43

APPLICATION FORM FOR ACCREDITATION AS A DATA PROTECTION AUTHORITY

Application to the Credentials Committee for accreditation as a data protection authority pursuant to the resolutions adopted at the 23rd International Conference of Data Protection and Privacy Commissioners at Paris on 25th September 2001.

Notes:

2.

- (a) Please complete application in French or English.
- (b) Please keep answers brief and to the point.
- (c) Please ensure that all 33 questions are answered
- (d) If you retype the form, please include the numbered questions with your answers. It is possible to avoid such retyping by getting the electronic application form in French or in English upon request by e mail at credentials@privacy.org.nz.

Details of applicant

1. Name and postal address of authority

Data Duspection Board, Box 8114, S-10420 Stockholm.

Data inspektionen Sweden

Contact person for this application:

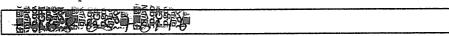
(a) Name

Birzitfa Abjórnsson, International Legal Adviser

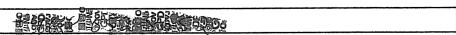
(b) Email address

Discontact person for this application:

(c) Direct telephone number

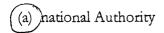


(d) Fax contact



Type of application

3. The application is for accreditation as:





(b) sub-national Authority

YES/NO

(c) Authority within an international, if yes which one...... YES/NO

Descr	iption of applicant
4.	Description of Authority (e.g. commissioner, commission, board etc)
	Commissioner and a board
5.	Is the Authority a public body? YES/NO
6.	Geographical jurisdiction
	The whole of Sweden
7.	Sectoral coverage (i.e. does the applicant's jurisdiction cover the entire public and private sectors? If only part of a sector or if there are significant activities not covered, please specify)
	The jurisdiction covers the entire public and private sectors
8.	Is the role of the Authority mainly concerned with data protection and privacy? YES NO
Legal	basis
9.	Title of law under which the Authority is constituted
	The Data Inspection Board was constituted *
10.	Is this principally a data protection law? YES/NO
11.	Status of the law (e.g. statute, regulation, executive order)
	Statute
12.	Which body made the law?
	The Parliquent (the Act): the Government (the Ordinance)
13	What body has the power to amend or revoke the law?

* question 9 cont'd already in 1973 (the Data Act and the Data Ordinance. both repealed in 1998.) In October 1998 the new Personal Data Act and the Personal Data Ordinance entered into force. See Section 3 of the Act and Section 2 of the Ordinance as to the courtist 1.

What body has the power to amend or revoke the law?

12 above

Autonomy and independence

	The Director Several is appointed by the government
	and so are the eight members of the board
15.	What process is followed?
	No specific procedure; at the discretion of the sovernmen
16.	For what term are appointments made?
	Appointments are made for a specific term any vary
	at the discretion of the Government. The term may vary
17.	Does the law under which the Authority operates explicitly state that it acts pendently? YES (NO) /7// public authorities act in dependently accordance with statute laws. The Constitution expression May the member(s) be removed before expirity of their term? (YES) NO.
18.	May the member(s) be removed before expiry of their term? YES/NO
19.	If yes, who may remove members of the Authority before expiry of their term?
	The Sovernment
20.	Are there limited reasons specified in the statute, or in another law, providing the permitted grounds for removal?
21.	What are the grounds for removal?
22.	Does the Authority possess the following powers (briefly describe and give statutory references)
	Shand what you
<i>-ت</i>	(e) to initiate an investigation with seeking provision (E) NO
mal	details: Section 43 of the PDA as to mitiating an investigation
a Act	(f) to report to the head of State, head of Government or legislature YES/NO
	details: there is a regal duty for the authority to re portion (g) make public statements (YES)NO went
	(g) make public statements YES/NO went
	details: Our statements (decitions) are public is
	of public access to official documents

