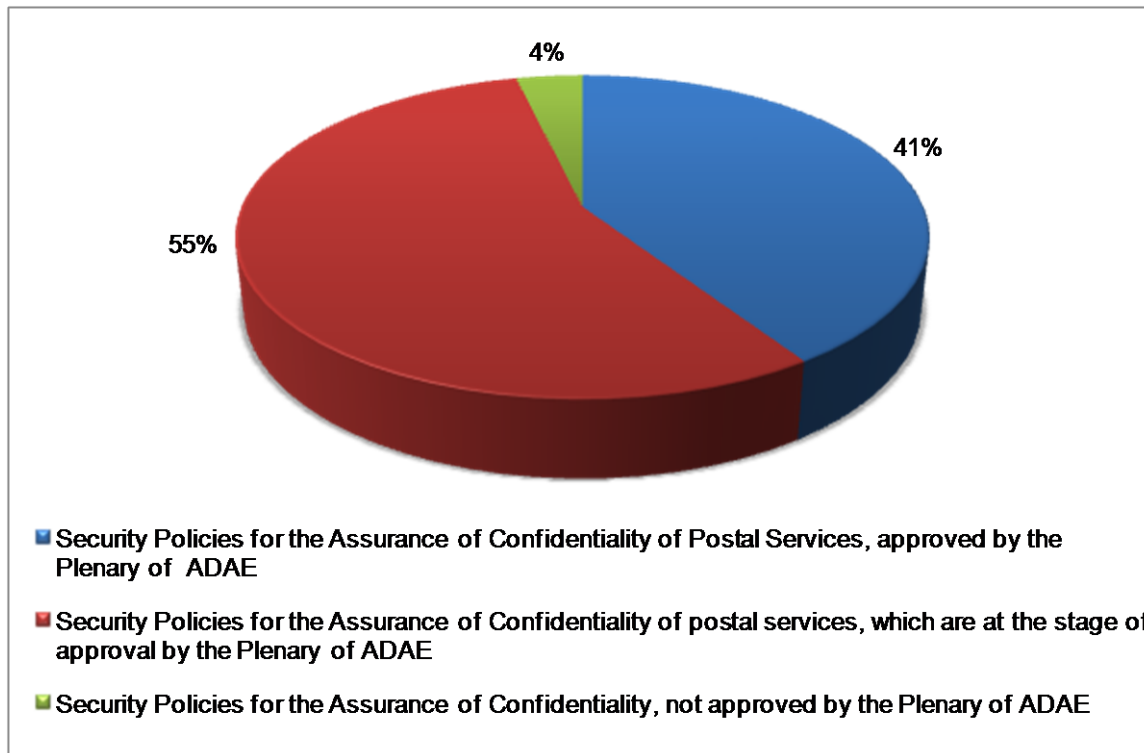
In 2015, 27 new security policies for the assurance of confidentiality of postal services were submitted to the Authority. Among them, 12 were examined by the Plenary of ADAE during the year, and one was not approved.

The remaining 15 security policies are expected to be examined by the Plenary of ADAE, in 2016. Furthermore, the examination of 14 security policies which are at the stage of approval by the Plenary of ADAE in 2014 was completed. Out of these, 11 security policies were approved and three were not approved.

It is worth mentioning that the approved security policies for the assurance of confidentiality of postal service providers relate to the providers that distribute through their networks more than 95% of the postal items distributed in Greece (see chart 9).

