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**REGULATION FOR THE ASSURANCE OF PRIVACY
IN POSTAL SERVICES**

DECISIONS

No. 1001/p.21

Approval of the Regulation for the Assurance of Privacy in Postal Services

**THE HELLENIC AUTHORITY FOR COMMUNICATION SECURITY AND
PRIVACY (ADAE)**

Having regard to:

The provisions of

- a. Law 3115 / 27.2.2003, article 1, paragraph 1,
- b. Law 3115 / 27.2.2003, article 6, paragraph 1 (ib)
- c. That this Decision does not incur any public expenditure.
- d. The relevant recommendation by the Office, decided, at its meeting on 16 March 2005, to approve the following Regulation for the Assurance of Privacy in Postal Services.

CHAPTER I
PURPOSE – DEFINITIONS

Article 1

Purpose – Scope

1. The purpose of this Decision is:
 - (a) The establishment of the obligations of the Postal Enterprises, of the staff they employ, as well as of the third parties who collaborate with them under any legal relationship for the provision of postal services, with respect to the confidentiality of postal services, as provided for in Article 22 of Law 2668/1998, and the security terms that contribute to its assurance.
 - (b) The establishment of a procedure for controlling the natural or legal persons referred to in paragraph 1 of the present Article for compliance with their hereinabove obligations.
2. The provisions of the present Regulation shall apply to all Postal Enterprises.

Article 2

Definitions

1. For the purposes of the present, the terms used in its provisions shall have the following meaning:
 - a. Postal Services: Basic and other postal services.
 - b. Basic postal services: The services of collecting, sorting, transporting and distributing postal items.
 - c. Other postal services: Non-basic postal services which relate, mainly, to special emergency transfer items, monitored by a special tracking and tracing system, to advertising items without address, to the preparation of postal items and to the exchange of documents.
 - d. Public postal network: All the organization and any kind of means and persons used by the universal service provider and allow amongst others:
 - the collection of postal items for which universal service obligation is required from access points throughout the territory,

- their transportation and handling from the access point in the postal network to the distribution centre,
 - their distribution to the address indicated in the item.
- e. Access points: Specific facilities, including mailboxes, either in public places or in sites of the universal service provider, where users can deposit postal items in the public postal network.
- f. Postal item: An item with a specific recipient, which is sent in its final form, in which the universal service provider receives it. This category includes - in addition to mail items - books, catalogues, newspapers, magazines, postal parcels up to 20kg containing merchandise - with or without commercial value - as well as texts transmitted through the e-mail process since, in their final form, they are enclosed in a file for shipment.
- g. Items of correspondence: Any means of communication in writing transferred and delivered to the address indicated by the sender on the item itself or on its packaging. Books, catalogues, newspapers and magazines are not considered items of correspondence.
- h. Sender: Any person from whom the postal items originate.
- i. User: Any person to whom the postal service is provided as a sender or recipient.
- j. Essential Requirements: The reasons of general interest which may lead to the imposition of conditions relating to the provision of non-financial postal services. These reasons are: the confidentiality of correspondence, the safety of the operation of the network in relation to the transportation of dangerous substances and, in justified cases, the protection of the environment, spatial planning and data protection. The latter includes the protection of personal data, the confidentiality of the information transmitted or stored, as well as the protection of privacy.
- k. Enterprise: Any natural person and any organization or association of persons, with or without legal personality, with profit. Any public body having its own legal personality or is subject to an authority having a legal personality shall also be included in the concept of an enterprise.
1. Postal Enterprise: Any enterprise that provides postal services.
 2. Other terms used in the present Decision bear the meaning ascribed to them by the applicable law.

