



# Access to Information in Greece: Recommendations for Legal Reform

Access Info Europe & Vouliwatch

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## About Access Info Europe

Access Info Europe is a human rights organisation established in Madrid in 2006 and dedicated to promoting and protecting the right of access to information. Access Info runs a range of projects designed to leverage the right to information in order to increase participation and accountability, to defend human rights, and to advance democracy.

## About Vouliwatch

Vouliwatch is a non-partisan parliamentary monitoring and democracy watchdog organisation that was set up and legally registered in Athens in March 2014. The organisation's main goal is to bridge the gap between citizens and their political representatives whilst promoting a culture of transparency, accountability and active citizenship.

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# Executive Summary

## Legal Framework

The right of access to information is a constitutional right in Greece under both Article 5(A)(1) and Article 10(3). This right is regulated across various laws in the Greek legal framework, including:

- a) Law 2690/1999 (Code of administrative procedure), especially article 5 (as amended by law 5143/2024) and article 4
- b) Presidential Decree 28/2015, Article 3 (general provision) and art. 42-99 (for specific areas of information and documents)
- c) Law 4727/2020 (articles 59-74 - open data and further use of public sector information).
- d) Law 4622/2019, Articles 77- 81 (archives of the prime minister and the ministers)

Part of the legal framework has recently been modified. Article 5 of law 2690/1999 was amended by Article 59 of law 5143/2024 (161 A/11-10-2024). While this amendment led to some positive changes in the law, such as clarifying that “everyone” has a right to request, granting of partial access, and offering assistance to the requester, it is yet to be seen how it will be interpreted and applied in practice.

While Greece is a Member State of the Council of Europe, it has not yet signed the Council of Europe Convention on Access to Official Documents (Tromsø Convention).

## Methodology & Results

Access Info has created a detailed methodology to analyse national legal frameworks on access to information against the Tromsø Convention and international best practices. This methodology has ten sections, with each section focusing on one of the first ten Articles of the Convention. Each section contains various questions that award either positive or negative points, with a total maximum score of 300 points.

Access Info Europe, with the support of Vouliwatch, has applied this methodology to analyse the Greek legal framework on access to information.

In total the Greek legal framework scored 142 points out of 300.

The full analysis can be accessed [here](#).

Article of the Tromsø Convention	Positive points	Negative Points	Scores
Article 1 - General Provisions	45	-19	27
Article 2 - Right of access to official documents	25	0	25
Article 3 – Possible limitations to access to official documents	50	-10	14
Article 4 – Requests for access to official documents	20	-8	2
Article 5 – Processing of requests for access to official documents	30	-13	10
Article 6 – Forms of access to official documents	10	-2	6
Article 7 – Charges for access to official documents	20	-8	8
Article 8 – Review procedure	65	-3	39
Article 9 – Complementary measures	15	0	8
Article 10 – Documents made public at the initiative of the public authorities	20	0	3
<b>Total score</b>	<b>300</b>	<b>-63</b>	<b>142</b>

There are various areas of concern in the legal framework, including the following:

- Access to information is regulated across various laws, creating a dispersed and confusing legal framework;
- There are wide exceptions to the right of access, that often defer to other laws, and they are not all subject to a harm and public interest test;
- The system lacks a robust oversight body that can enforce sanctions for non-compliance, monitor the implementation of the law, and train public officials and raise awareness amongst the public about the right of access to information;
- There is a lack clarity on the requesting and appealing processes.

To bring the Greek legal regime on access to information into line with international standards, and the Tromsø Convention, many modifications need to be made. Using this analysis to compare the national level framework against international standards on access to information, Access Info and Vouliwatch have created the set of legal reform recommendations.

# Legal Recommendations

## 1. One single legal text applicable to all categories of information

International standards, including the Tromsø Convention, state that all official documents (the definition being all information in any format held by public bodies) are in principle public and can be withheld subject only to the exceptions laid out in the law.