23.		the Authority (and its staff) have immunity from ourse of their duties?	n legal suit for actions performed in
		Vo	
24.	guara	icants may list any other measures set out in intee the Authority's independence (for example authority's finances are protected).	
	7.	he Parliament decides	the Budget
Cons	sistency	y with international instruments	
25.	Does	s the Authority explicitly implement any internat	ional instrument (for example if the
	law u	ander which the Authority operates specifies th	nat it implements such international
_	instru	ament)? YES/NO	
X	Dn	ternational instruments y the Partiament	are suplemented
	If "ye	es", which of the following does it <u>principally</u> im	plement?
	(a)	OECD Guidelines (1980)	YES/NO
	(b)	(i)Council of Europe Convention No 108 (19)	81) YES/NO
		(ii) Council of Europe Additional Protocol (8 N	November 2001)
		•	YES/NO
	(c)	UN Guidelines (1990)	YES/NO
	(d)	EU Directive (1995)	YES/NO
26.		s the law instead, or additionally, implement a ument? (If so, list the international body and the	•
27.	with quest Com	e significant questions been raised about the ex the international instruments which are claim tions 25 and 26? (Applicants should supply smittee including a description of any measursistencies.)	ned to be implement in answer to further information to assist the
<i>c</i> 7	,	05 0 24'01	
_	_	- 25 cont'd - directive on data prot	tection has been
	1	ZI The PDII TWEES	into accepta
-axt	reil	of Europe Convention	4

46.

Appropriate functions

give s (a)	statutory references): compliance (e.g. audit, inspection)	YES/NO
	details: Sechon 43 of the	POA
(b)	approvals (e.g. prior-checking, notification)	YES/NO
	details: Sochons 36 and	41 of the PDA
(c)	redress for individuals (e.g. complaints, concilia	tion enforcement) (YES) NO
	details: Section 45 of the Section 48, it is for to	PDA, As to Vaus he cours of law h
(d)	sanctions available to Authority (for example, p	
	details: The Anthony income of the Anta (Sections 44)-	e controller to p.
(e)		
	details: Section 1 of the 50 with instructions for the	The Data Despection
(f)	public education	YES)NO (1998
	details: See e) =60ve	
(g)	policy advice for government	YE3/NO
	details: Opinions on Gills	of law
(h)	studies or research (e.g. into developing techno	
	details: jee e/460ve	
litional	comments	
Appl	licants are invited to offer any further comments th	hat they wish.

I guestion 28 d) cont'd

The Anthony has to turn to the County Administrative live Court for enforcement. As to evanure of 5 personal duta, the Anthonity may apply at the Counter

Other materials

30. List any attachments which will accompany the application as an electronic attachment or to follow by post.

The Personal Dake Act; the Personal Data Ordinance the Annual Report of 1999 (in English) and of 2001 in

31. If law under which the Authority operates is accessible on the Internet, please give the reference

URL: www. datainspektionen. se/in - euglisch

32. If a recent annual report of the Authority (or a similar recent publication outlining typical activities) is available on the Internet, please give the reference

URL: For 2001 in Swedish only

Research use

- 33. With the consent of applicants, the Committee proposes to make copies of the applications available to appropriate researchers approved by the Committee to facilitate a study on data protection. Please indicate whether you agree to this use:
 - I agree to this application being released to a researcher (YES/NO

Making the application

The application should be emailed to the credentials committee at credentials@privacy.org.nz

If sent as an email attachment it should be in M/S Word. If unable to email the application, it should be posted to:

Credentials Committee
C/- Privacy Commissioner
P O Box 466
Auckland
New Zealand

The Committee needs access to a copy of the law under which the Authority is constituted. This need not be supplied in hard copy if it is available on the Internet and listed at question 31. If the law itself is not in English or French, it will be useful to supply an English or French summary or translation if one exists.

Use of information

The information in this form will be used for processing the application and will be disclosed to members of the committee and their staff (being the commissioners from New Zealand, France and the United Kingdom) and future committees. It may be also disclosed also to the Data Protection Authorities which participate to the international conference and approved researchers. Any personal data contained in the form is available for access and correction in accordance with the applicable data protection laws of current and future committees. In the first instance it is subject to the New Zealand Privacy Act 1993.

Margaret Gibbons

From:

Blair Stewart

Sent: To: Thursday, 6 June 2002 10:01

Subject:

Margaret Gibbons Sweden - corrections



Sweden-accreditation

appl-cor... Would you please make the changes in our originals and substitute that in the folder.