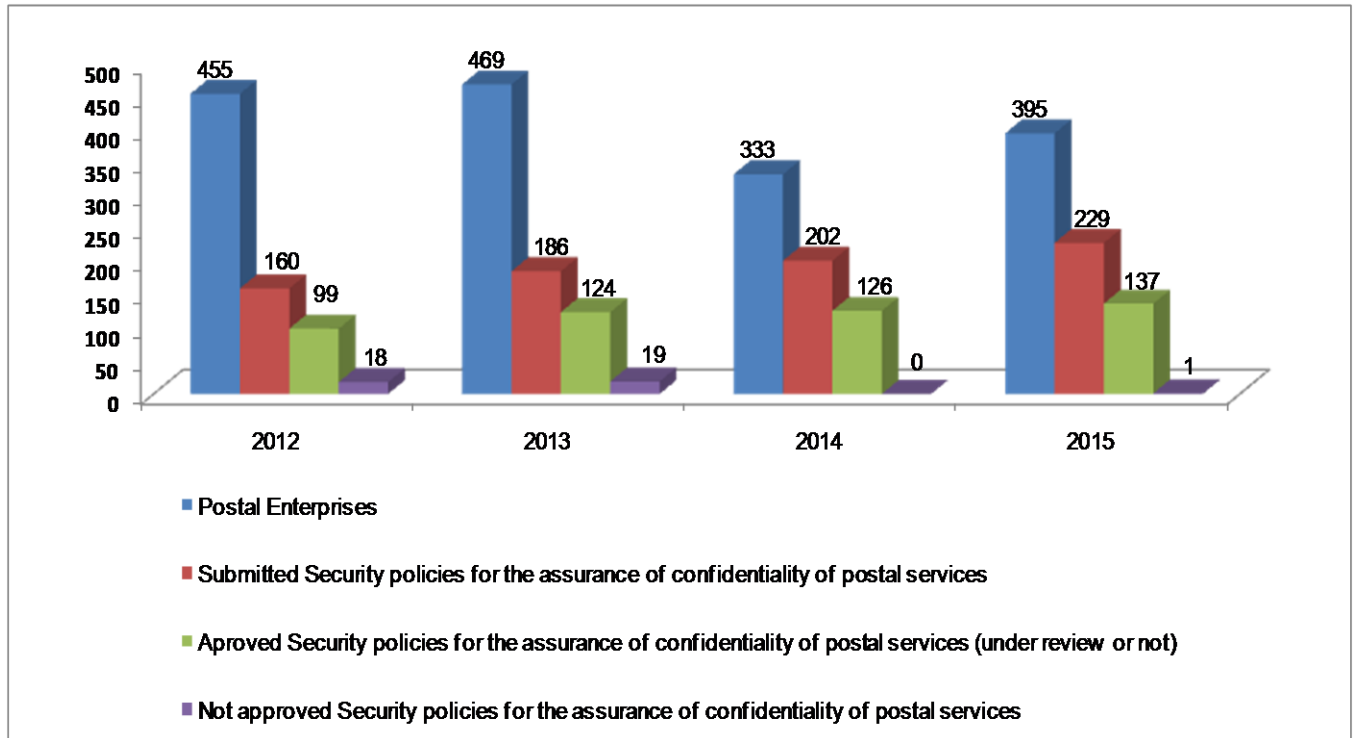


Chart 9: Classification of security policies for the assurance of confidentiality of postal services submitted to ADAE, 2015.



It is noted that the postal services market shows continuous changes as regards the companies who operate and ought to implement a security policy for the assurance of confidentiality. In 2015 the number of those companies reached 395, while in 2014 this number was 333 and in 2013 amounted to 469 (see Chart 10).

Chart 10: Variations in the number of postal companies and security policies for the assurance of confidentiality at the end of each year (2012-2015).





4. Security incidents related to the confidentiality of electronic communication services.

Having regard to the provisions of Law 3115/2003 (Hellenic Authority for Communication Security and Privacy", G.G. A47), of L. 3674/2008 ("Reinforcement of the institutional framework for the Assurance of Confidentiality in Telephone Communications and other provisions", G.G. A'136) as well as to the Regulation for the Assurance of Confidentiality in Electronic Communications (Decision No. 165/2011 of ADAE), the provider must define and implement a "Security Incident Management Policy", which will be promptly activated in case of a security incident.

The Security Incident Management Policy anticipates that all data referred in detail to the aforementioned Regulation are recorded, as well as all the records related to a security incident are compiled and retained in a file.

In case of a security incident, the providers are obliged to promptly inform ADAE, by submitting a document entitled "Direct Report of Security Incident" and after the incident has been addressed and investigated, a document entitled "Security Incident Final Report".

It should be noted that for the purpose of the Regulation the term "security incident" is defined as any incident related to the assurance of communication confidentiality or any special risk of violation of communications confidentiality as well as all cases of non-application or special risk of non-application of the security policy for the assurance of communications confidentiality.

In 2015, 11 security incident reports were submitted to ADAE, while 26 security incident reports, which were filed in the previous year, were under process or at the stage of approval by the Plenary of ADAE.