CHAPTER II

POLICY FOR THE ASSURANCE OF POSTAL SERVICES PRIVACY

Article 3

Definition - General Requirements

1. The Policy for the Assurance of Postal Services Privacy (PSP Policy) is the set of rules that govern the operation of the Postal Enterprises for the purpose of ensuring the privacy of the Postal Services.
2. The PSP Policy includes the Confidentiality Policy, the Security Policy and the Discretion Policy, which are extensively referred to in Articles 4, 5 and 7 of the present Decision.
3. The Postal Enterprises shall ensure the preparation and implementation of the PSP Policy, in accordance with the applicable legislation and the terms and conditions of the present Decision.
4. The terms and conditions for the waiver of privacy, as provided for by the applicable law, shall form an integral part of the PSP Policy. Each Postal Enterprise shall clearly specify the mechanism, the internal procedure and those responsible for implementing the waiver of privacy, and shall provide for measures for managing problems that may occur during the waiver period as well as during the restoration of privacy after the completion of the waiver process.
5. The implementation of the PSP Policy by the Postal Enterprises requires carefully selected and well-trained personnel, modernized and effective organization system of the postal network, computerization, measures to prevent a possible breach of this policy and the briefing of the users for the precaution required during the shipping of postal items.
6. The PSP Policy shall be submitted to the Authority for the Information and Communication Security and Privacy in accordance with Chapter III of the present Decision, and shall be subject to inspection by the Authority, both regarding its completeness and effectiveness and in the extent to which it is implemented.

Article 4

Confidentiality Policy of the Postal Services

1. Every Postal Enterprise shall be obliged to ensure the confidentiality of the postal services, which is completely inviolable. To this end, every postal enterprise is responsible for the preparation and implementation of the Privacy Policy of the Postal Services.
2. Indicative, and not restrictive, breach of privacy exists in the following situations:
 - a. Illegal possession of a postal item handled by a postal enterprise.
 - b. Unsealing postal items if this happens in breach of existing legislation.
 - c. Reading a letter contained in a postal item.
 - d. Providing information on the details of the sender or the recipient, the time or event that a postal item was shipped or received, in breach of existing legislation.
3. Confidentiality applies to mail items, but also to any postal communication, whether of personal or commercial character.
4. Mail items (other than correspondence items) which indicate, by way of their packaging, that the sender has chosen the confidential nature of their content, shall be covered by the obligations of confidentiality and discretion.
5. In the context of the Privacy Policy of Postal Services, Enterprises shall identify and specify the Vulnerabilities of the postal network as specified in Article 6 of the present Decision, as well as the possible risks, and take measures to avoid or deal with them.

Article 5

Security Policy of the Postal Services

1. Precondition for ensuring the confidentiality of postal services is the adoption of adequate security measures when providing such services. To this end, each Postal Enterprise shall ensure the development and implementation of the Security Policy of the Postal Services.
2. Security in the provision of postal services shall consist of ensuring the preventing of any breach, loss, illegal ownership, alteration of the contents of the postal item, as well as the avoidance of the transport of dangerous objects or prohibited substances.
3. The Postal Enterprises shall comply with the rules of the Universal Postal Union (UPU)

concerning the transport of dangerous postal items and prohibited substances.

4. The Security Policy of the Postal Services should not obstruct the users' easy access to fixed points of the postal network, the frequent collection and distribution of postal items and the smooth operation of postal services.

5. In the event of an extraordinary and particularly serious threat to public health or safety, Postal Enterprises may take extraordinary security measures notified to the Authority for the Information and Communication Security and Privacy.

6. These measures include:

- (a) Presenting open all items exceeding 6.35mm thick.
- (b) Identity check of the sender or bearer, and indication of their details on the receipt ticket of the item in the case of registered and general items delivered to the hands of the recipient.
- (c) Refusal to receive and manage items which do not bear the sender's name.

Article 6

Vulnerable Points

1. Postal Enterprises shall identify the points in the process of managing postal items, which need particular protection and enhancement with regard to securing the confidentiality and security of postal services, and shall take the appropriate measures.

The vulnerabilities are mainly identified:

a. At the points of depositing the items, and in particular at the local offices of the Postal Enterprises and in the outdoor mailboxes or letter plates.

With regard to locally authorized offices for receiving postal items, Postal Enterprises must staff them with employees highly up-to-date and knowledgeable on privacy issues, capable of meeting the requirements and conditions of the PSP Policy.