----Original Message----

From: Elisabeth Wallin [mailto:Elisabeth.Wallin@Datainspektionen.se]

Sent: Wednesday, 5 June 2002 19:53

To: Blair Stewart

Subject: Application for accreditation as a data protection authority

Dear Mr Stewart,

Thank you for sending us the retyped version of the Data Inspection Board's application for consideration. Since Birgitta Åbjörnsson is not in her office this week, I have checked the retyped document and have made just a few small amendments which you will find in the attachment. The amendments concern questions 1, 2 (a) and (b), 9, 17 and 28 (d) and (e). I have underlined and marked the amendments in red, so I hope that it will be easy to track them.

(I have also noted that you have included our answers under question 28 (e) to (h) in the updated version).

Please feel free to contact me if you have any further questions.

Yours sincerely

Elisabeth Wallin

The Data Inspection Board, Sweden e-mail: elisabeth.wallin@datainspektionen.se phone: +46 8 657 61 11

<< Sweden-accreditation appl-corr.doc>>



APPLICATION FORM FOR ACCREDITATION AS A DATA PROTECTION AUTHORITY SWEDEN

Application to the Credentials Committee for accreditation as a data protection authority pursuant to the resolutions adopted at the 23rd International Conference of Data Protection and Privacy Commissioners at Paris on 25th September 2001.

[Transcript of faxed application]

Details of applicant

1. Name and postal address of authority

Data Inspection Board (<u>Datainspektionen</u>), Box 8114, S-10420 Stockholm Sweden

- 2. Contact person for this application:
 - (a) Name

Birgitta <u>Åbjörnsson</u>, International Legal Adviser

- (b) Email address b.abjornsson@datainspektionen.se
- (c) Direct telephone number +46-8 657 6116
- (d) Fax contact + 46-8 652 8652

Type of application

3. The application is for accreditation as:

(a) national Authority

YES

(b) sub-national Authority

NO

(c) Authority within an international, if yes which one......NO

Description of applicant

4. Description of Authority (e.g. commissioner, commission, board etc)

Commissioner and a board

5. Is the Authority a public body?

YES

6. Geographical jurisdiction

The whole of Sweden

7. Sectoral coverage (i.e. does the applicant's jurisdiction cover the entire public and private sectors? If only part of a sector or if there are significant activities not covered, please specify)

The jurisdiction covers the entire public and private sectors.

8. Is the role of the Authority mainly concerned with data protection and privacy? YES

Legal basis

- 9. Title of law under which the Authority is constituted
 The Data Inspection Board was constituted already in 1973 (the Data Act and
 the Data Ordinance, both repealed in 1998). In October 1998 the new
 Personal Data Act and the Personal Data Ordinance entered into force. See
 Section 3 of the Act and Section 2 of the Ordinance as to the constitution of
 the Authority.
- 10. Is this principally a data protection law? YES
- 11. Status of the law (e.g. statute, regulation, executive order)
 Statute
- 12. Which body made the law?

The Parliament (the Act); the Government (the Ordinance)

13. What body has the power to amend or revoke the law?

See 12 above.

Autonomy and independence

14. Who appoints member(s) of the Authority? (Please explain if a different process applies to the presiding member from other Authority members in this question and in subsequent questions.)

The Director General is appointed by the Government and so are the eight members of the board.

15. What process is followed?

No specific procedure; at the discretion of the Government.

16. For what term are appointments made?

Appointments are made for a specific term at the discretion of the Government. The terms may vary.

17. Does the law under which the Authority operates explicitly state that it acts independently?

NO All public authorities act independently in accordance with statute laws. The Constitution expressly states that the Government may not interfere or intervene in a particular case. Decisions of the Data <u>Inspection</u> Board may be reviewed <u>after complaint</u> by administrative courts of law.

- 18. May the member(s) be removed before expiry of their term? YES
- 19. If yes, who may remove members of the Authority before expiry of their term?

 The Government.
- 20. Are there limited reasons specified in the statute, or in another law, providing the permitted grounds for removal?

[Not answered]

21. What are the grounds for removal?

[Not answered]

- 22. Does the Authority possess the following powers (briefly describe and give statutory references)
 - (a) to initiate an investigation with seeking provision YES

 details: Section 43 of the Personal Data Act (PDA) as to initiating an investigation.
 - (b) to report to the head of State, head of Government or legislature YES details: There is legal duty for the authority to report to the Government.

