

APPLICATION TO BE ACCREDITED AS A MEMBER OF THE INTERNATIONAL CONFERENCE OF DATA PROTECTION OF PRIVACY COMMISSIONERS

To: The ICDPPC Executive Committee

The following authority applies to be accredited as a member of the Conference pursuant to the Conference Rules and Procedures (a copy of which is available at <http://icdppc.org/document-archive/rules-procedures/>)

Notes:

- (a) Please complete application in English.
- (b) Please keep answers brief and to the point.
- (c) Please ensure that all 32 questions are answered
- (d) If you retype the form, please include the numbered questions with your answers

DETAILS OF APPLICANT

1. Name and postal address of Authority

Personal Data Protection Agency of the Republic of Armenia

Address: 41 A Halabyan Street, Yerevan, Armenia

2. Contact person for this application:

- a) Name

[REDACTED] Head

- b) Email address

[REDACTED]

c) Direct telephone number

DESCRIPTION OF APPLICANT

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

Personal Data Protection Agency is a part of the Ministry of Justice of the Republic of Armenia.

4. Is the Authority a public body?

Yes ☒ / No

5. Geographical jurisdiction

The Agency functions in Armenia.

6. Material jurisdiction (i.e. public/private sector, financial matters only...)

The sphere of activity is the administrative law, i.e public sector.

7. Has the Authority the supervision of the implementation of data protection or privacy related legislation as one of its principal regulatory mandates?

Yes ☒ / No

LEGAL BASIS

8. Title of law under which the Authority is constituted

Law on Personal Data Protection of the Republic of Armenia

9. Is this a data protection or privacy related law?

Yes ☒ / No

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

It is a national Law.

11. Which body made the law?

The Law was adopted by the National Assembly of Armenia on May 15th, 2015 and came into force on July 1, 2015.

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

RA National Assembly (Parliament) based either on the Parliament Member's or the RA Government's suggestion.

CONSISTENCY WITH INTERNATIONAL INSTRUMENTS

13. 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

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

- | | |
|--|-------------------------------------|
| a) OECD Guidelines (1980) | <input type="checkbox"/> |
| b) Council of Europe Convention No 108 (1981) | <input checked="" type="checkbox"/> |
| Council of Europe Additional Protocol (2001) | <input checked="" type="checkbox"/> |
| c) UN Guidelines (1990) | <input type="checkbox"/> |
| d) EU Directive (1995) | <input checked="" type="checkbox"/> |
| e) APEC Privacy Framework (2005) | <input type="checkbox"/> |
| f) International Standards on Data Protection and Privacy (2010) | <input type="checkbox"/> |
| g) Economic Community of West African States (1975) | <input type="checkbox"/> |

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

Yes, the international treaties are recognized by the Law as the part of RA legislation

15. 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 14 and 15? (Applicants should supply further information to assist the Committee including a description of any measures under way to address these inconsistencies.)

No.

APPROPRIATE FUNCTIONS

16. Does the Authority possess functions in any of the following areas (briefly describe and give statutory references):

- a) compliance (e.g. audit, inspection)

Yes ☒ / No

Details: Yes, the Agency on its own initiative or upon application checks if personal data processing complies with the requirements of this law.

- b) approvals (i.e. prior-checking, notification)

Yes ☒ / No

Details: The Agency approves that electronic data processing systems are in sufficient level of protection, approves that personal data guarantees are in a sufficient level of protection, perform analysis, researches.

The Agency recognises electronic systems for processing of personal data of legal persons as having an adequate level of protection and includes them in the register;

The Agency checks the devices and documents, including the existing data and computer software used for processing data.

The Agency prohibits completely or partially the processing of personal data as a result of examination of the notification of the processor on processing personal data;

- c) redress for individuals (i.e. complaints, conciliation enforcement) Yes ☒ / No

Details: Article 24 defines that the agency considers applications of natural persons regarding the processing of personal data and deliver decisions within the scope of its powers.

- d) sanctions available to Authority (i.e. prosecution and enforcement) Yes ☒ / No

Details: Article 24 says that the Agency applies administrative sanctions prescribed by law in the case of violation of the requirements of the Law. The Sanctions are defined by the RA Code on Administrative Violations. The Agency reports to law enforcement bodies where doubts arise with regard to violations of criminal law nature in the course of its activities.

- e) guidance (e.g. compliance advice) Yes ☒ / No

Details: The Agency reports to law enforcement bodies where doubts arise with regard to violations of criminal law nature in the course of its activities.

The Agency can provide legal consultations.

- f) public education Yes ☒ / No

Details: The Agency has an obligation to inform about the informs about best practices of processing of personal data

g) policy advice for government

Yes ☒ / No

Details: As a part of Government the Agency can participate in policy development of the sphere

h) studies or research (i.e. on developing technologies, privacy issues) Yes ☒ / No

Details: The Agency can perform analysis and research

AUTONOMY AND INDEPENDENCE

17. 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 RA Ministry of Justice announces a competition for the post of the Head of Personal Data Protection Agency for the civil society. A candidate for the post should be nominated by a consortium of at least 5 NGOs. Out of the candidates the Prime Minister of the RA appoints the Head of the Agency based on the recommendations of the RA Minister of Justice.

The Head of the Agency recruits staff members according to job descriptions and open announcements.

18. What process is followed?

Staff member should pass state obligatory exams to be able to work in the Agency

19. For what term are appointments made?

Head of the Agency is appointed for the period of 5 years. There are no time frames for other staff members of the Agency.

20. Does the law under which the Authority operates explicitly state that it acts independently? Yes ☒/No

21. May the member(s) be removed before expiry of their term? Yes ☒/ No

22. If yes, who may remove members of the Authority before expiry of their term?

The RA Prime Minister may remove the Head. The RA Minister of Justice may remove other staff members. However, the grounds for removal are strictly and narrowly prescribed by the PDP Law.

23. Are there limited reasons specified in the statute, or in another law, providing the permitted grounds for removal?

Yes. The Article 25 of the Armenian PDP law defines those reasons

24. What are the grounds for removal?

The article 25 of the Armenian PDP Law defines:

The head of the authorised body for the protection of personal data shall be removed from office where the following grounds exist:

1. on the basis of a written application;
2. he or she has attained the age of 65 (age for holding office) or the term of office has expired;
3. he or she has been elected or appointed to another position or has took another job incompatible with the position of the head of the authorised body for the protection of personal data;
4. in case of failure to report to the service for over 120 consecutive days due to temporary incapacity for work or for over 140

consecutive days in the past 12 months, excluding the pregnancy and maternity leave or the leave for taking care of a child;

5. he or she has not reported to work for more than five consecutive days without a reasonable excuse;

6. he or she has been declared as incapable or having limited capacity, missing or dead by a judgement of the court entered into legal force

7. the judgement of conviction against him or her has entered into legal force.

25. Does the Authority possess the following powers (briefly describe and give statutory references)

a) to initiate an investigation with seeking provision **Yes** ☒/No

Details: The Agency has the power to initiate Investigation based on the applications or by own initiative. The Agency applies administrative sanctions prescribed by law in the case of violation of the requirements of this Law. The decisions of the Agency are binding.

b) to report to the head of State, head of Government or legislature **Yes** ☒/ No

The Article 24 defines that the Agency submits, once a year, a public report on the current situation in the field of personal data protection and on the activities of the previous year.

c) make public statements **Yes** ☒/ No

Details: The Article 24 defines that the Agency submits, once a year, a public report on the current situation in the field of personal data protection and on the activities of the previous year.

26. Is the Authority (and its staff) legally protected against suits for actions performed in the course of their duties?