In Greece, the current legal framework of access to information is regulated across various laws. Among others:

- Article 5 of law 2690/1999 regulates access to documents while Article 16 of law 1599/1986 regulates the right to know administrative documents for specific cases. It is unclear if Article 16 is still in force, as it hasn't been explicitly repealed but overlaps with Article 5 of Law 2690/1999.
- Article 4 of 2690/1999 regulates the processing of cases by the Administration and Article 5 of law 1943/1991 regulates the time limit for the processing of cases by public administration.
- Articles 59- 74 of law 4727/2020 regulate open data and the further use of the information held by the public sector. Article 62 regulates in particular the requests for access to documents and their further use.

There are also special provisions that are applicable depending on the type and content of the document/information (environmental, statistical, meteorological etc) or the body holding it. For example:

- Art. 30 et. seq of pd 28/2015 regulates information and documents at the general archives of the state, environmental, meteorological, statistical data.
- Art. 77- 81 of law 4622/2019 regulate the access to the archives of the Prime Minister, Ministers and Deputy Ministers.

This creates a dispersed and confusing legal framework, where clauses can clash, and it is not always clear which law should take precedence. Due to this, differing interpretations of the law arise.

To resolve this issue, the regulation of access to information should be gathered under one law. A single law would provide a unified framework that can ensure consistent interpretation and application across all sectors. This reduces confusion among public officials, information requesters, and legal practitioners.

All information held by public bodies should fall under this law, and should be released upon request, subject only to exceptions laid out in that law. This law should regulate proactive and reactive disclosure, as well as reuse of public information.

### **Recommendation:**

- All information held by all public bodies should fall under the scope of one access to information law, and release of this information should only be subject to the exceptions laid out within the law. This law should regulate:
  - proactive publication of information and documents by public authorities;

- the procedure by which a person may have access to information and documents upon request;
- the re-use of public sector information.

## 2. Clarity in requesting judicial and legislative administrative documents

According to the Tromsø Convention, parties can choose to extend their national law to cover the entire judicial and legislative branch, or alternatively to only cover the administrative duties. Although it is not written explicitly in the law, in practice the current Greek framework has been interpreted as only encompassing the administrative parts of the legislative and judicial branch.

While this is not out of line with international standards, the procedures for requesting administrative documents from the legislative and judicial branches are vague. There is also confusion on what documents fall under “administrative” functions as exactly what can be requested and how is not explicitly stated by the law. This means that in practice, it is very difficult to successfully request administrative documents from the two branches.

To clarify this, there should be a distinction between the documents that are related to their “judicial or legislative functions” and those relating to their “administrative functions”. The documents that are not related to the “judicial or legislative functions” of the bodies should be accessible upon request in the same way as the documents held by the executive branch and public sector.

### **Recommendation:**

- The law should clearly state that the request procedure is applicable to, at least, the administrative documents of the judicial and legislative branches.
- There should be clarity as to which documents fall under “administrative” functions.

## 3. Everyone able to exercise the right of access to information

Under Article 5A and 10 of the Constitution, the right of access to information and documents is awarded to everyone (natural or legal persons regardless of their nationality and status).

Despite this, a concept of “reasonable interest” was developed by the case law under Article 5 Law 2690 which stated that:

1. Any person concerned shall have the right to inspect administrative documents on written request.

Case law interpreted this to mean that a requester had to have a specific “reasonable interest” to access certain documents. This interest could not simply be a general civic concern but needed to be linked to a specific personal or legal connection relevant to the request. Requesters might have been required to demonstrate this interest explicitly, or it could have been inferred from their personal details, such as their profession. This requirement imposed a general limitation on access rights, which contrasted with international standards stating that requesters should not have needed to justify their requests, nor should their identity have influenced the outcome.

Following an update in the law in 2024, the terms “Any person concerned” has been removed from the law. Article 5(1) of law 2690/1999 now reads:

1. Any natural or legal person has the right, following a written, in person or electronic, anonymous or non-anonymous request to be informed of public documents, administrative and private.

