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People with HIV suffering breaches in confidentiality due to administrative changes in tax regime systems - Greece”

What was the issue?

PLHIV in Greece are entitled to a welfare benefit which is paid every 2 months by the municipality welfare office. Though this is exempt from VAT, it is automatically entered on tax return submissions. These tax returns are submitted through an online system and tax exempt income is visible to accountants and tax officers. For the financial year 2016, within the framework of the e-Government programme, the Disability Certification Centers digitised their records and linked them to the tax office system. Doing this gave tax officers access to information about the disabilities and chronic conditions of taxpayers receiving welfare benefits.

This created problems for a lot of beneficiaries, as most of them were not living openly with HIV. The failure of the Disability Certification Centers (DCC) to protect the confidentiality of PLHIV and other vulnerable groups was also illegal as it violated a 1997 law on privacy and confidentiality.

Why was change needed?

Many PLHIV were not open about their status and this could have serious implications for their lives as they were “outed” by the system. Furthermore, the information was not even needed by the tax officers as it would not affect their work in any way.

What were the barriers to change?

As it was a “mishandling” of the DCC that was also against the law, there should not have been many barriers to make change. However, the complexity and bureaucracy of governmental institutions showed that it is easy for public servants to mishandle sensitive information that they have access to and hence harm people’s lives and violate their rights.

How long did it take and who was involved in the change?

This information reached Positive Voice (the primary PLHIV support group in Greece) through a member who was a tax officer themselves in June 2016. Positive Voice took action immediately along with the NGO “Synthesis” to verify the information and the legal context and decisions that might have led to such a breach of confidentiality. The legal advisor confirmed that the only case in which tax officers should be given access to sensitive information (disability percentage, impairment etc) is when the disability percentage is over 80%, as taxpayers that fall under this category would be entitled to more tax exemptions and/or returns. HIV in Greece, while considered a disability, is only ranked at 50%. This percentage is not entitled to any other tax related benefits and thus, the provision of that information was wrong and unnecessary. This helped towards a swift resolution (see below).

How was change made?

Positive Voice sent an urgent letter to the Ministry of Finance asking for immediate action to limit tax officer access to inappropriate information. At the same time, a press release was published and a meeting with the General Secretary of Public Revenue was arranged to discuss the issue. The Ministry of Finance satisfied our request after this intervention and the resulting pressure. It took one month and a half from the moment the denunciation was made until the system was fixed.

Are there any ongoing issues?

While this case has been resolved, Positive Voice and Synthesis are still waiting for the reassurance of the government that similar cases will not be repeated. As this is a transition period until the e-Government programme is fully implemented, they have highlighted the importance of protecting privacy and sensitive data. Positive Voice will remain vigilant on the issue.

What lessons have been learnt?

It is vital to remain vigilant at all times as violations of rights can happen every day against vulnerable groups. Civil Society Organizations need to have very quick reflexes in order to respond immediately to such cases. Officials should be held responsible and making the procedure public can speed up a resolution to your request.