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Newsflash

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Digital Governance – Electronic Communications

New Law 4727/2020 (Government Gazette 184/23.09.2020) comes to regulate and codify digital governance issues in the public sector, as well as to set the basis upon which the Digital State will be structured in the next decade.

Digital Governance (adoption of Directive (EU) 2016/2102 and Directive (EU) 2019/1024)

Main provisions

- The **general principles of digital governance** are updated, aiming to promote good administration, transparency, equality and accessibility, provision of accurate, complete and up-to-date digital services and processes, promote legality as well as the protection of personal data and privacy.
- The **protection of personal data** by design and by default in the public sector is enhanced. Where the law requires the consent of the person regarding the processing of their personal data, such consent may be lawfully given using information and communication technologies.
- A 12-digit **Personal Number (P.N)** will be granted to every individual. This will be necessary for the mandatory verification of the persons' identity concerning their transactions in the public sector.
- Integrated regulations are established for the issuance of electronic documents and their electronic distribution. Moreover, regulations are introduced for the validity of electronic documents after their printing. Documents issued using an **approved electronic signature** or an **approved electronic stamp** are mandatorily accepted by public sector bodies and by natural or legal persons or legal entities during their electronic circulation. Finally, the validity of electronic documents is extended to include proceedings before all Courts, following the required amendments of the corresponding procedural provisions.
- The **Unified Digital Portal (EDP)** of the Public Administration (gov.gr) is defined as the digital service center for the provision of digital public services and especially for the provision of electronic documents, the access to which may be given under the same conditions as to the non-electronic documents.
- **Directive (EU) 2019/1024 on open data and the re-use of public sector information** is incorporated into Greek law, the provisions of which extend the principles of open availability and re-usability of documents, information and data that are either in the possession of public bodies, or funded by public resources.
- For the first time, explicit reference is made and special provisions are introduced in categories of data, the utilization of which has a particularly significant benefit for the economic and social life of the country, such as the **dynamic data** (e.g. environmental data, traffic data, satellite data, meteorological data, sensor data), **research data** and **high value data** (i.e. documents, the re-use of which is associated with significant benefits for society, environment and economy), while the obligation to allow the re-use of documents is extended. The re-use of documents includes now documents that are issued by public undertakings established for the specific purpose of meeting needs in the general interest and operating in specific sectors, critical to the national economy.
- The **National Registry of Procedures** is established, where all digital and physical procedures of the public sector are registered, regardless of whether they are related to the provision of public services to citizens or to private sector bodies or to State's internal procedures. It is specified that there can be no deviation from any competent public authority in the implementation of the procedure, which eliminates arbitrariness and bureaucracy in the public sector.
- The State will commit a band of specific **radio**

frequencies for ten (10) years, in order to exclusively use it for research, development and innovation in networks, products and services operating on fifth generation (5G) network infrastructure.

- A société anonyme under the corporate name "**Holdings 5G S.A.**" is established, in order to utilize the "Phaistos Fund", where its initial capital consists of part of the State's revenues from the auctions concerning the 5G spectrum. The Fund "Phaistos" sets the conditions for the development of a functional and sustainable ecosystem aiming to the production of 5G applications and the provision of 5G services. The exclusive goal of the Fund will be to invest in companies based in Greece or abroad, whose business is focused on the research and development of products and services provided by the 5G infrastructure (or related to this) in Greece.

Electronic Communications (adoption of Directive (EU) 2018/1972)

Main provisions

- **Directive (EU) 2018/1972** is incorporated into Greek law, establishing a unified framework with respect to electronic communications.
- The regulatory framework is updated, with clear and consolidated rules adopted in order to **encourage investments** in the development of very high capacity networks (with a download speed of at least 100 Mbps).
- The foundations of a predictable -from a regulatory point of view- framework are also laid down with regard to the licensing of the **radio spectrum** and the development of wireless broadband connections.
- An important aspect of Electronic Communications is the **protection of consumers and businesses**, so as to receive high quality services at competitive prices. In fact, under the new provisions, the definition of electronic communications services is extended to broadly ensure consumer protection.

Conclusions

New Law 4727/2020 summarizes and updates more than 120 provisions of scattered legislation of at least 15 years, while at the same time sets the regulatory framework for the development of the Digital State.

The granting of a personal number to each citizen, is an

important breakthrough in the process of simplification and automation regarding their identification processes, since the interoperability of the different governmental systems is facilitated and simplified, given that in the near future the 'Personal Number' will be the exclusive number that each citizen will be called to use for the vast majority of their transactions with the public sector.

The development of the fifth generation (5G) networks through a specialized Fund is an innovation contributing to the growth of the private sector, as it funds companies and especially startups to invest in innovative ideas related to 5G, such as robotic surgery, autonomous vehicles etc.

Overall, the new legal framework, aims to the harmonization of the Greek Law with the European Directives about new technologies, and Greece makes a direct effort to enter the digital reality in practice.

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This Newsletter aims to provide the reader with general information on the above-mentioned matters. No action should be taken without first obtaining professional advice specifically relating to the factual circumstances of each case.

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