

Workplace Investigations

Contributing Editors

Phil Linnard at Slaughter and May
Clare Fletcher at Slaughter and May

12. Can the identity of the complainant, witnesses or sources of information for the investigation be kept confidential?

Finland

Author: *Anu Waaralinn*, *Mari Mohsen*
at Roschier

See question 11, there is no protection of anonymity as the process must be transparent to the parties involved.

Last updated on 15/09/2022

Greece

Author: *Angeliki Tsatsi*, *Anna Pechlivanidi*, *Pinelopi Anyfanti*, *Katerina Basta*
at Karatzas & Partners

According to express provisions of L.4990/2020, in principle personal data and any other information that may lead directly or indirectly to the identification of the complainant must not be disclosed to anyone other than the investigating individuals unless the complainant gives consent^[4] and that is why pseudonyms should be used. The witnesses and third persons that aid the complainant are deemed as “mediators” by the Law and their contribution to the procedure should be confidential^[5].

L.4808/2021 does not indicate when such disclosures are permitted; however, it is obvious that this is a matter of cost-benefit analysis where the public interest and the fundamental rights of the involved persons should be considered in a balanced way to ensure the best results. From a data protection perspective, it could be argued that the person under investigation’s right to know the identity of the complainant, witnesses or sources of information should be limited to protect the rights of these persons.

^[4] Law 4990/2022 art.14 par.1

^[5] Law 4990/2022, art.3 par. 7 and art.10 par.2(e)

Contributors

Finland

Anu Waaralinna

Mari Mohsen

Roschier

Greece

Angeliki Tsatsi

Anna Pechlivanidi

Pinelopi Anyfanti

Katerina Basta

Karatzas & Partners