Out of a total of these 37 security incidents that were examined during the year, 11 were completed and the remaining 26 cases are still under process, which is expected to be completed in 2016.

In order to audit these security incidents, ADAE conducted six extraordinary audits to the providers of electronic communications, which included nine visits at the providers' premises.

Specifically the following companies were audited: Cosmote Mobile Telecommunications S.A. (one visit), *Vodafone-Panafon* Hellenic Telecommunications Company S.A. (one visit), *Hellas OnLine* Electronic Communications S.A. (two visits), Mediterranean Nautilus Greece S.A. (two visits), Hellenic Telecommunications Organisation (OTE) SA (one visit), Forthnet S.A. (two visits).

5. Withdrawal of communications privacy

On the basis of article 5 par.4 of Law 2225/1994, as in force, orders issued by applicant authorities that request the withdrawal of confidentiality are delivered to ADAE in sealed envelope in order for the Authority to ensure the legal procedure regarding the withdrawal of confidentiality pursuant to the provisions of Law 3115/2003.

During 2015, ADAE received:

- 4.871 orders issued by Public Prosecutors which concerned new requests for waiving the right to confidentiality of communications for national security reasons. In the previous year (2014), the Authority received 3780 orders, accordingly. Furthermore, ADAE received 3.937 orders regarding the extension of the time period of existing orders, while in the previous year (2014) it received 4.717 such orders for extension. Moreover, ADAE received 324 orders to pause the withdrawal of confidentiality prior to the period specified in the original order, whereas in the previous year (2014) there were 600 such orders for pause.

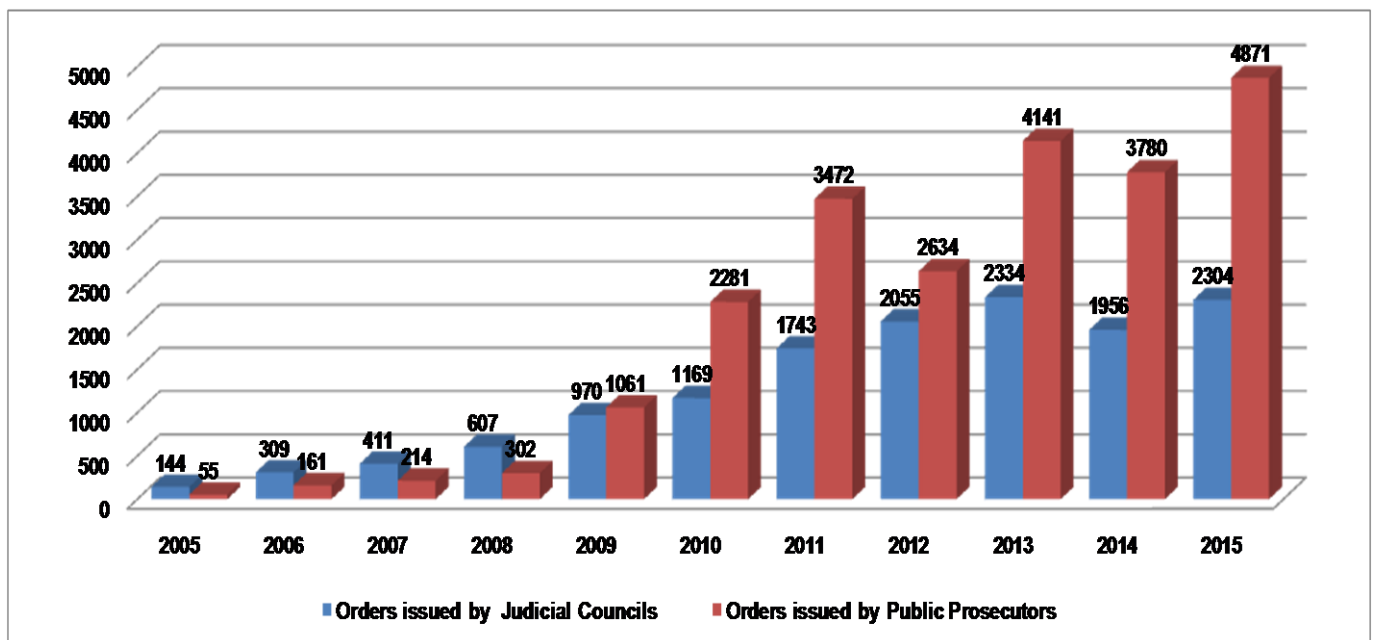


- 2.304 orders (versus 1.956 in the previous year) issued by Judicial Councils for waiving the right to confidentiality in relation to the detection of serious offences such as murder on purpose, robbery, explosion, possession of explosive material, forgery, fraud, theft, arson, abduction, child pornography, extortion, organized crime and offenses under drug law. (See chart 11).