This change in the law is positive but it is yet to be seen how this will be interpreted and implemented in practice.

### **Recommendation**

- Public authorities should ensure implementation of the new amendment of Article 5 of law 2690/1999, ensuring that, in practice, everyone is able to exercise their right to information held by public authorities, without the need to provide a reason for the request or give excessive personal details.

## **4. Exceptions narrowly defined and strictly interpreted**

The right to access information is a fundamental right that promotes transparency, accountability, and public participation. This right, however, is not absolute. Limitations on the right to information are necessary to balance the need for transparency with other legitimate interests, such as national security, privacy, and public order.

The Tromsø Convention contains a set of exceptions where access to requested documents can be legitimately refused. Article 3 of the Tromsø Convention lays out the following international accepted exceptions:

- a. national security, defence and international relations;
- b. public safety
- c. the prevention, investigation and prosecution of criminal activities;
- d. disciplinary investigations;
- e. inspection, control and supervision by public authorities;
- f. privacy and other legitimate private interests;
- g. commercial and other economic interests;
- h. the economic, monetary and exchange rate policies of the State;
- i. the equality of parties in court proceedings and the effective administration of justice;
- j. environment; or
- k. the deliberations within or between public authorities concerning the examination of a matter

While the Greek framework does contain internationally accepted exceptions, it also contains extra absolute exceptions that are wide, with some deferring to different laws. Such as:

Law 2690/1999 Article 5

2. ...The right shall not apply in the event of a breach of a confidentiality provided for by special provisions, such as the secrecy of national defence and foreign policy, public trust and currency, the security of the State and public order, medical, commercial, professional, banking or industrial secrecy.

Law 4727/2020, Article 59

4. The provisions of this Chapter do not apply to documents:



(a) the disposal of which constitutes an activity that does not fall within the scope of the public mission of the respective public sector bodies, as defined by the relevant provisions of each body

The Tromsø Convention makes clear that all exceptions should be clearly and narrowly defined within a national access to information law. National access to information laws should not make general references to other laws or special provisions that regulate exceptions.

### **Recommendation**

- The exceptions to access to public documents should be stated within the Greek access to information regime, follow international standards, be narrowly defined in the law and applied consistently by the public authorities.

## **5. A harm and public interest test applied to all exceptions**

The Constitution contains a proportionality test in general (Article 25) and a specific proportionality test in relation to the right to information (Article 5A):

Art. 5A. 1. All persons have the right to information, as specified by law. Restrictions to this right may be imposed by law only insofar as they are absolutely necessary and justified for reasons of national security, of combating crime or of protecting rights and interests of third parties.

Article 25

1. The rights of the human being as an individual and as a member of the society and the principle of the welfare state rule of law are guaranteed by the State. All agents of the State shall be obliged to ensure the unhindered and effective exercise thereof. These rights also apply to the relations between individuals to which they are appropriate. Restrictions of any kind which, according to the Constitution, may be imposed upon these rights, should be provided either directly by the Constitution or by statute, should a reservation exist in the latter's favour, and should respect the principle of proportionality.

Within the actual legal framework regulating access to information, however, the harm and public interest test is not laid out explicitly. There are also multiple absolute exceptions. This goes against international standards on access to information. The Tromsø Convention contains a list of internationally accepted exceptions. These exceptions, however, are all subject to the following harm and public interest test under Article 3(2):

Access to information contained in an official document may be refused if its disclosure would or would be likely to harm any of the interests mentioned in paragraph 1, unless there is an overriding public interest in disclosure.

Therefore, whilst certain limitations are permitted to the right of access to information, all limitations must ensure that disclosure of information is only refused if it would or would be likely to cause harm to a protected interest, and in all cases the application of the exception must be balanced against a public interest test.

### **Recommendation**

- The Greek access to information regime must contain a clear harm and public interest that is applied to each exception.