(c) make public statements YES

details: Our statements (decisions) are public in accordance with the constitutional principle of public access to official documents.

23. Does the Authority (and its staff) have immunity from legal suit for actions performed in the course of their duties?

NO

24. Applicants may list any other measures set out in the statute or in other laws which guarantee the Authority's independence (for example if the law provides specifically that the Authority's finances are protected).

The Parliament decides the budget.

Consistency with international instruments

25. Does the Authority explicitly implement any international instrument (for example if the law under which the Authority operates specifies that it implements such international instrument)?

YES/NO

International instruments are implemented by the Parliament. The EC-Directive on data protection has been implemented into Swedish legislation through the Personal Data Act (a statute adopted by the Parliament). The PDA takes into account the Council of Europe Convention No. 108.

If "yes", which of the following does it principally implement?

(a) OECD Guidelines (1980)

YES/NO

(b) (i)Council of Europe Convention No 108 (1981)

YES/NO

(ii) Council of Europe Additional Protocol (8 November 2001)

YES/NO

(c) UN Guidelines (1990)

YES/NO

(d) EU Directive (1995)

YES/NO

26. Does the law instead, or additionally, implement any general or specific international instrument? (If so, list the international body and the instrument)

[not answered]

27. Have significant questions been raised about the extent to which the law is consistent with the international instruments which are claimed to be implement in answer to questions 25 and 26? (Applicants should supply further information to assist the Committee including a description of any measures under way to address these inconsistencies.)

[not answered]

Appropriate functions

- 28. Does the Authority possess functions in any of the following areas (briefly describe and give statutory references):
 - (a) compliance (e.g. audit, inspection)

YES

details: Section 43 of the PDA.

- (b) approvals (e.g. prior-checking, notification) YES details: Sections 36 and 41 of the PDA.
- (c) redress for individuals (e.g. complaints, conciliation enforcement)
 YES
 details: Section 45 of the PDA. As to damages, section 48, it is for the courts of law to decide.
- (d) sanctions available to Authority (for example, prosecution and enforcement YES

details: The Authority may prohibit, subject to a default fine, the controller to process data (sections 44-46 of the PDA). However, the Authority has to turn to the County Administrative Court for enforcement. As to erasure of personal data, the Authority may apply to the County Administrative Court for the erasure (Section 47 of the PDA).

- (e) guidance (e.g. compliance advice) YES

 details: Section 1 of the Government Ordinance with instructions for the Data Inspection Board (1998:1192).
- (f) public education YES

details: See (e) above.

- (g) policy advice for government YES

 details: Opinions on bills of law
- (h) studies or research (e.g. into developing technologies, privacy issues)
 YES
 details: See (e) above.

Additional comments

29. Applicants are invited to offer any further comments that they wish.

[No comments offered]

Other materials

30. List any attachments which will accompany the application as an electronic attachment or to follow by post.

The Personal Data Act and the Personal Data Ordinance, the Annual Report of 1999 (in English) and of 2001 in Swedish. [to follow by post]

31. If law under which the Authority operates is accessible on the Internet, please give the reference

URL: www.datainspektionen.se/in_english

32. If a recent annual report of the Authority (or a similar recent publication outlining typical activities) is available on the Internet, please give the reference

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New Zealand

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-4 JUN 2002

Data Inspection Board

TELEFAX

Page I out of ______

TO:
Company/Organization: Office of the Privacy Communication of the Privacy Communication
Name: Mr Harre Stowart
Fax number: 18 18 18 18 18 18 18 18 18 18 18 18 18
FROM: Big Ha Doy & mosa
MESSAGE: Dear In Stewart,
Please find enclosed the guestimna in or accreditation. Letter will follow.
or accreditation. Letter will follow.
Best reparts
Brighthe Man

APPLICATION FORM FOR ACCREDITATION AS A DATA PROTECTION AUTHORITY

Application to the Credentials Committee for accreditation as a data protection authority pursuant to the resolutions adopted at the 23rd International Conference of Data Protection and Privacy Commissioners at Paris on 25th September 2001.