With regard to outdoor mailboxes, Postal Enterprises must provide that their construction ensures on one hand their waterproofness and weather resistance, and on the other hand the inviolability of any third party who attempts to remove or destroy the postal items.

b. At the points of deposition of postal items in the premises of the Postal Enterprises for further management (sorting, transport, distribution). At these points, Postal Enterprises must prioritize the organization and training of their personnel, in implementing flexible postal items management planning, and in adhering to basic security measures regarding the

management of postal items, prohibiting any access to those premises to any stranger or unauthorized employee.

c. At the transfer to and from the Management (Sorting) Centers. Postal Enterprises' vehicles carrying postal items must be locked and secured in order to prevent acts of breach of confidentiality.

d. At the points of delivery of the postal items, if they are not delivered to the recipient's hands, that is, if they are not registered or courier items. Letters should be dropped into mailboxes, if any. In case no mailboxes exist, the Postal Enterprises' personnel must place the item in a safe place, visible to the recipient, always displaying due diligence to ensure confidentiality and prevent loss of the item.

e. At the content of postal items and the confidentiality of the content, in combination with the need to check the items for reasons of public safety. Postal Enterprises must comply with the principle of proportionality when taking measures to prevent the transport of objects dangerous to public health and safety, or of prohibited substances, so that controls carried out are not disproportionately burdensome to the confidentiality with regard to the intended result.

Article 7

Discretion Policy

1. Postal Enterprises shall ensure professional discretion regarding the handling of postal items or in dealing with users. To this end, each Postal Enterprise shall ensure the development and implementation of a Discretion Policy when providing Postal Services.

2. Employees of Postal Enterprises and other persons cooperating with them under any legal relationship for the provision of postal services shall not disclose to third parties information on:

- a. The content and shipping manner of postal items
- b. Details of the sender and the recipient of postal items
- c. The details (name, address) of persons who have completed a transaction with Postal Enterprises
- d. The fact that a postal item has been shipped or received
- e. The shipping method (simple or registered letter)
- f. The postal relations between persons or enterprises

g. The name of the sender, for registered items which, when delivered to the Postal Enterprises, do not bear the name of the sender. The recipient of the item is also considered to be a third party in relation to this obligation.

3. Discretion is also breached when the above information is disclosed not only to third parties, but also to employees of the postal enterprise who are not responsible for the management of the items concerned.

4. Postal Enterprises shall be required to include an express condition relating to the protection of confidentiality and professional discretion in contracts with their employees or other persons with whom they cooperate in the provision of postal services.

Article 8

Indicators for Privacy Assurance and Indicators for Postal Objects Security

1. Postal Enterprises are obliged, within the framework of the Policy for the Assurance of Postal Services Privacy (PSP Policy), to determine the procedures for managing users' complaints regarding the loss or breach of mail items they manage, and to release within the first three months of each calendar year, the indicators referred to in paragraph 2 of the present Article, for each type of postal item they manage.

2. The Postal Enterprises are required to release the following indicators, where Dlv is the Indicator for Confidentiality and Discretion Assurance and D2v is the Indicator for Postal Objects Security:

Dlv = Number of violations of privacy and discretion
Total Managed Items

D2v = Number of lost items Total
Managed Items

CHAPTER III
OBLIGATIONS OF POSTAL ENTERPRISES,
AUDIT AND SUPERVISION

Article 9

**Obligations of Postal Enterprises regarding the Policy for the
Assurance of Postal Services Privacy (PSP Policy)**

1. Postal Enterprises are required to:
 - a. Establish and implement the PSP Policy
 - b. Inform the Authority for the Information and Communication Security and Privacy about the applicable PSP Policy. The Authority approves the applicable PSP Policy, and makes comments and changes where it is deemed necessary.
 - c. Inform the Authority of any amendment of the content of the applicable PSP Policy.
2. Each Postal Enterprise shall designate a duly qualified employee, with the title of Security Officer, as the contact person between the enterprise and the Authority.
3. Each Postal Enterprise shall conduct regular reviews and revisions of the PSP Policy, either voluntarily or following a relevant mandate by the Authority.
4. In the event that it is ascertained, by the Postal Enterprises, or upon a recommendation of the Authority, that an extraordinary and particularly serious risk of breach of the PSP Policy is established, the Postal Enterprises shall promptly and by all appropriate means inform users of such risk, proposing protection measures.

Article 10

**Audit Procedure by the Hellenic Authority for Communication Security and Privacy –
Penalties**

1. The Authority at regular time periods shall carry out audits of any Postal Enterprise falling under the provisions of the present Decision.
2. The audit procedure shall be carried out by the Authority's competent office in accordance with the applicable legislation, on the basis of the steps described in Annex A' of the present

Decision.

