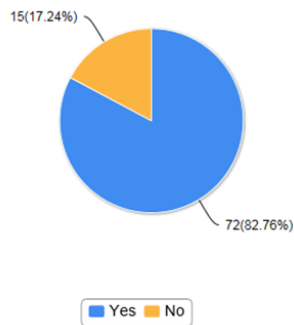


ICDPPC Census 2017 Results: Links to constitutional references

In the ICDPPC Census 2017 Authorities were asked

'In addition to a data protection or privacy law, does your country's constitution include a reference to data protection or privacy?'

Most said that they did and the results were as follows:



Respondents were invited to provide links to online copies of the constitutional provisions were collected. These are set out below as a resource for members, the public and researchers.

The ICDPPC Secretariat provides the list as a public service but takes no responsibility for the accuracy of the information or for the links. The material should generally be treated as raw data to facilitate further researches rather than a reliable summary of constitutional provisions.

Authority Name	Country	Constitution (reference to data protection/privacy)
Information and Data Protection Commissioner	Albania	http://www.wipo.int/edocs/lexdocs/laws/en/al/al057en.pdf
APDA	Andorra	WWW.CONSELLGENERAL.AD
Direccion Nacional de Proteccion de Datos Personales	Argentina	Art 18, 19 and 43
Personal Data Protection Agency	Armenia	http://www.parliament.am/law_docs5/Constitution_06.12.2015.pdf
Commissioner for Privacy and Data Protection	Australia	
Office of the Australian Information Commissioner	Australia	
Office of the Information Commissioner Northern Territory	Australia	
Datenschutzbehoerde	Austria	https://www.ris.bka.gv.at
Privacy commission	Belgium	art. 22 Constitution
Personal data protection Agency in BiH	Bosnia and Herzegovina	www.ccbh.ba

Commission for Personal Data Protection	Bulgaria	http://www.government.bg/cgi-bin/e-cms/vis/vis.pl?p=0159&n=000007
Burkina Faso Data Processing and Liberties Commission	Burkina Faso	
ARTCI	Cote d'Ivoire	https://www.gouv.ci/doc/accords/1476446768projet_de_loi_portant_constitution_rci.pdf
Office of the Privacy Commissioner of Canada	Canada	The Canadian Charter of Rights and Freedoms does not specifically mention privacy or the protection of personal information. However, it does afford protection under Section 7 (the right to life, liberty and the security of the person), and Section 8 (the right to be secure against unreasonable search or seizure). (http://laws-lois.justice.gc.ca/eng/Const/page-15.html) The Supreme Court of Canada has stated that the Privacy Act has "quasi-constitutional status", and that the values and rights set out in the Act are closely linked to those set out in the Constitution as being necessary to a free and democratic society. Similarly, the Federal Court has stated that Canada's private sector privacy law, PIPEDA, has "quasi-constitutional" status.
Office of the Information and Privacy Commissioner for Newfoundland and Labrador	Canada	http://laws-lois.justice.gc.ca/eng/Const/page-15.html There is no specific reference to a data protection or privacy, however sections 7 and 8 support privacy rights in Canada.
Manitoba Ombudsman	Canada	
Information and Privacy Commissioner of Ontario	Canada	
Information and Privacy Commissioner for Nova Scotia	Canada	laws-lois.gc.ca/eng/Const/pag-15.html
Office of the Information and Privacy Commissioner of BC	Canada	
Office of the Information and Privacy Commissioner	Canada	
Information and Privacy Commissioner of Nunavut	Canada	
Commission Information Quebec	Canada	section 8
Superintendencia de Industria y Comercio	Colombia	http://www.corteconstitucional.gov.co/inicio/Constitucion%20politica%20de%20Colombia%20-%202015.pdf
Office of the Commissioner for Personal Data Protection	Cyprus	Article 15 of the Cyprus constitution
Office for Personal Data Protection	Czech Republic	
Datatilsynet	Denmark	
Estonian Data Protection Inspectorate	Estonia	Article 26: https://www.riigiteataja.ee/en/eli/521052015001/consolide
European Data Protection Supervisor	European Union	http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:12012P/TXT http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.C_.2016.202.01.0001.01.ENG&toc=OJ:C:2016:202:TOC#C_2016202EN.01004701
The Office of The Dataprotection Ombudsman	Finland	
Council of Europe Data Protection Commissioner	France	European Convention on Human Rights, Convention 108 and Secretary General's Regulation
Commission Nationale de l'Informatique et des Libertes	France	
Directorate for Personal Data Protection	FYROM	