Notes:

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- (b) Please keep answers brief and to the point.
- (c) Please ensure that all 33 questions are answered
- If you retype the form, please include the numbered questions with your (d) answers. It is possible to avoid such retyping by getting the electronic application form in French or in English upon request by e mail at credentials@privacv.org.nz.

Details of applicant

Name and postal address of authority 1.

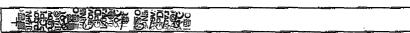
ata Duspection Board, Box 8114, 5-10420 Stockholm Data inspektionen

- 2. Contact person for this application:
 - (a) Name

(b) Email address



(c) Direct telephone number



(d) Fax contact



Type of application

- The application is for accreditation as:
 - (2) hational Authority



(b) sub-national Authority

YES/NO

(c) Authority within an international, if yes which one...... YES/NO

4.	Description	of Authority	(e.g.	commissioner,	commission,	board etc)
1 .			\			,

Commissioner and a board

5. Is the Authority a public body?

YES/NO

6. Geographical jurisdiction

The whole of Sweden

7. Sectoral coverage (i.e. does the applicant's jurisdiction cover the entire public and private sectors? If only part of a sector or if there are significant activities not covered, please specify)

The jurisdiction covers the entire public and phivate sectors

8. Is the role of the Authority mainly concerned with data protection and privacy? YES/NO

Legal basis

9. Title of law under which the Authority is constituted

The Data Inspection Board was constituted &

10. Is this principally a data protection law?

YES NO

11. Status of the law (e.g. statute, regulation, executive order)

Statute

12. Which body made the law?

The Parliament (the Act) the Givenuent

13. What body has the power to amend or revoke the law?

See 12 above

a guestion 9 contide

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both repealed in 1998.) In October 1998 the new

Personal Data Act and the Densonal Data Ordinance

entered into force. See Section 3 of the Act and 2

Section 2 of the Ordinance as to the constitution of

	Anto	nomy and independence
	14. to the questi	·
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	16.	For what term are appointments made?
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PDA	ت ،	(e) to initiate an investigation with seeking provision YES/NO
Persi	oual.	details: Sechion 43 of the PDA as to initiating on investi-
Date	a Act	(f) to report to the head of State, head of Government or legislature YES/NO details: there is a legal charley for the authoristy to the Source
		(g) make public statements (YES) NO
		derails: Our statements (decresions) are public is
		of puttic access to official documents
t.	/	A hound account to allier at do en ments

The Sovernment may not interfere or intervent in 3 and a pathicular case. Decisions of the Deta Droportion Arand a pathicular case. Decisions of the Deta Droportion Arand is reviewed after a suplaint by administrative courts of law.

Applicants may list any other measures set out in the statute or in other laws wit guarantee the Authority's independence (for example if the law provides specifically the Authority's finances are protected). The Partrocucut Results The Budget stency with international instruments Does the Authority explicitly implement any international instrument (for example if law under which the Authority operates specifies that it implements such internations instrument)? YES/NO International March Mathematical are Implements If "yes", which of the following does it principally implement? (a) OECD Guidelines (1980) YES/NO (b) (i) Council of Europe Convention No 108 (1981) YES/NO (c) UN Guidelines (1990) YES/NO (d) EU Directive (1995) YES/NO Does the law instead, or additionally, implement any general or specific internationstrument? (If so, list the international body and the instrument) Have significant questions been raised about the extent to which the law is consistent international instruments which are claimed to be implement in 2nsw questions 25 and 26? (Applicants should supply further information to assist Committee including a description of any measures under way to address in inconsistencies.) Show 25 Comt'cl Et directive including a description of any measures under way to address in inconsistencies.) Policy of the Suranch Part of the Act of t	paramete the Authority's independence (for example if the law provides specificall the Authority's finances are protected). The Particular tolerals the Budget items with international instruments Does the Authority explicitly implement any international instrument (for example law under which the Authority operates specifies that it implements such internationally instrument)? YES/NO In Jerna Genal Instruments are implement? (a) OECD Guidelines (1980) YES/NO (b) (i) Council of Europe Convention No 108 (1981) YES/NO (c) UN Guidelines (1990) YES/NO (d) EU Directive (1995) Does the law instead, or additionally, implement any general or specific international instrument? (If so, list the international body and the instrument) Have significant questions been raised about the extent to which the law is conwith the international instruments which are claimed to be implement in any questions 25 and 26? (Applicants should supply further information to ass Committee including a description of any measures under way to address inconsistencies.) Kan 25 Cont' (1 Et directive in clacks protection has been supply further information to ass Committee including a description of any measures under way to address inconsistencies.)		Vo	
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Appropriate functions