No

27. Applicants may list any other measures set out in the statute or in other laws which guarantee the Authority's autonomy and independence (i.e., if the law provides specifically that the Authority's finances are protected).

Article 24 defines that activities of the authorised body for the protection of personal data shall be financed at the expense of the funds of the State Budget presented in a separate line.

The grounds for removal from the position are narrowly described by the Law.

The Law says that the Head of the Agency must refrain from any kind of activities casting doubt on his or her ability to act independently and impartially.

The Head is nominated by NGOs and is being appointed by the Decision of the Prime Minister.

ADDITIONAL COMMENTS

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

NA

OTHER MATERIALS

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

NA

30. If law under which the Authority operates is accessible on the Internet, please give the reference (URL)

http://www.moj.am/storage/uploads/Personal_data_protection_law_ENG_OFFICIAL.pdf

31. 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

The Agency operates about 6 months and has no annual reports yet.

RESEARCH USE

32. 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 Conference Secretariat at ICDPPCExCo@privacy.org.nz

If unable to email the application, it should be posted to:

ICDPPC Secretariat
C/o Office of the Privacy Commissioner
PO Box 10-094, The Terrace, Wellington 6143
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 30. If the law itself is not in English, it will be useful to supply an English summary or translation if one exists.

USE AND DISCLOSURE OF INFORMATION

Personal information in this form is held by the ICDPPC Secretariat and is subject to the New Zealand Privacy Act 1993. Individuals concerned have rights of access to, and correction of, any personal information held by the Secretariat. The information will be shared with the Executive Committee and their staff and passed to future Committees and Secretariats. It may be also disclosed to the members of the Conference and approved researchers.

Vanya Vida

From: admin@icdppc.org
Sent: Wednesday, 25 May 2016 8:43 p.m.
To: ICDPPCEXCo
Subject: New submission from Member Authority Application

New Application to be accredited as a member authority from ICDPPC website

Details of the Authority
Name
supervisory body for police information management
Country or Economy
Belgium
Postal Address
Leuvenseweg 48
City
Brussels
Postal Code
1000
Website
website under construction
Details of contact person for this application:
Name
[REDACTED]
Email
[REDACTED]
Description of Authority
Type of Authority
Inspectorate
Confirm that:
<ul style="list-style-type: none">• The authority is a public body• The authority has the supervision of implementation of data protection or privacy legislation
Jurisdiction:
Belgium
Indicate the authority's sectoral or other jurisdiction
Particular sectors / other
Briefly describe sectors or other jurisdiction
Public sector : police information

Legal Basis

Name of data protection or privacy law:

Belgian privacy act

Link to data protection or privacy law:

https://www.privacycommission.be/sites/privacycommission/files/documents/Privacy_Act_1992.pdf

Compatibility with International Instruments

Does the territory's data protection or privacy law implement any international instrument dealing with data protection or privacy?

Yes

Indicate the international instrument or instruments principally implemented by the Authority's data protection or privacy law

- EU Directive (1995)

Does the law instead, or additionally, implement any general or specific international instrument?

No

Appropriate functions and powers

Does the Authority possess functions in any of the following areas?

- Compliance (e.g. audit, inspection)
- Approvals (e.g. prior-checking, notification)
- Policy advice for government

Compliance

article 36ter / 9 and 36ter/ 10 belgian privacy act

Approvals

article 36 ter/ 12 belgian privacy act

Policy advice for government

article 36ter / 8 belgian privacy act

Autonomy and Independence

Indicate who appoints the head of the Authority:

Legislature

Briefly explain the process of appointment of the head of the Authority and, if applicable, authority members.

see article 36ter / 1 belgian privacy act : The members of the supervisory body shall be appointed for a once renewable six-year term by the Belgian House of Representatives, based on their knowledge regarding the management of police information.

Can the head of the authority or members of the authority be removed before the expiry of their term?

Yes

Briefly describe the process for removal, including an indication of who has the authority to remove the head or members of the authority and any applicable reasons allowed in law for removal. Provide the relevant statutory provisions

see article 36 ter / 1 belgian privacy act : The chair and the members of the supervisory body can be removed from office by the Belgian House of Representatives if they no longer meet the conditions referred to in §§ 3, 4 and 5 and in article 36ter/2 or based on serious grounds.

Please indicate if any of the following typical protections of an authority's independence and autonomy are included in the territory's data protection or privacy law or other relevant law.

- An explicit statement in law that the Authority is to act independently
- Appointment of the head of the authority on a permanent basis or fixed term
- Removal of the head of the authority permitted only for limited reasons and by a process provided for in law
- The process for removal of the head of the authority to require the concurrence of the Legislature

An explicit statement in law that the Authority is to act independently

article 36 ter belgian privacy act : A supervisory body for police information management, in charge of supervising the processing of the information and data referred to in article 44/1 of the Belgian Act on the office of police, including the information and data in the databases referred to in article 44/2, shall be established at the Commission for the Protection of Privacy.

§ 2. For the performance of its duties this body shall be independent of the Commission for the Protection of Privacy. It shall share its secretariat with that of the Commission for the Protection of Privacy.

Appointment of the head of the authority on a permanent basis or fixed term

article 36 ter /1 : The members of the supervisory body shall be appointed for a once renewable six-year term by the Belgian House of Representatives, based on their knowledge regarding the management of police information. Upon expiry of this term the members shall remain in office until their successor has taken the oath.

Removal of the head of the authority permitted only for limited reasons and by a process provided for in law

article 36ter / 1 : The chair and the members of the supervisory body can be removed from office by the Belgian House of Representatives if they no longer meet the conditions referred to in §§ 3, 4 and 5 and in article 36ter/2 or based on serious grounds.

The process for removal of the head of the authority to require the concurrence of the Legislature

cfr supra

From: admin@icdppc.org
Sent: Wednesday, 13 July 2016 1:39 a.m.
To: ICDPPCEXCo
Subject: New submission from Member Authority Application

New Application to be accredited as a member authority from ICDPPC website

Details of the Authority

Name

National Commission of Data Protection (Comissão Nacional de Protecção de Dados)

Country or Economy

Cape Verde

Postal Address

Avenida da China, Rampa Terra Branca

City

Praia

Postal Code

1002

Website

www.cnpd.cv

Details of contact person for this application:

Name

[REDACTED]

Email

[REDACTED]

Description of Authority

Type of Authority

Board

Confirm that:

- The authority is a public body
- The authority has the supervision of implementation of data protection or privacy legislation

Jurisdiction:

Cape Verde

Indicate the authority's sectoral or other jurisdiction

Entire public and private sectors

Legal Basis

Name of data protection or privacy law:

General legal framework on the protection of individuals with regard to the processing of personal data

Link to data protection or privacy law:

<http://www.cnpd.cv/leis/DATA%20PROTECTION%20Law%20133.pdf>

Name of other law:

Law regulates the composition, competence, organization and operation of the National Commission of Data Protection (Comissão Nacional de Protecção de Dados)

Link to other law:

<http://www.cnpd.cv/leis/CNPD%20Law%2042.pdf>

Compatibility with International Instruments

Does the territory's data protection or privacy law implement any international instrument dealing with data protection or privacy?

Yes

Indicate the international instrument or instruments principally implemented by the Authority's data protection or privacy law

- ECOWAS Supplementary Act (2010)

Does the law instead, or additionally, implement any general or specific international instrument?

No

Appropriate functions and powers

Does the Authority possess functions in any of the following areas?