## 6. Preference of the applicant on access considered

According to Article 6 of the Tromsø Convention, the applicant should be able to express a preference in how they access requested information:

When access to an official document is granted, the applicant has the right to choose whether to inspect the original or a copy, or to receive a copy of it in any available form or format of his or her choice unless the preference expressed is unreasonable.

Where the public authority determines that it is not reasonably practical to comply with any preference expressed by the applicant, the authority shall notify the applicant of the reasons for its determination.

The Greek framework states that a public body can give access to a requester by letting them study the document at the premises of the service, by issuing a copy, unless the reproduction thereof can prejudice the original or by referring to a readily accessible source online. It does not however state that an applicant has a choice of how they wish to access the requested information.

### **Recommendation:**

- Public authority shall, so far as reasonably practicable, give effect to preference of applicant on how they access the requested document.

## 7. Fees only applicable to actual cost of reproduction

Exercising the right of access to information should be free of charge. According to international standards, fees may only be charged for the actual cost of reproduction.

Article 7 of the Tromsø Convention states:

A fee may be charged to the applicant for a copy of the official document, which should be reasonable and not exceed the actual costs of reproduction and delivery of the document. Tariffs of charges shall be published.

This means that there can be no charges for the time required by public bodies to process and respond to requests. Furthermore, when information is provided in digital formats, this must also be free of charge.

The Greek legal regime, while it mentions fees, is very vague on details. Law 2690 Article 5 simply states:

The cost of reproduction shall be borne by the applicant, unless the law provides otherwise.

While fees can be charged for reproduction of documents, in line with international standards, there is no indication of amounts that can be charged.

### **Recommendation:**

- If fees are to be implemented, they should only be charged to cover the cost of the creation of physical copies and postage. These fees should be set by a central authority and clearly published.

## 8. More education on the right

The Tromsø Convention specifically calls on the Parties to inform the public about its right of access to official documents and to educate public officials on how the right should be implemented.

Article 9 on Complementary measures states:

The Parties shall inform the public about its right of access to official documents and how that right may be exercised. They shall also take appropriate measures to:

- educate public authorities in their duties and obligations with respect to the implementation of this right;
- provide information on the matters or activities for which they are responsible;
- manage their documents efficiently so that they are easily accessible; and
- apply clear and established rules for the preservation and destruction of their documents.

A good way to ensure that public officials are updated on access to information obligations and that the law is being followed correctly, is for each public authority to appoint an Information Officer, tasked specifically with ensuring that officials responsible for implementing the law receive regular training on their legal obligations.

The Greek legal regime does not put in place specific measures for training of public officials on the right of access to information.

### **Recommendation**

- Public authorities should be trained on their obligations on the right to information. To aid this, they should appoint dedicated officials (information officers) or units with a responsibility for ensuring that staff are trained and comply with their information disclosure obligations.

## 9. Simplified and streamlined appeals process

Regarding a review procedure, Article 8 of the Tromsø Convention states:

An applicant whose request for an official document has been denied, expressly or impliedly, whether in part or in full, shall have access to a review procedure before a court or another independent and impartial body established by law.

The appeal system of access to information in Greece is currently spread across various mechanisms. Depending on the law in which the requester has filed their request, they can appeal to the National Transparency Authority, the Ombudsman or the Court.

The lack of clarity on how to appeal a refused request is confusing and could lead to requesters not knowing how to apply for redress against a refusal. To add to the confusion, the requester is only informed of their right to administrative and judicial appeal in some circumstances, depending on what law the request has been submitted under.

The current appeals procedure needs to be simplified and streamlined. This can be done by creating one specialised oversight body on access to information that has power to rule on all appeals (see recommendation 10 below).

When a request for access to information is denied, the public authorities should not only give a written and specific justification for that refusal to the applicants but also inform the applicants about the appeal procedures they can use.

**Recommendation:**

- Requesters should have access to an appeals process that is simple and easy to use.
- When refusing to provide access to information, public authorities must a) state the exact legal grounds and reason(s) for the refusal and b) inform the applicant of the relevant appeals procedures.