(a)	statutory references): compliance (e.g. audit, inspection) YES/NO	
	details: Sechim 43 of the PDA	
(b)	approvals (e.g. prior-checking, notification) YES/NO	
	details: Sochons 36 and 41 of the PDA	
(c)	redress for individuals (e.g. complaints, conciliation enforcement) YES/NO	
	details: Section 45 of the PDA, His to claima section 48 it is for the courts of few his	5 C
(d)	sanctions available to Authority (for example, prosecution and enforcement YES/NO	
	details: The Inthanty way fredit of sufficiently by the Contraction of the Contraction of the God the PDA) He guidance (e.g. compliance advice) details: Section of the Savernand Ordina details: Section of the Savernand Ordina of the Data Data Data Contraction for the Data Data Data Contraction for the public education (1998)	يد. اها
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(f)	public education YES NO	79
	details:	
(g)	policy advice for government YES/NO	
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(h)	studies or research (e.g. into developing technologies, privacy issues) YES/NO	
	details: yee e/a Gove	
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Арр	plicants are invited to offer any further comments that they wish.	

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Other materials

30. List any attachments which will accompany the application as an electronic attachment or to follow by post.

The Personal Date Act: the Personal Data Ordinance the Annual Report of 1999 (in English) and of 2001 in Sura

31. If law under which the Authority operates is accessible on the Internet, please give the Level of

URL: www. datamspekhonen. se/in - english

32. If a recent annual report of the Authority (or a similar recent publication outlining typical activities) is available on the Internet, please give the reference

URL: For 2001 in Swedish only

Research use

- 33. With the consent of applicants, the Committee proposes to make copies of the applications available to appropriate researchers approved by the Committee to facilitate a study on data protection. Please indicate whether you agree to this use:
 - I agree to this application being released to a researcher (YES) NO

Making the application

The application should be emailed to the credentials committee at credentials@privacy.org.nz

If sent as an email attachment it should be in M/S Word. If unable to email the application, it should be posted to:

Credentials Committee
C/- Privacy Commissioner
P O Box 466
Auckland

New Zealand

The Committee needs access to a copy of the law under which the Authority is constituted. This need not be supplied in hard copy if it is available on the Internet and listed at question 31. If the law itself is not in English or French, it will be useful to supply an English or French summary or translation if one exists.

Use of information

The information in this form will be used for processing the application and will be disclosed to members of the committee and their staff (being the commissioners from New Zealand, France and the United Kingdom) and future committees. It may be also disclosed also to the Data Protection Authorities which participate to the international conference and approved researchers. Any personal data contained in the form is available for access and correction in accordance with the applicable data protection laws of current and future committees. In the first instance it is subject to the New Zealand Privacy Act 1993.

APPLICATION FORM FOR ACCREDITATION AS A DATA PROTECTION AUTHORITY SWEDEN

Application to the Credentials Committee for accreditation as a data protection authority pursuant to the resolutions adopted at the 23rd International Conference of Data Protection and Privacy Commissioners at Paris on 25th September 2001.

[Transcript of faxed application]

Details of applicant

- 1. Name and postal address of authority
 - Data Inspection Board, (Datainspektionen) Box 8114, S-10420 Stockholm Sweden
- 2. Contact person for this application:
 - (a) Name
 Birgitta Abjönsson, International Legal Adviser
 - (b) Email address



(c) Direct telephone number

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(d) Fax contact

Type of application

- 3. The application is for accreditation as:
 - (a) national Authority

YES

(b) sub-national Authority

NO

(c) Authority within an international, if yes which one......NO

Description of applicant

4. Description of Authority (e.g. commissioner, commission, board etc)

Commissioner and a board

5. Is the Authority a public body?

YES

6. Geographical jurisdiction

The whole of Sweden

7. Sectoral coverage (i.e. does the applicant's jurisdiction cover the entire public and private sectors? If only part of a sector or if there are significant activities not covered, please specify)

The jurisdiction covers the entire public and private sectors.