- Compliance (e.g. audit, inspection)
- Approvals (e.g. prior-checking, notification)
- Redress for individuals (e.g. complaints, conciliation, awarding compensation)
- Applying sanctions (e.g. prosecution, compliance orders, awarding penalties)
- Guidance (e.g. compliance advice)
- Public education
- Policy advice for government
- Rule-making (e.g. issuing codes of practice, approving standards)
- Other major functions (specify)

Compliance

Article 8, subsections 1 and 2 of the Statutory Law Number 42/VIII/2013, of September 17;
<http://www.cnpd.cv/leis/CNPD%20Law%2042.pdf>

Approvals

Article 10, subsection 1, a), b), c) and d) of the Statutory Law Number 42/VIII/2013, of September 17;
<http://www.cnpd.cv/leis/CNPD%20Law%2042.pdf>

Redress for individuals

Article 10, subsection 1, h), i) and j) of the Statutory Law Number 42/VIII/2013, of September 17;
<http://www.cnpd.cv/leis/CNPD%20Law%2042.pdf>

Applying sanctions

Article 8 subsection 2, b) and subsection 3, article 10, subsection 1, m) of the Statutory Law Number 42/VIII/2013, of September 17; <http://www.cnpd.cv/leis/CNPD%20Law%2042.pdf>

Guidance

Article 10, subsection 1, e) and subsection 2 of the Statutory Law Number 42/VIII/2013, of September 17;
<http://www.cnpd.cv/leis/CNPD%20Law%2042.pdf>

Public education

Article 10, subsection 1, o) of the Statutory Law Number 42/VIII/2013, of September 17;
<http://www.cnpd.cv/leis/CNPD%20Law%2042.pdf>

Policy advice for government

Article 10, subsection 4 and article 12 of the Statutory Law Number 42/VIII/2013, of September 17;
<http://www.cnpd.cv/leis/CNPD%20Law%2042.pdf>

Rule-making

Article 10, subsection 1, n) and subsection 2 of the Statutory Law Number 42/VIII/2013, of September 17;
<http://www.cnpd.cv/leis/CNPD%20Law%2042.pdf>

Other major functions

Establishing the time for keeping personal data according to their purpose; and ensuring the right of access to information as well as the exercise of the right of rectifying and updating. Article 10, subsection 1, e) and f) and subsection 2 of the Statutory Law Number 42/VIII/2013, of September 17); <http://www.cnpd.cv/leis/CNPD%20Law%2042.pdf>

Autonomy and Independence

Indicate who appoints the head of the Authority:

Legislature

Briefly explain the process of appointment of the head of the Authority and, if applicable, authority members.

The CNPD shall be composed of three members of recognised competence and moral integrity, elected by the Assembleia Nacional by a two-thirds of its members present, superior to the absolute majority of members of the Assembleia Nacional . The presidency of the CNPD is assumed by each of its members by alphabetic order respectively for a period of two years

Can the head of the authority or members of the authority be removed before the expiry of their term?

Yes

Briefly describe the process for removal, including an indication of who has the authority to remove the head or members of the authority and any applicable reasons allowed in law for removal. Provide the relevant statutory provisions

Members of the CNPD are irremovable. They shall not cease their functions before the end of their mandate, except in the following cases:

- a) death or permanent physical incapacity or a duration which surpasses the date of the end of their mandate;
- b) resigning;
- c) loss of mandate

In the case of a vacancy from one of the motives provided for in 1 above, this shall be filled within a period of sixty days following its verification by means of the appointment of the new member by the competent entity.

The newly appointed member in the provisions provided in 2 above, shall complete the mandate of the member he substituted.

Articles 17, 19 and 20 of the Statutory Law Number 42/VIII/2013, of September 17;
<http://www.cnpd.cv/leis/CNPD%20Law%2042.pdf>.

Please indicate if any of the following typical protections of an authority's independence and autonomy are included in the territory's data protection or privacy law or other relevant law.

- An explicit statement in law that the Authority is to act independently
- Legal protection against civil suits for members of the authority and its staff for actions performed in good faith in the course of their lawful duties
- Suitable guarantees for the funding of the authority
- Appointment of the head of the authority on a permanent basis or fixed term
- Removal of the head of the authority permitted only for limited reasons and by a process provided for in law
- The process for removal of the head of the authority to require the concurrence of the Legislature
- Express provision in law prohibiting or limiting the ability of government officials to direct the authority in the performance of its functions

An explicit statement in law that the Authority is to act independently

Articles 2 and 8 of the Statutory Law Number 42/VIII/2013, of September 17;
<http://www.cnpd.cv/leis/CNPD%20Law%2042.pdf>.

Article 22 of the Statutory Law Number 41/VIII/2013, of September 17;
<http://www.cnpd.cv/leis/DATA%20PROTECTION%20Law%20133.pdf>

Legal protection against civil suits for members of the authority and its staff for actions performed in good faith in the course of their lawful duties

Articles 18, 22, 23, 24 and 41 of the Statutory Law Number 42/VIII/2013, of September 17;
<http://www.cnpd.cv/leis/CNPD%20Law%2042.pdf>.

Suitable guarantees for the funding of the authority

Article 8, subsection 2 b) and articles 9, 14, 17 and 18 of the Statutory Law Number 42/VIII/2013, of September 17;
<http://www.cnpd.cv/leis/CNPD%20Law%2042.pdf>.

Appointment of the head of the authority on a permanent basis or fixed term

Article 13 of the Statutory Law Number 42/VIII/2013, of September 17; <http://www.cnpd.cv/leis/CNPD%20Law%2042.pdf>.

Removal of the head of the authority permitted only for limited reasons and by a process provided for in law

Articles 17, 19 and 20 of the Statutory Law Number 42/VIII/2013, of September 17;
<http://www.cnpd.cv/leis/CNPD%20Law%2042.pdf>.

The process for removal of the head of the authority to require the concurrence of the Legislature

Article 13 of the Statutory Law Number 42/VIII/2013, of September 17; <http://www.cnpd.cv/leis/CNPD%20Law%2042.pdf>.

Express provision in law prohibiting or limiting the ability of government officials to direct the authority in the performance of its functions

Article 6 of the Statutory Law Number 42/VIII/2013, of September 17; <http://www.cnpd.cv/leis/CNPD%20Law%2042.pdf>.
Article 2 of the Statutory Law Number 41/VIII/2013, of September 17;
<http://www.cnpd.cv/leis/DATA%20PROTECTION%20Law%20133.pdf>

APPLICATION TO BE ACCREDITED AS A MEMBER OF THE INTERNATIONAL CONFERENCE OF DATA PROTECTION OF PRIVACY COMMISSIONERS

To: The ICDPPC Executive Committee

The following authority applies to be accredited as a member of the Conference pursuant to the Conference Rules and Procedures (a copy of which is available at <http://icdppc.org/document-archive/rules-procedures/>)

Notes:

- (a) Please complete application in English.
- (b) Please keep answers brief and to the point.
- (c) Please ensure that all 32 questions are answered
- (d) If you retype the form, please include the numbered questions with your answers

DETAILS OF APPLICANT

1. Name and postal address of Authority

Regulatory Authority Côte d'Ivoire Telecommunications (ARTCI)
2203- 18 BP 18 Abidjan - Ivory Coast

2. Contact person for this application:

- a) Name

[REDACTED]

- b) Email address

[REDACTED]

c) Direct telephone number

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DESCRIPTION OF APPLICANT

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

Board with a General Direction

4. Is the Authority a public body? Yes ☒

5. Geographical jurisdiction

All over ivoirian territory

6. Material jurisdiction (i.e. public/private sector, financial matters only...)

public and private sector, national coverage
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7. Has the Authority the supervision of the implementation of data protection or privacy related legislation as one of its principal regulatory mandates?