Office of the Personal Data Protection Inspector	Georgia	https://matsne.gov.ge/ka/document/view/30346?impose=translateEn
State Commissioner for Data Protection and Access to Information Brandenburg	Germany	http://bravors.brandenburg.de/de/gesetze-212792 , Article 11 of the Constitution of the State of Brandenburg
Der Hessische Datenschutzbeauftragte	Germany	
Berlin Commissioner for Data Protection and Freedom of Information	Germany	Art. 33 Constitution of the State of Berlin www.berlin.de/rbmskzl/regierender-buergermeister/verfassung/
Unabhaengiges Landeszentrum fuer Datenschutz Schleswig Holstein	Germany	
Federal Commissioner for Data Protection and Freedom of Information	Germany	https://www.gesetze-im-internet.de/englisch_gg/englisch_gg.html
State Commissioner for the Protection of Personal Data and the Freedom of Information of Rhineland Palatinate	Germany	Art. 4a Landesverfassung, Art. 2 Abs. 1 i.V.m. Art. 1 Abs. 1 Grundgesetz
Der Landesbeauftragte fuer Datenschutz und Informationsfreiheit MV	Germany	http://www.landesrecht-mv.de/jportal/portal/page/bsmvprod.psml?doc.id=jlr-VerfMVrahmen&st=lr&doctyp=BSBayern&showdoccase=1&paramfromHL=true#focuspoint
The Saxon Data Protection Commissioner	Germany	https://www.revosax.sachsen.de/vorschrift/3975-Saechsische-Verfassung
Bayerischer Landesbeauftragter fuer den Datenschutz	Germany	http://www.gesetze-bayern.de/Content/Document/BayVerf/true
Data Protection Commission	Ghana	https://en.wikisource.org/wiki/Constitution_of_Ghana#18._Protection_of_Privacy_of_Home_and_Other_Property
Gibraltar Regulatory Authority	Gibraltar	http://www.gibraltarlaws.gov.gi/constitution/Gibraltar_Constitution_Order_2006.pdf
Data Protection Authority	Greece	Article 9A of Constitution
Privacy Commissioner for Personal Data Hong Kong	Hong Kong	The Basic Law, Art 30. http://www.basiclaw.gov.hk/en/basiclawtext/chapter_3.html
National Authority for Data Protection and Freedom of Information	Hungary	http://www.kormany.hu/download/e/02/00000/The%20New%20Fundamental%20Law%20of%20Hungary.pdf
Personuvernd Icelandic Data Protection Authority	Iceland	http://www.government.is/constitution/
Data Protection Commissioner	Ireland	
Information Commissioner	Isle of Man	https://www.legislation.gov.im/cms/images/LEGISLATION/PRINCIPAL/2001/2001-0001/HumanRightsAct2001_1.pdf
Garante per la protezione dei dati personali	Italy	Please note that although privacy is not explicitly mentioned in our Constitution it is implicitly covered by Article 2 which protects inviolable rights of the person. Moreover, article 15 protects confidentiality of communication. https://www.senato.it/documenti/repository/istituzione/costituzione_ingles_e.pdf
Office of the Information Commissioner Jersey and Office of the Data Protection Commissioner Guernsey	Jersey	
National Agency for Personal Data Protection	Kosovo	http://www.kushtetutakosoves.info/repository/docs/Constitution.of.the.Republic.of.Kosovo.pdf

