

**Ioannis Iglezakis, Comment on Decision 837/2013 of the Court of Appeal (Three-Member) of Patras**

Article 22 of Act No 2472/1997 provides for criminal sanctions in case of illegal processing of personal data. In particular, paragraph 4 of this Article criminalizes a) the unlawful interference with a personal data file or b) the unlawful knowledge of such data or c) extraction, alteration, destruction, transfer, disclosure of making available to unauthorized persons or allowing unauthorized persons to know about this data or d) exploitation of such data.

In the case law of Greek courts, it has been established that the crime of Article 22 (4) of Law 2472/1997 is not committed in case the accused person has been acquainted with the information held in a data file without interfering with the file, e.g. when a journalist disseminates personal information during a live TV show, which was communicated to him by third persons.

The Appeal Court of Patras aligned with this case law, as it held that there is no interference with a data file when the defendant, who was an attorney, made use of personal data against the plaintiff in another trial, from the summons against the latter.

However, this judgment is not well founded, as the summons was included in the criminal file against the plaintiff and the defendant had no right to extract this document from the court file.