Yes ☒

LEGAL BASIS

8. Title of law under which the Authority is constituted

law n°2013-450 dated 19 june 2013 related data protection and privacy

9. Is this a data protection or privacy related law?

Yes ☒

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

regulation

11. Which body made the law?

the government

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

the same government

CONSISTENCY WITH INTERNATIONAL INSTRUMENTS

13. 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 ☒

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

- | | |
|--|-------------------------------------|
| a) OECD Guidelines (1980) | <input checked="" type="checkbox"/> |
| b) Council of Europe Convention No 108 (1981) | <input checked="" type="checkbox"/> |
| Council of Europe Additional Protocol (2001) | <input type="checkbox"/> |
| c) UN Guidelines (1990) | <input checked="" type="checkbox"/> |
| d) EU Directive (1995) | <input type="checkbox"/> |
| e) APEC Privacy Framework (2005) | <input type="checkbox"/> |
| f) International Standards on Data Protection and Privacy (2010) | <input type="checkbox"/> |
| g) Economic Community of West African States (1975) | <input checked="" type="checkbox"/> |

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

- Additional A/SA.1/.1/10 of ECOWAS of february 16, 2010, relative to the protection of the personal data
- The convention of the African Union (AU) on cybersecurity and Privacy Act of June 27, 2014 personal data

15. 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 14 and 15? (Applicants should supply further information to assist the Committee including a description of any measures under way to address these inconsistencies.)

No

APPROPRIATE FUNCTIONS

16. 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: the authority has the power to control of the conformity of the treatments to the ivorian la won data protection

b) approvals (i.e. prior-checking, notification)

Yes ☒

Details: prior –checking, notification

c) redress for individuals (i.e. complaints, conciliation enforcement)

Yes ☒

Details: the authority is empowered to issue a sequel to complaints

d) sanctions available to Authority (i.e. prosecution and enforcement)

Yes ☒

Details: the Authority has the power after an adversarial procedure to decide:

- interruption of implementation of treatment
- locking of certain processed personal data

-of the ban temporarily or permanently of treatment contrary to the provisions of this Act
- The temporary or permanent withdrawal of the authorization

- e) guidance (e.g. compliance advice) Yes ☒

Details: orientation, respect conseil

- f) public education Yes ☒

Details: the Authority must educate the general population

- g) policy advice for government Yes ☒

Details: the Authority may give its opinion on any draft legal text in relation to the protection of freedoms and privacy. It can also make the government's proposals to improve the legislative and regulatory framework concerning the treatment of the personal data.

- h) studies or research (i.e. on developing technologies, privacy issues) Yes ☒

Details: the Authority participate in science research activities, of training and research relating to PDCP, and in general freedoms and privacy

AUTONOMY AND INDEPENDENCE

17. 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 Regulatory Board consists of 7 members appointed by decree issued by the council of ministers on the proposal of minister of post and telecommunications/ICT

18. What process is followed?

this nomination is made following a transparent and competitive selection procedure.

The decree which appoints the members is the same which appoints the chairman of the board members of the regulatory board are selected, because of

their qualifications competences in the legal, economic and technical in the field of telecommunications/ICT

19. For what term are appointments made?

The board members are appointed for for a period 6 years non renewable

20. Does the law under which the Authority operates explicitly state that it acts independently? Yes ☒

21. May the member(s) be removed before expiry of their term? Yes ☒

In case of gross misconduct proven

22. If yes, who may remove members of the Authority before expiry of their term?

the President of the Republic

23. Are there limited reasons specified in the statute, or in another law, providing the permitted grounds for removal?

Yes, the decree n° 2012-934 dated 19 september 2012 on the organization and functioning of the regulatory authority for telecommunications/ICT of Côte d'Ivoire specifies that.

24. What are the grounds for removal?

The article 8 of decree n° 2012-934 dated 19 september 2012 on the organization and functioning of the regulatory authority for telecommunications/ICT of Côte d'Ivoire specifies that the function of member of the board of regulation is inconsistent with any public or private employment, all mandate elective and any ownership direct or indirect interest in an undertaking in the sector of telecommunications/ICT activity in Côte d'Ivoire.

25. Does the Authority possess the following powers (briefly describe and give statutory references)

a) to initiate an investigation with seeking provision No ☒

Details:

b) to report to the head of State, head of Government or legislature Yes ☒

Details: by annual activities report

c) make public statements Yes ☒

Details: if necessary

26. Is the Authority (and its staff) legally protected against suits for actions performed in the course of their duties?

yes, the task of control officers are sworn

27. Applicants may list any other measures set out in the statute or in other laws which guarantee the Authority's autonomy and independence (i.e., if the law provides specifically that the Authority's finances are protected).

Article 2 of decree n° 2012-934 dated of 19 september 2012 on the organization and functioning of the regulatory Authority for telecommunications/TIC of Côte d'Ivoire has ARTCI is an independence administrative Authority with legal personality and financial autonomy.

ADDITIONAL COMMENTS

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

No comments

OTHER MATERIALS

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

- Copy of The law 2013 of 19 June 2013
- Decree N° 2012-934 of 19 September 2012 on the organization et functioning of the regulatory authority and of Côte d'Ivoire Telecommunications/ICT in short ARTCI

30. If law under which the Authority operates is accessible on the Internet, please give the reference (URL)

[http:// www.artci.ci](http://www.artci.ci)

31. 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

<http://> No, because we are just in our first year of activities in terms of data protection and privacy

RESEARCH USE

32. 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 Conference Secretariat at ICDPPCExCo@privacy.org.nz

If unable to email the application, it should be posted to:

ICDPPC Secretariat
C/o Office of the Privacy Commissioner
PO Box 10-094, The Terrace, Wellington 6143
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 30. If the law itself is not in English, it will be useful to supply an English summary or translation if one exists.

USE AND DISCLOSURE OF INFORMATION

Personal information in this form is held by the ICDPPC Secretariat and is subject to the New Zealand Privacy Act 1993. Individuals concerned have rights of access to, and correction of, any personal information held by the Secretariat. The information will be shared with the Executive Committee and their staff and passed to future Committees and Secretariats. It may be also disclosed to the members of the Conference and approved researchers.

Vanya Vida

From: admin@icdppc.org
Sent: Wednesday, 18 May 2016 7:50 p.m.
To: ICDPPCEXCo
Subject: New submission from Member Authority Application

New Application to be accredited as a member authority from ICDPPC website

Details of the Authority

Name

Personal Information Protection Commission

Country or Economy

Japan

Postal Address

Kasumigaseki Common Gate West Tower 32F, 3-2-1, Kasumigaseki, Chiyoda-ku

City

Tokyo

Postal Code

100-0013

Website

<http://www.ppc.go.jp/en/>

Details of contact person for this application:

Name

[REDACTED]

Email

[REDACTED]

Description of Authority

Type of Authority

Commission

Confirm that:

- The authority is a public body
- The authority has the supervision of implementation of data protection or privacy legislation

Jurisdiction:

Japan

Indicate the authority's sectoral or other jurisdiction

Entire private sector only

Legal Basis

Name of data protection or privacy law:

Act on the Protection of Personal Information (PIPA)

Link to data protection or privacy law:

http://www.ppc.go.jp/files/pdf/280222_amendedlaw.pdf

Name of other law:

Act on the Use of Numbers to Identify a Specific Individual in the Administrative Procedure (My Number Use Act)

Link to other law:

<http://www.ppc.go.jp/files/pdf/en3.pdf>

Compatibility with International Instruments

Does the territory's data protection or privacy law implement any international instrument dealing with data protection or privacy?

Yes

Indicate the international instrument or instruments principally implemented by the Authority's data protection or privacy law

- OECD Guidelines (1980/2013)
- APEC Privacy Framework (2005)

Does the law instead, or additionally, implement any general or specific international instrument?