Data State Inspectorate of The Republic of Latvia	Latvia	https://likumi.lv/doc.php?id=57980 (Latvian Version of Constitution)
State Data Protection Inspectorate	Lithuania	https://www.e-tar.lt/portal/lt/legalAct/TAR.47BB952431DA/bHVIIIKqQy
Commission nationale pour la protection des donnees	Luxembourg	http://data.legilux.public.lu/file/eli-etat-leg-recueil-constitution-20161020-fr-pdf.pdf
Autorite de Protection Des Données a Caractere Personnel	Mali	article 6 de la constitution (http://unpan1.un.org/intradoc/groups/public/documents/cafrad/unpan002746.pdf)
Information and Data Protection Commissioner	Malta	Art 32 of the Maltese Constitution http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&itemid=8566
Data Protection Office	Mauritius	http://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---ilo_aids/documents/legaldocument/wcms_126778.pdf
Transparency Public Information Access and Personal Data Protection Institute of Estado de Mexico and municipalities	Mexico	http://www.diputados.gob.mx/LeyesBiblio/pdf/1_240217.pdf
Instituto Nacional de Transparencia Acceso a la Informacion y Proteccion de Datos Personales INAI	Mexico	http://portal.te.gob.mx/sites/default/files/consultas/2012/04/political_constitution_v2_pdf_20009.pdf (inglÅ©s) http://www.diputados.gob.mx/LeyesBiblio/pdf/1_240217.pdf (espaÃ±ol)
National Center for Personal Data Protection of the Republic of Moldova	Moldavia	Artcile 28 of the Constitution - http://www.constcourt.md/public/files/file/Actele%20Curtii/acte_en/MDA_Constitution_EN.pdf
CNDP	Morocco	http://www.cndp.ma/images/lois/constitution_2011_Fr.pdf
Autoriteit Persoonsgegevens	Netherlands	https://www.denederlandsegrondwet.nl/9353000/1/j9vvihf299q0sr/vgrnbac43qv
Privacy Commissioner	New Zealand	
Datatilsyney	Norway	
National Privacy Commission	Philippines	Article 3, Section 3(1) of 1987 Constitution: The privacy of communication and correspondence shall be inviolable except upon lawful order of the court, or when public safety or order requires otherwise as prescribed by law. This is further supported by the declaration of policies in Article 2, Sections 11 and 24: Section 11. The State values the dignity of every human person and guarantees full respect for human rights. Section 24. The State recognizes the vital role of communication and information in nation-building.
Bureau of the Inspector General for Personal Data Protection	Poland	Art. 47 and Art. 51 of the Constitution of the Republic of Poland
Comissao Nacional de Proteccao de Dados	Portugal	https://www.cnpd.pt/english/bin/legislation/article_35.HTM
Personal Information Protection Commission	Republic of Korea	http://www.law.go.kr Article 17 provides that The privacy of no citizen shall be infringed.
National Authority for Persona Data Processing	Romania	http://www.cdep.ro/pls/dic/site.page?den=act2_2&par1=2#t2c2s0sba26
Commissioner for Information of Public Importance and Personal Data Protection	Serbia	http://www.srbija.gov.rs/cinjenice_o_srbiji/ustav.php?change_lang=en
Office for Personal Data Protection of the Slovak Republic	Slovakia	https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/1992/460/20170404
Informacijski pooblastenc	Slovenia	http://www.us-rs.si/en/about-the-court/legal-basis/
Agencia Espanola de Proteccion de Datos	Spain	Art. 18.4 Spanish Constitution
Catalan Data Protection Authority	Spain	http://www.congreso.es/consti/constitucion/indice/titulos/articulos.jsp?ini=18&tipo=2

Datainspektionen	Sweden	https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/kungorelse-1974152-om-beslutad-ny-regeringsform_sfs-1974-152
Datenschutzbeauftragte	Switzerland	https://www.admin.ch/opc/en/classified-compilation/19995395/index.html
Datenschutzbeauftragter des Kantons Basel Stadt Data protection commissioner of the canton of Basel Stadt	Switzerland	http://www.gesetzessammlung.bs.ch/data/111.100 (Â§ 11)
DPA Canton of Zurich	Switzerland	https://www.admin.ch/opc/de/classified-compilation/19995395/index.html#a13
Data Protection Authority Canton Basel Landschaft	Switzerland	www.admin.ch/verfassung
Switzerland Federal Data Protection Commission	Switzerland	https://www.admin.ch/opc/en/classified-compilation/19920153/index.html
National Personal Data Authority	Tunisia	Article 24 www.legislation.tn/fr
Information Commissioner's Office	United Kingdom	The UK Human Rights Act 1998 is part of the UK's unwritten constitution. It gives effect in UK law to the European Convention on Human Rights.
Federal Trade Commission	United States	https://www.archives.gov/founding-docs/bill-of-rights-transcript#toc-amendment-iv
UNIDAF Regulatory de Control de Dtaos Personales	Uruguay	Included in the reference of art. 72 of the Constitution that establishes that there are other rights of the human person besides those stated in the Constitution. Explicit recognition can be found in art. 1 of Law 18331.
Benin National Commission for Technology and Freedoms	West Africa	http://democratie.francophonie.org/IMG/pdf/Benin.pdf