## 10. A specialised and independent oversight body

International comparative best practice indicates clearly the benefits of an independent oversight body to provide a specialist, fast-track, free means for the public to defend the right of access to information. The implementation of access to information laws is generally more effective where such oversight bodies exist, and they can provide valuable guidance to public bodies in the early years of a full access to information regime.

Currently oversight of access to information in Greece is carried out by the National Transparency Authority (NTA) but only regarding the open data and their further use, according to law 4727/2020. There is no oversight body for the other aspects of the right to information. Even regarding the aspects of the right that NTA is responsible for, there is no available data regarding the implementation of the law. Indicatively, no mention of that specific competence was found in NTA's annual reports.

**Recommendation:**

A specialised oversight body should be set up with a mandate for the protection of access to information. Below is a checklist of recommendations for establishing an oversight body:

- Independence: The members of the oversight body should be nominated by either the executive or the parliament, and approved by the parliament following open hearings and process by which the public may make representations.
- Candidates: There must be a prohibition on individuals with strong political connections from being appointed. Professional expertise should be required.
- Term: Members of the oversight body should be appointed for at least 5 years and have security of tenure during this period except for major breaches of the law and incompatibilities.
- Financial Independence: The oversight body must be able to propose its own budget for the future year, subject to parliamentary approval.

**Mandate & Powers:** the mandate and powers of the oversight body should include the following:

- Appeals: The oversight body receives and decides on appeals against administrative decisions (including administrative silence);
- Binding decisions: The decisions of the oversight body are binding and must be complied with or challenged in court; if not complied with, sanctions may be imposed;

- Powers of inspection: The power to both request copies of documents and to enter the premises of public bodies and review documents;
- Review of classified documents: The right to review documents that have been classified;
- Declassification of documents: The oversight body can order revisions to classification of documents / can recommend revisions to classification;
- Structural Remedies: The oversight body can order structural remedies in public bodies (such as improved record management, more training, etc.);
- Sanctions: the oversight body can impose sanctions and these must be paid or challenged in court;
- Education: the oversight body is mandated to ensure that relevant public officials are educated on the access to information law;
- Awareness Raising: The oversight body is charged with raising awareness about the law and educating the public;
- Monitoring implementation: The oversight body is charged with collecting data from public bodies so that it can monitor implementation of the Freedom of Information Act;
- Reporting: the oversight body must present a report to parliament, which shall also be public, on an at least annual basis.

**Oversight of Proactive Publication:** The oversight body should be charged with supervision of proactive publication requirements, including:

- Receiving complaints from public on proactive publication;
- Reviewing proactive publication ex-officio;
- Ordering specific remedies;
- Ordering structural remedies (such as improving websites, improving record keeping, or conducting more training);
- Reporting on compliance with proactive publication requirements in its annual report.

**Advancing the Right:** The oversight body should be charged with having a proactive role in developing the right of access to information in Greece. To this end it should be empowered to:

- Develop Criteria: the oversight body can develop guidance on implementation and criteria for interpretation of the Freedom of Information Act;
- Propose Legislation: The oversight body can propose legislative reforms / changes to implementing regulations to the executive and relevant parliamentary committees;
- Initiate and be a party to Litigation: The oversight body can participate as an amicus curiae or similar in relevant court cases in which it is not a party.

## Conclusion

The right of access to information is guaranteed by the Greek Constitution. Despite this, the existing legal framework governing this right remains fragmented and overly complex, hindering effective implementation. While recent amendments have introduced some improvements—such as clarifying universal access and providing assistance to requesters—the overall system still falls short of international standards, including those outlined in the Tromsø Convention.

Addressing these deficiencies will require substantial reforms to bring Greece's access to information laws in line with best practices. Key priorities include consolidating the various regulations into a cohesive legal framework, clearly defining exceptions with appropriate harm and public interest tests, streamlining the appeals process, and establishing an independent oversight body empowered to enforce compliance. By adopting these reforms, Greece can uphold its constitutional commitment to transparency and ensure alignment with international norms.