No

Appropriate functions and powers

Does the Authority possess functions in any of the following areas?

- Compliance (e.g. audit, inspection)
- Approvals (e.g. prior-checking, notification)
- Redress for individuals (e.g. complaints, conciliation, awarding compensation)
- Applying sanctions (e.g. prosecution, compliance orders, awarding penalties)
- Guidance (e.g. compliance advice)
- Public education
- Policy advice for government
- Rule-making (e.g. issuing codes of practice, approving standards)
- Other major functions (specify)

Compliance

Art. 35 of My Number Use Act

*My Number Use Act is amended last year. The link is the version which is before amended. Number of the Article has changed but the substance has not changed.

See Art.52 of the link (<http://www.ppc.go.jp/files/pdf/en3.pdf>)

Art.40 of the Amended PIPA

*Amended PIPA fully takes effect in 2017.

link: http://www.ppc.go.jp/files/pdf/280222_amendedlaw.pdf

Approvals

Art. 28 (2) of My Number Use Act

*My Number Use Act is amended last year. The link is the version which is before amended. Number of the Article has changed but the substance has not changed.

See Art.27 (2) of the link (<http://www.ppc.go.jp/files/pdf/en3.pdf>)

Art.47 of the Amended PIPA

*Amended PIPA fully takes effect in 2017.

link: http://www.ppc.go.jp/files/pdf/280222_amendedlaw.pdf

Redress for individuals

Art.61 (ii). (iv) of the Amended PIPA

*This provision has already taken effect.
link: http://www.ppc.go.jp/files/pdf/280222_amendedlaw.pdf

Applying sanctions

Art. 34 of My Number Use Act
*My Number Use Act is amended last year. The link is the version which is before amended. Number of the Article has changed but the substance has not changed.
See Art.51 of the link (<http://www.ppc.go.jp/files/pdf/en3.pdf>)

Art. 42 of the Amended PIPA
*Amended PIPA fully takes effect in 2017.
link: http://www.ppc.go.jp/files/pdf/280222_amendedlaw.pdf

Guidance

Art. 33 of My Number Use Act
*My Number Use Act is amended last year. The link is the version which is before amended. Number of the Article has changed but the substance has not changed.
See Art.50 of the link (<http://www.ppc.go.jp/files/pdf/en3.pdf>)

Art.41 of the Amended PIPA
*Amended PIPA fully takes effect in 2017.
link: http://www.ppc.go.jp/files/pdf/280222_amendedlaw.pdf

Public education

Art.61 (vi) of the Amended PIPA
*This provision has already taken effect.
link: http://www.ppc.go.jp/files/pdf/280222_amendedlaw.pdf

Policy advice for government

Art. 38 of My Number Use Act
*My Number Use Act is amended last year. The link is the version which is before amended. Number of the Article has changed but the substance has not changed.
See Art.55 of the link (<http://www.ppc.go.jp/files/pdf/en3.pdf>)

Rule-making

Art. 61 (i) of PIPA
Also Commission is able to set rules about specific matters such as Art. 24 and Art. 36 of the Amended PIPA
*Amended PIPA fully takes effect in 2017.
link: http://www.ppc.go.jp/files/pdf/280222_amendedlaw.pdf

Other major functions

Art.61 of the Amended PIPA, such as international cooperation
*This provision has already taken effect.
link: http://www.ppc.go.jp/files/pdf/280222_amendedlaw.pdf

Autonomy and Independence

Indicate who appoints the head of the Authority:

Other

Other - please specify

The chairperson and members of the Commission are appointed from among the people of good character and sound knowledge, with the consent of both Houses of the Diet, by the Prime Minister.

Briefly explain the process of appointment of the head of the Authority and, if applicable, authority members.

The chairperson and members of the Commission are appointed from among the people of good character and sound knowledge, with the consent of both Houses of the Diet, by the Prime Minister.
Art. 63 (3) of PIPA

Can the head of the authority or members of the authority be removed before the expiry of their term?

Yes

Briefly describe the process for removal, including an indication of who has the authority to remove the head or members of the authority and any applicable reasons allowed in law for removal. Provide the relevant statutory provisions

Article 65 of PIPA

The chairperson and members of the Commission, except if they fall under any of the following items, are not dismissed against their will while holding office:

- (i) they receive an order to commence bankruptcy proceedings;
- (ii) they are punished for violation of this Act or Number Use Act;
- (iii) they are punished by imprisonment without required labor or a heavier punishment; or
- (iv) the Commission finds that the chairperson or a member of the Commission is incapable of executing his/her duties due to a mental or physical disorder, or, has contravened the duties of his/her position or has committed misconducts inappropriate for a chairperson or a member of the Commission.

Art. 66 of PIPA

The Prime Minister, if the chairperson or a member of the Commission falls under one of the items of the preceding Article, must dismiss said chairperson or member of the Commission.

Please indicate if any of the following typical protections of an authority's independence and autonomy are included in the territory's data protection or privacy law or other relevant law.

- An explicit statement in law that the Authority is to act independently
- Legal protection against civil suits for members of the authority and its staff for actions performed in good faith in the course of their lawful duties
- Suitable guarantees for the funding of the authority
- Appointment of the head of the authority on a permanent basis or fixed term
- Removal of the head of the authority permitted only for limited reasons and by a process provided for in law
- Express provision in law prohibiting or limiting the ability of government officials to direct the authority in the performance of its functions

An explicit statement in law that the Authority is to act independently

Art. 62 of PIPA

*This provision has already taken effect.

link: http://www.ppc.go.jp/files/pdf/280222_amendedlaw.pdf

Legal protection against civil suits for members of the authority and its staff for actions performed in good faith in the course of their lawful duties

Commission members and its staffs are public officers.

In case law, it is recognised that public officers are irresponsible for actions performed in good faith in the course of their lawful duties in terms of civil suits.

Suitable guarantees for the funding of the authority

Since the Commission is a public body, the national budget is provided appropriately.

Appointment of the head of the authority on a permanent basis or fixed term

Art. 64 (1) of PIPA

*This provision has already taken effect.

link: http://www.ppc.go.jp/files/pdf/280222_amendedlaw.pdf

Removal of the head of the authority permitted only for limited reasons and by a process provided for in law

Art. 65 of PIPA

*This provision has already taken effect.

link: http://www.ppc.go.jp/files/pdf/280222_amendedlaw.pdf

Express provision in law prohibiting or limiting the ability of government officials to direct the authority in the performance of its functions

Art. 59 (2) of PIPA

*This provision has already taken effect.

link: http://www.ppc.go.jp/files/pdf/280222_amendedlaw.pdf

Vanya Vida

From: admin@icdppc.org
Sent: Friday, 8 July 2016 1:02 a.m.
To: ICDPPCEXCo
Subject: New submission from Member Authority Application

New Application to be accredited as a member authority from ICDPPC website

Details of the Authority

Name

Autorité de Protection des Données à Caractère Personnel

Country or Economy

MALI

Postal Address

APDP, Quartier du fleuve, Avenue Kassé Keita, Porte 462

City

BAMAKO

Website

www.apdp.ml

Details of contact person for this application:

Name

[REDACTED]

[REDACTED]

[REDACTED]

Description of Authority

Type of Authority

Board

Confirm that:

- The authority is a public body
- The authority has the supervision of implementation of data protection or privacy legislation

Jurisdiction:

Mali

Indicate the authority's sectoral or other jurisdiction

Entire public and private sectors

Legal Basis

Name of data protection or privacy law:

loi portant sur la protection des données à caractère personnel

Link to data protection or privacy law:

Compatibility with International Instruments

Does the territory's data protection or privacy law implement any international instrument dealing with data protection or privacy?