It should be clarified that the figures mentioned above refer to a number of decisions issued by the competent judicial authorities, which are delivered to ADAE and do not coincide with the number of connections/individuals for which there is a request for waiving the right to confidentiality.

Whenever observations arise regarding the implementation of the legislation by the competent prosecuting authorities, as a result of the processing of the above judicial and public prosecutor orders, ADAE communicates them to the relevant authorities, aiming to contribute to the compliance with the provisions of Law 2225/1994 regarding the conditions and the procedures of waiving the right to privacy.

Chart 11: Notification of orders relating to the withdrawal of communications privacy, 2005-2015



Annual

6. Hearings and sanctions of ADAE

The mission of ADAE is to ensure the confidentiality of mail and all other forms of free correspondence or communication, subject to the provisions of the founding Law (art. 1 para. 1 of L. 3115/2003).

ADAE may impose administrative sanctions, according to art. 11 of L.3115/2003, art. 11 of L. 3674/2008 as well as the Regulation of ADAE (G.G. 1650/B/11.05.2012 and 1751/B/25.05.2012) as amended and is in effect.

Furthermore, based on the provisions and purposes of L. 3471/2006 "Protection of personal data and privacy in the electronic communications sector and amendment of L. 2472/1997" (Official Gazette 133/A/28.6.2006), the hearing, tapping, storage or other kinds of interception or surveillance of communications and related traffic data by persons other than the users is prohibited, except when legally authorized (Article 5 of Directive 2002/58/EC and art. 4 of L. 3471/2006).

According to the legislative framework, the assurance of confidentiality of communications applies to communication service providers, who must take the appropriate technical and organizational measures in order to prevent a breach of confidentiality. In case there is a breach of confidentiality, ADAE may impose sanctions on liable individuals or legal entities, following a Plenary decision and after it has requested the provider for an administrative hearing.

In 2015, the Assembly of the Council of State (CoS) by adopting a multi-page irrevocable decision, considered legitimate ADAE's Decision No. 1/2013 regarding the fine of 50.6 million euros against Vodafone-Panafon Hellenic Telecommunications Company S.A. over its role in the wiretapping case. The Council of State rejected the company's petition for its annulment.



It should be noted that after the publication of ADAE's amended Regulation for the internal functioning of the Authority (Government Gazette 1650/B/11.05.2012 and 1751/B/ 25.05.2012), ADAE repeated the process of the provider's hearings on this case.

In this context, ADAE proceeded to review once again the known wiretapping case and imposed an administrative sanction and a financial penalty of 50,6 mil. euro to the company.

In particular, the Plenary of ADAE, with the Decision No. 1/02.01.2013, by taking into account the seriousness of the violations detected, the relevant provisions of the existing legislation, in particular with regard to the principle of proportionality, the financial state of the company and the group it belongs to, imputed the above mentioned penalty for all the violations detected by ADAE.

In 2015, ADAE imposed three administrative sanctions because the Plenary did not hold meetings for a long period of time. The departments of ADAE have processed the pending cases, which are related to the imposition of administrative sanctions based on the jurisdictions of the Authority, in order to initiate the appropriate procedures when the Plenary resume its meetings.

With the Decision No. 153/2015 dated 26.10.2015, ADAE imposed to an electronic communications service provider the administrative sanction of financial penalty of 40,000 euro for a lack of adequate security measures to avoid a breach of communications confidentiality. Under the same decision the Plenary adopted the administrative sanction of recommendation with a warning to impose a financial penalty in case of failure to comply accordingly in the future, by taking into account the fact that the company willingly complied and submitted the security policy at a later period of time, prior to the hearing procedure.

With the Decision No. 100/2015 dated 04.09.2015, ADAE imposed to an electronic communications service provider the administrative sanction of recommendation for contravention of legislation, by taking into account the principle of proportionality and the gravity of the attributable violation.