3. During the audit, the Audit Team shall record in detail the actions in a special form entitled "Audit Report on a Postal Enterprise". The minimum requirements for this form are set out in Annex B' of the present Decision.

4. The Audit Team shall release its findings to the Authority's Plenum. The Authority's Plenum evaluates the findings of the audit, taking into consideration the PSP Policy that was submitted by the Postal Enterprise, and either adopts the measures implemented by the inspected Postal Enterprise, or proceeds in accordance with the lawful procedure to impose recommendations or penalties if the appropriate measures have not been taken.

Article 11

Supervision exercise

1. The Postal Enterprises, within the first three months of each calendar year, shall submit to the Authority an "Annual Report regarding the Information and Communication Security and Privacy of the Postal Services".

2. The minimum content of the Annual Report is set out as follows:

- a) Full file on the PSP Policy, as is set out in Chapter II of the present Decision.
- b) Incidents that threatened to breach the security and privacy of the Postal Services, as well as an assessment of the damage suffered by the Postal Enterprise and the users due to these incidents.

(c) Measures taken to address the above incidents.

3. The Authority may by its own Decision modify the minimum content of the Annual Report.

4. The Authority may at any time request from the Postal Enterprises any information it deems necessary within the context of its responsibilities in order to ensure the privacy of the Postal Services.

CHAPTER IV
TRANSITIONAL PROVISIONS

Article 12
Transitional Provisions

1. All Postal Enterprises shall prepare and send to the Authority a report including the content of the Annual Report, as set forth in Article 11 of the present Decision, within three (3) months from the day of publication of the present Decision.
2. Postal Enterprises, set up at a time after the date of entry into force of the present Decision, shall be required to file with the Authority the PSP Policy within three months of the issuance of their operating license.

CHAPTER V
FINAL PROVISIONS

Article 13
Entry into force

The present Decision shall enter into force from the date of publication in the Government Gazette.

ANNEX A
Description of Postal Enterprises

Audit Procedure The Postal Enterprises Audit Procedure is carried out based on the following steps:

- (a) The Authority by its own Decision designates an Audit Team consisting of at least three (3) persons for the purpose of inspecting a particular Postal Enterprise. The audit team shall at least include a team leader, a legal adviser and a technical adviser.
- (b) At a time decided by the Audit Team, it communicates with the Postal Enterprise and requests a prompt contact with the Security Officer as set forth in Article 9 of the present Decision. Any delay or interruption that occurs during the communication attempt with the Security Officer is recorded.

- (c) The Security Officer delivers to the Audit Team a complete file of the PSP Policy.
- (d) The Audit Team shall thoroughly examine all relevant documents in the file and shall record any identified inadequacies, ambiguities, delays and problems. During this process, the Postal Enterprise may be requested to provide clarifications regarding the PSP Policy.
- (e) During the inspection, the Postal Enterprises are not allowed to amend the applicable PSP Policy.
- (f) The Audit Team conducts an inspection of the premises of the Postal Enterprises in order to ascertain the extent to which the procedures provided for in the PSP Policy are applied. In the context of the inspection, the Audit Team may contact the staff of the Postal Enterprises. The Audit Team records in detail any inadequacies and errors that may be identified.
- (g) The Postal Enterprises are required to submit to the Audit Team any information deemed necessary for the successful completion of the audit.
- (h) Any evidence of non-cooperation by the Postal Enterprise and / or attempted deception of the Audit Team shall be recorded.

ANNEX B

Minimum contents of the form entitled "Audit Report on a Postal Enterprise"

The hereinabove form shall contain at least the following information:

- (a) The details of the Authority's Decision by which the audit was decided.
- (b) The full names and the capacities of the members of the Authority who constitute the Audit Team, as well as the date of its establishment
- (c) The name of the Postal Enterprise under audit and the name of the Security Officer
- (d) The time required until the complete PSP Policy was delivered to the Audit Team.
- (e) Operations log, questionnaire of the Audit Team and recording of the response of the Postal Enterprise under audit.
- (f) The outcome of the inspection to assess the implementation of the PSP Policy, including records of any inadequacies and ambiguities that may have been identified.
- (g) Date of commencement and termination of the audit.



(h) Final audit report and recommendation to the Authority's Plenum.
Present decision to be published in the Government Gazette.

Athens, March 17, 2005

The President

ANDREAS LABRINOPOULOS