No

Does the law instead, or additionally, implement any general or specific international instrument?

No

Appropriate functions and powers

Does the Authority possess functions in any of the following areas?

- Compliance (e.g. audit, inspection)
- Approvals (e.g. prior-checking, notification)
- Redress for individuals (e.g. complaints, conciliation, awarding compensation)
- Applying sanctions (e.g. prosecution, compliance orders, awarding penalties)
- Guidance (e.g. compliance advice)
- Public education
- Policy advice for government
- Rule-making (e.g. issuing codes of practice, approving standards)

Compliance

loi N°2013-015 du 21 Mai 2013

Approvals

loi N°2013-015 du 21 Mai 2013

Redress for individuals

loi N°2013-015 du 21 Mai 2013

Applying sanctions

loi N°2013-015 du 21 Mai 2013

Guidance

loi N°2013-015 du 21 Mai 2013

Public education

loi N°2013-015 du 21 Mai 2013

Policy advice for government

loi N°2013-015 du 21 Mai 2013

Rule-making

loi N°2013-015 du 21 Mai 2013

Autonomy and Independence

Indicate who appoints the head of the Authority:

Other

Other - please specify

Elected by Members

Briefly explain the process of appointment of the head of the Authority and, if applicable, authority members.

Head of Authority is a member au Authority. At the first meeting, the 15 members had a vote and choose a president who was candidate at the election to be the head

The members have been designated by different ministries, associations and NGO.

Can the head of the authority or members of the authority be removed before the expiry of their term?

No

Vanya Vida

From: admin@icdppc.org
Sent: Friday, 5 August 2016 8:32 p.m.
To: ICDPPCEXCo
Subject: New submission from Member Authority Application

New Application to be accredited as a member authority from ICDPPC website

Details of the Authority

Name

Agency for Personal Data Protection and Free Access to Information

Country or Economy

Montenegro

Postal Address

Kralja Nikole 2

City

Podgorica

Postal Code

81000

Website

<http://www.azlp.me/index.php/me/>

Details of contact person for this application:

Name

[REDACTED]

Email

[REDACTED]

Description of Authority

Type of Authority

Other

Briefly describe type of authority

Agency

Confirm that:

- The authority is a public body
- The authority has the supervision of implementation of data protection or privacy legislation

Jurisdiction:

Montenegro

Indicate the authority's sectoral or other jurisdiction

Entire public and private sectors

Legal Basis

Name of data protection or privacy law:

Personal Data Protection Law

Link to data protection or privacy law:

<http://azlp.me/images/stories/Zakon/zakon%20o%20zastiti%20podataka%20licnosti.pdf>

Compatibility with International Instruments

Does the territory's data protection or privacy law implement any international instrument dealing with data protection or privacy?

Yes

Indicate the international instrument or instruments principally implemented by the Authority's data protection or privacy law

- Council of Europe Convention No 108 (1985)
- Council of Europe Additional Protocol No 181 (2001)
- EU Directive (1995)
- ICDPPC International Standards on Data Protection and Privacy (2009)

Does the law instead, or additionally, implement any general or specific international instrument?

Yes

Specify the international body and the international instrument

Directives, Working Group Article 29

Appropriate functions and powers

Does the Authority possess functions in any of the following areas?

- Compliance (e.g. audit, inspection)
- Approvals (e.g. prior-checking, notification)
- Public education
- Policy advice for government
- Rule-making (e.g. issuing codes of practice, approving standards)

Compliance

According to Article 47 of Personal Data Protection Law,
<http://azlp.me/images/stories/Zakon/zakon%20o%20zastiti%20podataka%20licnosti.pdf>

Approvals

Regarding giving consent for video surveillance, Articles 35-40 of Personal Data Protection Law,
<http://azlp.me/images/stories/Zakon/zakon%20o%20zastiti%20podataka%20licnosti.pdf>

Public education

Independent of Provisions

Policy advice for government

Giving opinion upon proposal of the laws, or other regulation which are related to the field of personal data protection,
<http://azlp.me/images/stories/Zakon/zakon%20o%20zastiti%20podataka%20licnosti.pdf>

Rule-making

According to Article 47 of Personal Data Protection Law,
<http://azlp.me/images/stories/Zakon/zakon%20o%20zastiti%20podataka%20licnosti.pdf>

Autonomy and Independence

Indicate who appoints the head of the Authority:

Other

Other - please specify

Parliament of Montenegro

Briefly explain the process of appointment of the head of the Authority and, if applicable, authority members.

Members of the Council are appointed by the Parliament of Montenegro

Can the head of the authority or members of the authority be removed before the expiry of their term?

No

Please indicate if any of the following typical protections of an authority's independence and autonomy are included in the territory's data protection or privacy law or other relevant law.

- An explicit statement in law that the Authority is to act independently
- Suitable guarantees for the funding of the authority
- Appointment of the head of the authority on a permanent basis or fixed term
- Removal of the head of the authority permitted only for limited reasons and by a process provided for in law

An explicit statement in law that the Authority is to act independently

Upon Article 49 of Personal Data Protection Law,
<http://azlp.me/images/stories/Zakon/zakon%20o%20zastiti%20podataka%20licnosti.pdf>

Suitable guarantees for the funding of the authority

Upon Article 63 of Personal Data Protection Law,
<http://azlp.me/images/stories/Zakon/zakon%20o%20zastiti%20podataka%20licnosti.pdf>

Appointment of the head of the authority on a permanent basis or fixed term

Upon Article 52 of Personal Data Protection Law,
<http://azlp.me/images/stories/Zakon/zakon%20o%20zastiti%20podataka%20licnosti.pdf>

Removal of the head of the authority permitted only for limited reasons and by a process provided for in law

Upon Article 55 of Personal Data Protection law,
<http://azlp.me/images/stories/Zakon/zakon%20o%20zastiti%20podataka%20licnosti.pdf>

Vanya Vida

From: admin@icdppc.org
Sent: Monday, 18 July 2016 9:27 a.m.
To: ICDPPCEXCo
Subject: New submission from Member Authority Application

Follow Up Flag: Follow up
Flag Status: Flagged

New Application to be accredited as a member authority from ICDPPC website

Details of the Authority

Name

CYBERCRIME ADVISORY COUNCIL

Country or Economy

NIGERIA

Postal Address

26 Addis Ababa Crescent, Wuse Zone 4,

City

Abuja

Website

www.cybercrime.gov.ng

Details of contact person for this application:

Name

[REDACTED]

Email

[REDACTED]

Description of Authority

Type of Authority

Other

Briefly describe type of authority

The Council is created by the Cybercrime (Prohibition, Prevention, Etc.) Act of 2015 and charged with providing policy guidance for the implementation of the Act and development of Cybersecurity measures in Nigeria. Data protection is one of the core areas of concern for the Council.

Confirm that:

- The authority is a public body
- The authority has the supervision of implementation of data protection or privacy legislation

Jurisdiction:

NIGERIA

Indicate the authority's sectoral or other jurisdiction

Entire public and private sectors

Legal Basis

Name of data protection or privacy law:

National Cybersecurity Policy & Strategy

Link to data protection or privacy law:

https://cert.gov.ng/images/uploads/NATIONAL_CYBESECURITY_POLICY.pdf

Name of other law:

The Cybercrime (Prohibition, Prevention, Etc.) Act of 2015

Link to other law:

https://cert.gov.ng/images/uploads/CyberCrime_%28Prohibition%2CPrevention%2Cetc%29_Act%2C_2015.pdf

Compatibility with International Instruments

Does the territory's data protection or privacy law implement any international instrument dealing with data protection or privacy?