In 2015, ADAE called the following companies to attend a hearing in the premises of the Authority: Express Fly, Aiolos Courier Service, Kanga Services, DAY 1 Courier, in order to audit a possible breach of communications privacy via post. Furthermore, it also called Wind Hellas Telecommunications SA to attend a hearing in order to investigate a potential breach of confidentiality of electronic communications according to the legislation.

7. Annual reports regarding malicious or nuisance calls and emergency calls handling

Regarding the provisions of L. 3471/2006, ADAE has issued an Act according to which, the procedures were set for informing, upon application of subscribers, in the case of incoming malicious or nuisance calls. Pursuant to the legislation, the Authority issued the Act no. 2322/2006 (G.G. 1853/B/21.12.2006), which sets the criteria, as well as the procedures, the duration of the calls and any other necessary information to track incoming offensive calls or nuisance calls by publicly available telecommunication service to override the elimination of the presentation of calling line identification. According to the provisions of the Act, all publicly available telecommunications services are subject to it.

In accordance with art. 6 par. 4 of ADAE's Act, during the first quarter of each calendar year, each liable provider shall submit to ADAE an Annual Report regarding past year's data related to the handling of applications for tracing malicious or nuisance calls for the assurance of confidentiality of communications and the foreseen procedure.

Up to now, the time frame according to which the providers are obliged to submit the Annual Reports to ADAE regarding the year 2015, has not passed.

From 1.1.2014 to 31.12.2014 and according to the Annual Reports of the providers: On Telecoms SA, Hellas OnLine Electronic Communications SA, Wind Hellas Telecommunications SA, Cosmote SA, Cyta Hellas Telecommunications SA and Vodafone-Panafon Hellenic Telecommunications Company SA, 1394 requests were recorded regarding the tracking of malicious or nuisance calls.



As regards the handling of emergency calls, pursuant to the Act no. 216/2008 (G.G. 1898/B/17.09.2008), the procedures, the method and the technical details are set for the processing of location data and elimination of the possibility of non identification of the calling subscriber by the providers of a public telecommunications network and/or publicly available telecommunications service, in order to provide information to competent agencies for caller location information, including the European emergency number 112.

In compliance with the obligations of the operators as stated in article 6 of ADAE's Act, the Authority received Annual Reports from the following providers: Telecommunications Organization SA, Cyta Hellas Telecommunications SA, On Telecoms SA, Vodafone-Panafon SA, Wind Hellas Telecommunications SA and Hellas Online SA.

The above providers received in total 440 applications related to caller location data as well as processing of emergency calls.

8. Participation of ADAE in legislative committees and working groups

In 2015 ADAE participated in the Legislative Committee regarding Data Retention as well as in the Committee for the National Cyber Security Strategy Plan of Greece.

9. Participation of ADAE in international conferences and advisory bodies

During 2015 ADAE has participated in the following:

- Meeting of ENISA for the implementation of Directive 2009/140/EC (Article 13a)
- Platform for Networks and Information (NISP) -WG1
- Independent Regulators Group (IRG –NIS)
- Working meetings of the European Network and Information Security Agency (ENISA)

- 4th Meeting of the Competent National Authorities regarding the notification of personal data breaches.
- Advisory Forum of Greek Centre for Cybercrime
- NEXES Advisory Board

10. Participation in conferences and other activities

During 2015 ADAE has participated in the following:

- Participation in the meetings by the Hellenic National Defense General Staff regarding cyber security in Greece.
- Participation in the Evaluation Program “Genva” at the Hellenic Ministry of Infrastructure, Transport and Networks.
- 5th Infocom Security Congress Conference.
- ICT Security Congress Conference.
- European Data Protection Day.
- OTE Conference on Operational Safety.
- ENISA 'Europe Day'.
- 8th National Conference “Education in the era of ICT’s”.



- Workshop on Digital Security and Trust in Education, Project “Portal Digital Security and Digital Safety”
- Seminar by the Centre for Security Studies
- Conference on Social Media
- Meetings regarding "Open data" according to the provisions of L. 4305/2014
- Training at ENISA (European Union Agency for Network and Information Security).

