

SHORT CV

Dimitris Anastasopoulos is an attorney at law at the Athens Bar Association since 2007. He is a graduate of the University of Athens School of Law from which he has also received his Master's degree in Criminal Law. Currently, he is a PhD candidate in Law at the University of Athens. His research project focuses on the protection of privacy on the internet from the perspectives of constitutional as well as criminal law. During the summer of 2011 he was a Visiting Researcher at the Harvard University School of Law.

He is the president of the Greek Jurists' Union 'e-Themis'. 'e-Themis' (www.ethemis.gr) has the statutory goal to actively contribute in the scientific debate about aspects of Greek and European Law, especially about legal issues which arise in the areas of information technology, personal data protection and communications. Its members are lawyers and legal scholars, mainly from Athens, but also from other Greek cities. Among its numerous activities, the successful organisation of three major national conferences related to the aforementioned legal issues and an event at the Athens Bar Association for the «anonymity on the internet» can be mentioned.

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The conformity to the provisions of the constitution of the

«anonymity on the internet»

Abstract

Is the so called «anonymity on the internet» an established right that has evolved from the very reality of the internet or a fundamental civil right protected directly by our Constitution? The answer to this question might contribute to solving the dilemma that has emerged with such intensity in recent years: is the right to «anonymity on the

internet» absolute or not? There are many who argue that this right must be absolute. But there are also many others who argue that this right finds its limits where it overlaps with the field of protection of other civil rights.

The above question could also be formulated as follows: the rights to freedom of expression and privacy of communication provided by Articles 14 and 19 of the Greek Constitution occupy also the right to «anonymity on the internet», even in an absolute way? Or is the need to protect other constitutional rights, such as that for the protection of personality under article 5, or the right to judicial protection under article 20, also very important and possibly prevails? Apparently neither can the right to anonymity be considered absolutely inviolable.

In our country, the debate on the issue has become very widespread especially after the adoption of the 9/2009 Opinion of the Attorney General, followed by the 12/2009 and 9/2011 Opinions, according to which the traffic and location data are not protected by the legislation on the confidentiality of communications. In addition, a special legislative committee was recently established by the Justice Department to review the relevant legislation.

The purpose of this paper is to provide answers to the above questions, by interpreting the intent of the constitutional legislator.