Yes

Indicate the international instrument or instruments principally implemented by the Authority's data protection or privacy law

- ECOWAS Supplementary Act (2010)

Does the law instead, or additionally, implement any general or specific international instrument?

No

Appropriate functions and powers

Does the Authority possess functions in any of the following areas?

- Policy advice for government
- Other major functions (specify)

Policy advice for government

The Council has power to recommend measures to government , including proposals for new legislation. Currently, the Council is engaging with stakeholders to harmonise the various draft bills on data protection for presentation to the National Assembly for enactment.

Section 42, The Cybercrime (Prohibition, Prevention, Etc.) Act of 2015

https://cert.gov.ng/images/uploads/CyberCrime_%28Prohibition%2CPrevention%2Cetc%29_Act%2C_2015.pdf

Other major functions

The Council has power to recommend measures to government , including proposals for new legislation. Currently, the Council is engaging with stakeholders to harmonise the various draft bills on data protection for presentation to the National Assembly for enactment.

Section 43, The Cybercrime (Prohibition, Prevention, Etc.) Act of 2015

https://cert.gov.ng/images/uploads/CyberCrime_%28Prohibition%2CPrevention%2Cetc%29_Act%2C_2015.pdf

Autonomy and Independence

Indicate who appoints the head of the Authority:

Head of State

Briefly explain the process of appointment of the head of the Authority and, if applicable, authority members.

The Chairman of the Cybercrime Advisory Council is the National Security Adviser and is made so by the Statute. The Membership of the Council is drawn from directorate level representatives of identified stakeholders in both the public and private sector.

Can the head of the authority or members of the authority be removed before the expiry of their term?

Yes

Briefly describe the process for removal, including an indication of who has the authority to remove the head or members of the authority and any applicable reasons allowed in law for removal. Provide the relevant statutory provisions

The Chairman or members may be removed by the President:

1. If they cease to hold the office upon which they were nominated to the Council,
2. If their continued membership is no longer in the public interest.

Section 42, The Cybercrime (Prohibition, Prevention, Etc.) Act of 2015

https://cert.gov.ng/images/uploads/CyberCrime_%28Prohibition%2CPrevention%2Cetc%29_Act%2C_2015.pdf

Please indicate if any of the following typical protections of an authority's independence and autonomy are included in the territory's data protection or privacy law or other relevant law.

- Legal protection against civil suits for members of the authority and its staff for actions performed in good faith in the course of their lawful duties
- Suitable guarantees for the funding of the authority

Legal protection against civil suits for members of the authority and its staff for actions performed in good faith in the course of their lawful duties

Section 43, The Cybercrime (Prohibition, Prevention, Etc.) Act of 2015

https://cert.gov.ng/images/uploads/CyberCrime_%28Prohibition%2CPrevention%2Cetc%29_Act%2C_2015.pdf

Suitable guarantees for the funding of the authority

Section 44, The Cybercrime (Prohibition, Prevention, Etc.) Act of 2015

https://cert.gov.ng/images/uploads/CyberCrime_%28Prohibition%2CPrevention%2Cetc%29_Act%2C_2015.pdf

From: admin@icdppc.org
Sent: Saturday, 18 June 2016 1:01 a.m.
To: ICDPPCEXCo
Subject: New submission from Member Authority Application

New Application to be accredited as a member authority from ICDPPC website

Details of the Authority

Name

NATIONAL IDENTITY MANAGEMENT COMMISSION

Country or Economy

NIGERIA

Postal Address

11 SOKODE CRESCENT OF DALABA STREET WUSE ZONE 5

City

ABUJA

Postal Code

PMB 18

Website

www.nimc.gov.ng

Details of contact person for this application:

Name

[REDACTED]

Email

[REDACTED]

Description of Authority

Type of Authority

Commission

Confirm that:

- The authority is a public body
- The authority has the supervision of implementation of data protection or privacy legislation

Jurisdiction:

Nigeria is a country with over 180 million residents and has an annual growth rate of over 6 million persons

Indicate the authority's sectoral or other jurisdiction

Entire public and private sectors

Legal Basis

Name of data protection or privacy law:

provisions of the NIMC Act No.23 of 2007 relating to protection of information recorded in the National Identity Database & the Cybercrime (prohibition and Protection Law 2005

Link to data protection or privacy law:

www.nimc.gov.ng

Name of other law:

National Identity Management Commission Act No. 23 of 2007

Link to other law:

www.nimc.gov.ng

Compatibility with International Instruments

Does the territory's data protection or privacy law implement any international instrument dealing with data protection or privacy?

Yes

Indicate the international instrument or instruments principally implemented by the Authority's data protection or privacy law

- ECOWAS Supplementary Act (2010)

Does the law instead, or additionally, implement any general or specific international instrument?

No

Appropriate functions and powers

Does the Authority possess functions in any of the following areas?

- Compliance (e.g. audit, inspection)
- Approvals (e.g. prior-checking, notification)
- Applying sanctions (e.g. prosecution, compliance orders, awarding penalties)
- Guidance (e.g. compliance advice)
- Public education
- Policy advice for government
- Rule-making (e.g. issuing codes of practice, approving standards)
- Other major functions (specify)

Compliance

The NIMC Act no 23 of 2007; Mandatory Use of NIN Regulation; Biometric & Demographic Data Capture Standards
www.nimc.gov.ng

Approvals

NIMC Act No. 23 2007-

Applying sanctions

NIMC Act No. 23 2007 - Sections 28 - 30.

Guidance

NIMC Act Sections 27 and 30

Public education

section 30 NIMC Act

Policy advice for government

NIMC ACT No. 23 of 2007

Rule-making

Section 27 and 30 powers to make Regulations

Other major functions

section 5 and 14 mandates to populate and manage the National Identity Database, Harmonise existing databases, provide means for verification and authentication of identities using secure means etc. www.nimc.gov.ng

Autonomy and Independence

Indicate who appoints the head of the Authority:

Other

Other - please specify

President

Briefly explain the process of appointment of the head of the Authority and, if applicable, authority members.

By the President in accordance with provisions of Section 7(1) of the NIMC Act No. 23 of 2007.

The Director General/CEO shall be appointed by the President and must be a person possessing any of the following qualifications:

Professional skills of at least 15 years cognate experience in any of the following fields; Information Communication Technology, Engineering, Management Science, Law, Business Administration, Economics and related fields.

Can the head of the authority or members of the authority be removed before the expiry of their term?

Yes

Briefly describe the process for removal, including an indication of who has the authority to remove the head or members of the authority and any applicable reasons allowed in law for removal. Provide the relevant statutory provisions

The DG/CEO is a member of the Governing Board of the Commission. His removal from office is guided by the provisions of Section 3(2) NIMC Act No. 23 of 2007 as follows:

- if he resigns his appointment by notice to the President
- he becomes of unsound mind
- he becomes bankrupt or makes a compromise with his creditors
- he is convicted of a felony or any offence involving dishonesty or corruption
- he becomes incapable of carrying on the functions of his office arising from an infirmity of mind or body, or
- the President is satisfied that it is not in the interest of the Commission or in the interest of the public for the person to continue in office and notifies the member in writing to that effect.

Please indicate if any of the following typical protections of an authority's independence and autonomy are included in the territory's data protection or privacy law or other relevant law.