8. Is the role of the Authority mainly concerned with data protection and privacy?
YES

Legal basis

- 9. Title of law under which the Authority is constituted
 The Data Inspection Board was constituted already in 1973 (the Data Act and
 the Data Ordinance, both repealed in 1998). In October 1998 the new
 Personal Data Act and the Personal Data Ordinance entered into force. See
 Section 3 of the Act and Section 2 of the Ordinance as to the constitution of
 the Authority.
- 10. Is this principally a data protection law? YES
- 11. Status of the law (e.g. statute, regulation, executive order)

 Statute
- 12. Which body made the law?

The Parliament (the Act); the Government (the Ordinance)

13. What body has the power to amend or revoke the law?

See 12 above.

Autonomy and independence

14. Who appoints member(s) of the Authority? (Please explain if a different process applies to the presiding member from other Authority members in this question and in subsequent questions.)

The Director General is appointed by the Government and so are the eight members of the board.

15. What process is followed?

No specific procedure; at the discretion of the Government.

16. For what term are appointments made?

Appointments are made for a specific term at the discretion of the Government. The terms may vary.

17. Does the law under which the Authority operates explicitly state that it acts independently?

NO All public authorities act independently in accordance with statute laws. The Constitution expressly states that the Government may not interfere or intervene in a particular case. Decisions of the Data Protection Board may be reviewed after complaint by administrative courts of law.

- 18. May the member(s) be removed before expiry of their term? YES
- 19. If yes, who may remove members of the Authority before expiry of their term?

 The Government.
- 20. Are there limited reasons specified in the statute, or in another law, providing the permitted grounds for removal?

[Not answered]

21. What are the grounds for removal?

[Not answered]

- 22. Does the Authority possess the following powers (briefly describe and give statutory references)
 - (a) to initiate an investigation with seeking provision YES

 details: Section 43 of the Personal Data Act (PDA) as to initiating an investigation.
 - (b) to report to the head of State, head of Government or legislature YES details: There is legal duty for the authority to report to the Government.

(c) make public statements YES

details: Our statements (decisions) are public in accordance with the constitutional principle of public access to official documents.

23. Does the Authority (and its staff) have immunity from legal suit for actions performed in the course of their duties?

NO

24. Applicants may list any other measures set out in the statute or in other laws which guarantee the Authority's independence (for example if the law provides specifically that the Authority's finances are protected).

The Parliament decides the budget.

Consistency with international instruments

25. Does the Authority explicitly implement any international instrument (for example if the law under which the Authority operates specifies that it implements such international instrument)?

YES/NO

International instruments are implemented by the Parliament. The EC-Directive on data protection has been implemented into Swedish legislation through the Personal Data Act (a statute adopted by the Parliament). The PDA takes into account the Council of Europe Convention No. 108.

If "yes", which of the following does it principally implement?

(a) OECD Guidelines (1980)

YES/NO

(b) (i)Council of Europe Convention No 108 (1981)

YES/NO

(ii) Council of Europe Additional Protocol (8 November 2001)

YES/NO

(c) UN Guidelines (1990)

YES/NO

(d) EU Directive (1995)

YES/NO

26. Does the law instead, or additionally, implement any general or specific international instrument? (If so, list the international body and the instrument)

[not answered]

27. Have significant questions been raised about the extent to which the law is consistent with the international instruments which are claimed to be implement in answer to questions 25 and 26? (Applicants should supply further information to assist the Committee including a description of any measures under way to address these inconsistencies.)

[not answered]

Appropriate functions

- 28. Does the Authority possess functions in any of the following areas (briefly describe and give statutory references):
 - (a) compliance (e.g. audit, inspection)

YES

details: Section 43 of the PDA.

