

Legal and Social Aspects of Surveillance Technologies: CCTV in Greece^{*}

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Video surveillance in public and/or publicly accessible places is not exceptional any more, rather it is notably increased - becoming sometimes a "panacea" - to promptly deal with security concerns. CCTV (systems) seem(s) to be deployed and perceived more as ad hoc "safety and security tools" for "protection" and "crime prevention and enforcement" and less as a form of surveillance, i.e. as process of monitoring, collecting of information and systematic classification and social sorting.

Even if CCTV is becoming a part of everyday-life, it still interferes with personality, privacy and data protection rights that are embedded in the Greek Constitution (in Art. 5, 9 and 9A) and law. According to Greek legal theory and jurisprudence people enjoy also "privacy in public" and audio/image data are considered to be personal data, if they refer to identified or even identifiable persons. On the other side, security is, in general, accepted as a restriction to fundamental rights, despite the divergent views about its nature (individual good, public good or pre-condition of exercising other rights). The "right to security", does not have a distinct, self-existent ground in the Greek Constitution, but constitutes the resultant of the demand for the state to undertake positive obligations and actions for the protection of rights such right to life, ownership, personality etc.

Following the public controversy concerning the legal ground and the use of CCTV by police authorities a specific law (Art. 14 of Law 3917/11 as modified by Law 3994/11), has defined terms and conditions for deployment of CCTV for the protection of state security, public safety and security, prevention of crime and law enforcement. Video-surveillance by individuals and private bodies is regulated by a "Directive" issued by the Greek Data Protection Authority, which lays down legal and technical restrictions (limits of equipment, limitations, "privacy zones", notification requirements), the core elements of the provision being lawfulness, purpose specification and proportionality.

The maturity of CCTV technology, the wide availability of (cheap) CCTV or biometric/face recognition systems, and respectively their widespread use (also in the private sector and by private citizens) change slightly but steadily the social perception of what is acceptable or excessive in relation to security

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measures, while influencing inevitably the regulatory content of core principles such as the principle of proportionality. Public perception and acceptance of such systems is oriented mostly around the conflict-balance relation of security or/and living and movement without being monitored.

Research into public support for CCTV has produced mixed results with many studies finding widespread support for CCTV. Especially in an environment of economic and social crisis, when uncertainty is rising on multiple levels, the prevention and removal of risks has become a social and political expectation, if not imperative. Acceptance and/or tolerance of CCTV mirror risk perceptions and fears and the sense that "somebody has to look after you". In this environment CCTV systems manifest the state's concern about security and its fight against crime.

On the other hand it is difficult to define a dominant perception, as in Greece there is a popular sensitivity and vigilance against any state monitoring and filling. Due to their historic experiences under dictatorships and authoritarian regimes and the respective lack of trust in state-public institutions many Greek citizens have reproduced a "negative surveillance culture". At the same time social analysis, surveys and media reports confirm a "Greek surveillance paradox": While there is mistrust towards even legitimate "institutional surveillance" (Lianos, 2012), Greeks are generally unconcerned with non-state, private video surveillance and data collection. A position that is to be understood in the light of "privacy paradox": Collecting and aggregation of information by private parties "fits well into a society where most things are marketable" (G. Marx, 2013) and people are inclined to expose their life and activities to social media and leave data traces by every electronic interaction. However, we should consider that information gained through privately deployed CCTV systems can also be placed at the disposal of the State, which may result in systematic data sharing between the public and the private sector such as in the case of communication data retention.

References

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About the authors

Dr. Lilian Mitrou is Associate Professor at the University of the Aegean-Greece. She has served as a Member of the Hellenic Data Protection Authority (1999-2003). From 1999 till 2001 she was representative of the Hellenic Data Protection Authority at the Art. 29 Data Protection Working Group and from 2001-2004 national representative in the EC- Committee on the Protection of Individuals with regard to the Processing of Personal Data. She has served as Advisor to the former Prime Minister K. Simitis in sectors of Information Society

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