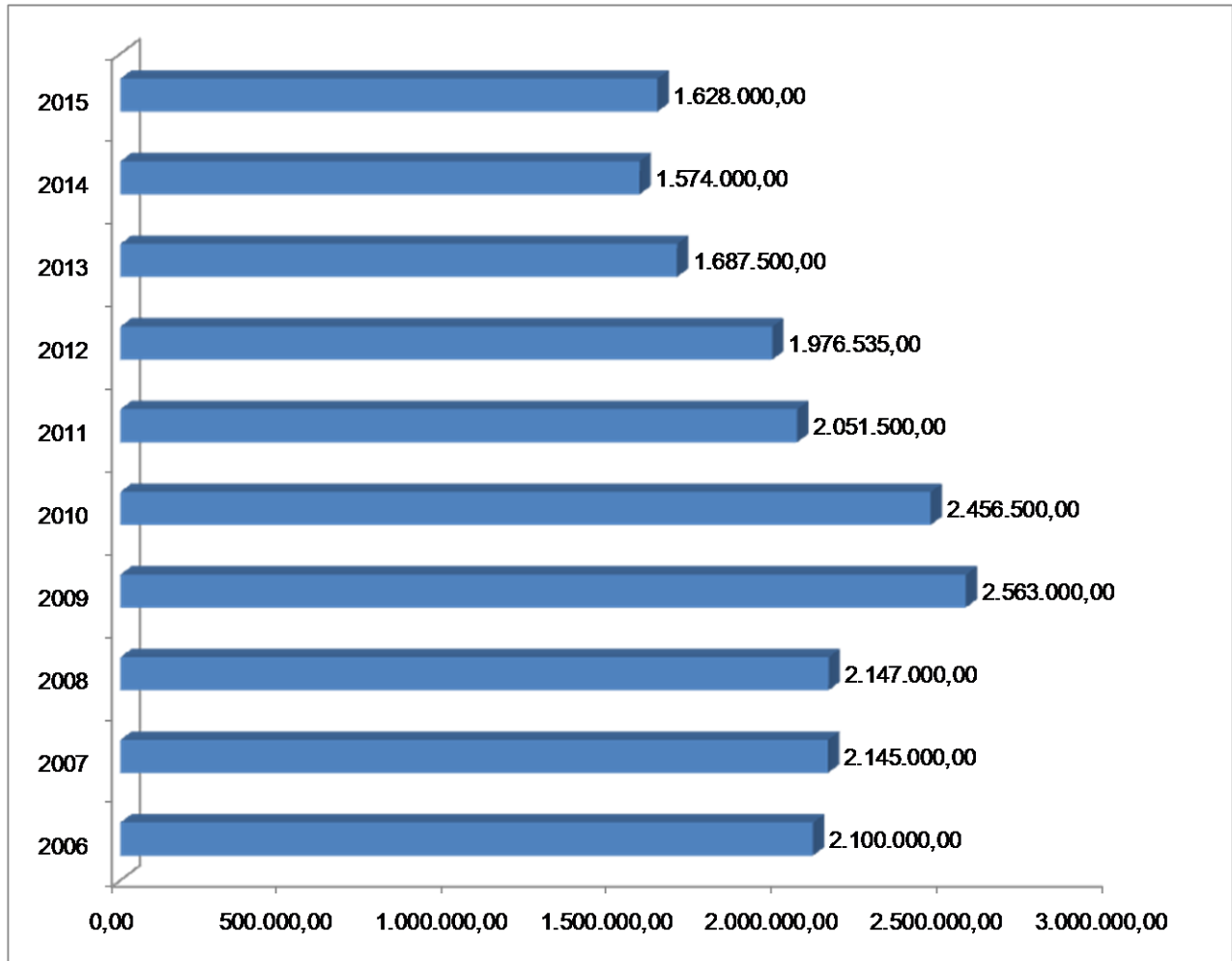
11. The budget of ADAE

In 2015 the annual budget of ADAE increased to € 1.628.000, 00 compared to the annual budget in 2014, which was € 1.574.00, 00 (see Chart 12).

In 2015 the authorized funds for consumption expenditures and other expenditure decreased in 2015 to € 282.000,00 over € 302.000,00 € in 2014.

The Authority has set the budget for next year and has notified accordingly the Minister of Economy and Finance, following the provisions of the law. The necessary provisions for the operation of the Authority are recorded to the budget of the Greek Ministry of Justice, Transparency and Human Rights.

Chart 12: The approved budget of ADAE, 2005-2015





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