- (b) approvals (e.g. prior-checking, notification) YES details: Sections 36 and 41 of the PDA.
- (c) redress for individuals (e.g. complaints, conciliation enforcement)
 YES
 details: Section 45 of the PDA. As to damages, section 48, it is for the courts of law to decide.
- (d) sanctions available to Authority (for example, prosecution and enforcement YES

 details: The Authority may prohibit, subject to a default fine the controller to process data (sections 44-46 of the PDA). However, the Authority has to turn to the County Administrative Court for enforcement. As to erasure of personal data, the Authority may apply to the County Administrative Court for the erasure (Section 47 of the PDA).
- (e) guidance (e.g. compliance advice) YES

 details: Section 1 of the Government Ordinance with instructions for the Data Inspection Board (1998:1192).
- (f) public education YES details: See (e) above.
- (g) policy advice for government YES details: Opinions on bills of law
- (h) studies or research (e.g. into developing technologies, privacy issues)
 YES
 details: See (e) above.

Additional comments

29. Applicants are invited to offer any further comments that they wish.

[No comments offered]

Other materials

30. List any attachments which will accompany the application as an electronic attachment or to follow by post.

The Personal Data Act and the Personal Data Ordinance the Annual Report of 1999 (in English) and of 2001 in Swedish. [to follow by post]

31. If law under which the Authority operates is accessible on the Internet, please give the reference

URL: www.datainspektionen.se/in_english

32. If a recent annual report of the Authority (or a similar recent publication outlining typical activities) is available on the Internet, please give the reference

URL: for 2001 in Swedish only

Research use

- 33. With the consent of applicants, the Committee proposes to make copies of the applications available to appropriate researchers approved by the Committee to facilitate a study on data protection. Please indicate whether you agree to this use:
 - I agree to this application being released to a researcher YES

Making the application

The application should be emailed to the credentials committee at credentials@privacy.org.nz

If sent as an email attachment it should be in M/S Word. If unable to email the application, it should be posted to:

Credentials Committee
C/- Privacy Commissioner
P O Box 466
Auckland
New Zealand

The Committee needs access to a copy of the law under which the Authority is constituted. This need not be supplied in hard copy if it is available on the Internet and listed at question 31. If the law itself is not in English or French, it will be useful to supply an English or French summary or translation if one exists.

Use of information

The information in this form will be used for processing the application and will be disclosed to members of the committee and their staff (being the commissioners from New Zealand, France and the United Kingdom) and future committees. It may be also disclosed also to the Data Protection Authorities which participate to the international conference and approved researchers. Any personal data contained in the form is available for access and correction in accordance with the applicable data protection laws of current and future committees. In the first instance it is subject to the New Zealand Privacy Act 1993.

ACCREDITATION OF DATA PROTECTION AUTHORITY CHECKLIST FOR THE CREDENTIALS SUB-GROUP

1	Name of Authority	Datainspektionen - Swe	den
2	Does the authority have clear data protection functions cove economic activity (eg not just body operating in a narrow fiel privacy)?	vering a broad area of an advising body or a	Notes
	Yes		
3	Legal Basis. Is the authority a public bod appropriate legal basis (eg by	•	Notes
4	Autonomy and Independent Is the authority guaranteed of autonomy and independe functions (eg the power to ma protection from removal from Yes	an appropriate degree nce to perform its ke public statements and	Notes
5	Consistency with Internation Is the law under which the a compatible with at least one instruments dealing with da privacy (eg EU Directive, OEC Europe Convention)? Yes	uthority operates of the international ta protection and	Notes Both CoE Convention and EU Directive implemented. (Law takes CoE Conv. 'into account')

6	Appropriate Functions. Does the authority have an appropriate range of functions with the legal powers necessary to perform those functions (eg the power to receive and investigate complaints from individuals without seeking permission)?	Notes
	Yes	
7	Does the Sub-group recommend accreditation? Yes	Notes
8	If accreditation is recommended what is the accreditation as? National authority (within the UN criteria)	Notes
9	If accreditation is as an authority within an international/supranational body does the recommendation include voting rights? Not applicable	Notes
10	If accreditation is not recommended does the Sub Group recommend that accreditation is refused or is more information needed before a decision can be made? Not applicable	Notes
11	If accreditation is not recommended and the application is from an authority with narrow functions does the Sub Group recommend that, at the discretion of the conference host, observer status is granted? Not applicable	Notes

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If more information is re	equired what is this:		
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Signed on behalf of the Sub-	Blair Stewart	Date:	17 June 2002
group:			
	Jonathan Bamford	Date:	12/07/02
		Date:	

Note: 2 signatures required for recommendations for accreditation. 3 signatures required for recommendations for refusal