

23/06/2022

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**HELLENIC REPUBLIC
NATIONAL TRANSPARENCY AUTHORITY**

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To:

International Press Institute
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In response to the 21st of June 2022 post on your website with the title: *"Greece: Transparency authority must comply with court ruling on media advertising campaign"*, we would like to inform you in detail of the following, in order to avoid any further interpretive distortion:

On 19 October 2020, the civil non-profit company under the name Vouliwatch submitted application no. 816 to the General Secretariat for Information and Communication of the Presidency of the Government, requesting the following information on the implementation of the public contract concerning the award of communication and information services for the implementation of the campaign in the context of public health protection and measures to prevent the spread of COVID-19:

- a) the proposal of the Contractor for the selection of the appropriate means of communication and promotion of the information material including the list of Media sorted by category and the proposed method and frequency of transmission and/or publication,
- b) the proposal of the Contractor on the budget allocation of the communication campaign in the Media, including where applicable, the purchase of space or TV time, including the relevant budget and
- c) the submitted performance surveys and reports, as well as the certificates of good performance (certificates of bien faire) based on which the Media have or would have been compensated for broadcasting the campaign message.

Since there has been no response from the General Secretariat of Information and Communication to the afore-mentioned request (no. 816 application), on 16 November 2020 Vouliwatch submitted an extrajudicial appeal (pursuant to article 62 paragraph 4 of Law 4727/2020) before the National Transparency Authority (NTA) against the tacit rejection of the above 816/19.10.2020 request.

The National Transparency Authority delayed and ultimately didn't rule on the appeal on time due to the legal nature of the request and the large number of stakeholders

involved. As such, the relevant deadline set by par. 4 of Article 62 of Law No. 4727/2020 passed without a reply and it considered that the application in question was tacitly rejected. On 7 March 2021, Vouliwatch filed an application for annulment before the Athens Administrative Court of Appeal, against this tacit rejection, for which the decision No. 56/2022 was published.

No. 56/2022 Decision of the Athens Administrative Court of Appeal, which recognised the obligation of the National Transparency Authority to provide explicit reasoning for the rejection of the request for providing public data (as required by the provision of article 62 par. 4 of the Law. 4727/2020). Subsequently, the examination of Vouliwatch's appeal was referred back to the NTA, in order to issue a reasoned decision, in relation to what is stated in the said appeal, in accordance with the applicable provisions of Article 62 of Law No. 4727/2020 (see grounds 6 and 7 of No. 56/2022 Decision of the Athens Administrative Court of Appeal).

In particular, by virtue of the relevant court decision, the National Transparency Authority was ordered to examine the appeal and provide justification for its decision on the admissibility or otherwise of Vouliwatch's appeal.

The National Transparency Authority examined the appeal and, considering the factual and legal issues, issued a reasoned decision, analysing its reasoning based on the applicable legislation and existing case-law in compliance to No. 56/2022 Decision of the Athens Administrative Court of Appeal.

It must be noted that the afore-mentioned decision did not refer nor ordered the granting of the documents and data to Vouliwatch, as the latter falsely and misleadingly claims. In contrast, the National Transparency Authority was ordered by the Court to issue a reasoned decision on the matter as it should have done initially after the submission of the appeal, within the deadline provided for under par. 4 of Article 62 of the Law 4727/2020.

Furthermore, the National Transparency Authority is not obliged whatsoever by the decision no 56/2022 of the Athens Administrative Court of Appeal to grant access to documents without the issue of a reasoned decision, as Vouliwatch falsely and misleadingly claims.

Additionally, the legitimate interest of Vouliwatch to request for access to the said documents, has never been disputed by the National Transparency Authority given that in Greek legislation any person may submit a request for access to the documents. However, the legitimate interest to request for access is different from the legitimate interest for getting them. The Administration has the to verify whether the conditions (terms/preconditions) laid down by the legislation on the right of access to documents are met prior to actually granting them.

In any case, it should be noted that the National Transparency Authority is not a judicial authority, but an independent administrative authority, and therefore its decisions may be subject to judicial review and control.

Therefore, in view of the above and in order for the National Transparency Authority to assess its further actions, we would like to kindly ask you to provide the evidence

on which you base your article. More concretely we would like you to clarify, taking an evidence-based and data-driven approach, how exactly the NTA does not comply with the judgment of the competent Court, given that NTA's decision to the submitted Appeal fully complies with what has been decided and ordered by the Administrative Court of Appeal. Moreover, NTA's experts would like to get access on the documents, legal provisions and all other information that you used to corroborate and validate the information provided from Vouliwatch or any other party involved, given that you did not contact at any point NTA to get our official views and answers.

At NTA we believe that investigative journalism and the CSOs are paramount for enhancing democratic accountability and tackling corruption. This is reflected in our work programme and the design of the National Anticorruption Action Plan 2022-2025. We would welcome the opportunity to provide any clarification you need on our work and the specific topic in any format suits your needs.

That said, we deeply regret that you chose not to reach out to us and ask for explanations on the matter in question, but instead you preferred to reproduce one-sided allegations including false, unfounded and inaccurate information, without making the effort to verify the relevant information and ask for our views.

We would appreciate, if you could publish the full text of our answer to ensure that your readers have access to all relevant views and information so that they can formulate their own judgement.

**National Transparency Authority
The Governor**

Angelos Binis