- Suitable guarantees for the funding of the authority
- Appointment of the head of the authority on a permanent basis or fixed term
- Removal of the head of the authority permitted only for limited reasons and by a process provided for in law
- Express provision in law prohibiting or limiting the ability of government officials to direct the authority in the performance of its functions

Suitable guarantees for the funding of the authority

Section 10 and 31(d) of NIMC Act No 23 2007

- take off grant
- annual subvention from the Federal Government
- fees and other charges
- grants-in-aid, gifts etc

Appointment of the head of the authority on a permanent basis or fixed term

Section 7 of the NIMC Act No. 23 of 2007

A term of 4 years and renewable for another 4 year term

Removal of the head of the authority permitted only for limited reasons and by a process provided for in law

Section 3 (2) NIMC Act No. 23 of 2007

Express provision in law prohibiting or limiting the ability of government officials to direct the authority in the performance of its functions

the NIMC ACT itself

Vanya Vida

From: admin@icdppc.org
Sent: Thursday, 14 April 2016 2:58 p.m.
To: Vanya Vida
Subject: New submission from Member Authority Application

New Application to be accredited as a member authority from ICDPPC website

Details of the Authority

Name

National Privacy Commission

Country or Economy

Philippines

Postal Address

Office of the President, Jose P. Laurel Street, San Miguel

City

Manila

Postal Code

1005

Website

<http://www.gov.ph/tag/national-privacy-commission/>

Details of contact person for this application:

Name

[REDACTED]

Email

[REDACTED]

Description of Authority

Type of Authority

Commission

Confirm that:

- The authority is a public body
- The authority has the supervision of implementation of data protection or privacy legislation

Jurisdiction:

Country

Indicate the authority's sectoral or other jurisdiction

Entire public and private sectors

Legal Basis

Name of data protection or privacy law:

Link to data protection or privacy law:

<http://www.gov.ph/2012/08/15/republic-act-no-10173/>

Compatibility with International Instruments

Does the territory's data protection or privacy law implement any international instrument dealing with data protection or privacy?

Yes

Indicate the international instrument or instruments principally implemented by the Authority's data protection or privacy law

- EU Directive (1995)
- APEC Privacy Framework (2005)

Does the law instead, or additionally, implement any general or specific international instrument?

No

Appropriate functions and powers

Does the Authority possess functions in any of the following areas?

- Compliance (e.g. audit, inspection)
- Approvals (e.g. prior-checking, notification)
- Redress for individuals (e.g. complaints, conciliation, awarding compensation)
- Applying sanctions (e.g. prosecution, compliance orders, awarding penalties)
- Guidance (e.g. compliance advice)
- Public education
- Policy advice for government
- Rule-making (e.g. issuing codes of practice, approving standards)

Compliance

<http://www.gov.ph/2012/08/15/republic-act-no-10173/>
DPA Sec. 7 Functions of the National Privacy Commission

(a) Ensure compliance of personal information controllers with the provisions of this Act;

(e) Monitor the compliance of other government agencies or instrumentalities on their security and technical measures and recommend the necessary action in order to meet minimum standards for protection of personal information pursuant to this Act;

Approvals

<http://www.gov.ph/2012/08/15/republic-act-no-10173/>
DPA, SEC. 24. Applicability to Government Contractors. – In entering into any contract that may involve accessing or requiring sensitive personal information from one thousand (1,000) or more individuals, an agency shall require a contractor and its employees to register their personal information processing system with the Commission in accordance with this Act and to comply with the other provisions of this Act including the immediately preceding section, in the same manner as agencies and government employees comply with such requirements.

DPA Sec. 20 (f) [Breach Notification]

(f) The personal information controller shall promptly notify the Commission and affected data subjects when sensitive personal information or other information that may, under the circumstances, be used to enable identity fraud are reasonably believed to have been acquired by an unauthorized person, and the personal information controller or the Commission believes (but such unauthorized acquisition is likely to give rise to a real risk of serious harm to any affected data subject. The notification shall at least describe the nature of the breach, the sensitive personal information possibly involved, and the measures taken by the entity to address the breach. Notification may be delayed only to the extent necessary to determine the scope of the breach, to prevent further disclosures, or to restore reasonable integrity to the information and communications system.

(1) In evaluating if notification is unwarranted, the Commission may take into account compliance by the personal information controller with this section and existence of good faith in the acquisition of personal information.

(2) The Commission may exempt a personal information controller from notification where, in its reasonable judgment, such notification would not be in the public interest or in the interests of the affected data subjects

(3) The Commission may authorize postponement of notification where it may hinder the progress of a criminal investigation related to a serious breach.

Redress for individuals

<http://www.gov.ph/2012/08/15/republic-act-no-10173/>
DPA Sec. 7 Functions of the National Privacy Commission

(b) Receive complaints, institute investigations, facilitate or enable settlement of complaints through the use of alternative dispute resolution processes, adjudicate, award indemnity on matters affecting any personal information, prepare reports on disposition of complaints and resolution of any investigation it initiates, and, in cases it deems appropriate, publicize any such report: Provided, That in resolving any complaint or investigation (except where amicable settlement is reached by the parties), the Commission shall act as a collegial body. For this purpose, the Commission may be given access to personal information that is subject of any complaint and to collect the information necessary to perform its functions under this Act;

Applying sanctions

<http://www.gov.ph/2012/08/15/republic-act-no-10173/>
DPA Sec. 7 Functions of the National Privacy Commission

(c) Issue cease and desist orders, impose a temporary or permanent ban on the processing of personal information, upon finding that the processing will be detrimental to national security and public interest;
(d) Compel or petition any entity, government agency or instrumentality to abide by its orders or take action on a matter affecting data privacy;
(i) Recommend to the Department of Justice (DOJ) the prosecution and imposition of penalties specified in Sections 25 to 29 of this Act;

Guidance

<http://www.gov.ph/2012/08/15/republic-act-no-10173/>
DPA Sec. 7 Functions of the National Privacy Commission

(j) Review, approve, reject or require modification of privacy codes voluntarily adhered to by personal information controllers: Provided, That the privacy codes shall adhere to the underlying data privacy principles embodied in this Act: Provided, further, That such privacy codes may include private dispute resolution mechanisms for complaints against any participating personal information controller. For this purpose, the Commission shall consult with relevant regulatory agencies in the formulation and administration of privacy codes applying the standards set out in this Act, with respect to the persons, entities, business activities and business sectors that said regulatory bodies are authorized to principally regulate pursuant to the law: Provided, finally, That the Commission may review such privacy codes and require changes thereto for purposes of complying with this Act;
(k) Provide assistance on matters relating to privacy or data protection at the request of a national or local agency, a private entity or any person;

Public education

<http://www.gov.ph/2012/08/15/republic-act-no-10173/>
DPA Sec. 7 Functions of the National Privacy Commission

(g) Publish on a regular basis a guide to all laws relating to data protection;
(h) Publish a compilation of agency system of records and notices, including index and other finding aids;

Policy advice for government

<http://www.gov.ph/2012/08/15/republic-act-no-10173/>
DPA Sec. 7 Functions of the National Privacy Commission

(l) Comment on the implication on data privacy of proposed national or local statutes, regulations or procedures, issue advisory opinions and interpret the provisions of this Act and other data privacy laws;
(m) Propose legislation, amendments or modifications to Philippine laws on privacy or data protection as may be necessary;

Rule-making

<http://www.gov.ph/2012/08/15/republic-act-no-10173/>
DPA Sec. 7 Functions of the National Privacy Commission

(l) Comment on the implication on data privacy of proposed national or local statutes, regulations or procedures, issue advisory opinions and interpret the provisions of this Act and other data privacy laws;
DPA, SEC. 39. Implementing Rules and Regulations (IRR). – Within ninety (90) days from the effectivity of this Act, the Commission shall promulgate the rules and regulations to effectively implement the provisions of this Act.

Autonomy and Independence

Indicate who appoints the head of the Authority:

Head of State

Briefly explain the process of appointment of the head of the Authority and, if applicable, authority members.

<http://www.gov.ph/2012/08/15/republic-act-no-10173/>

SEC. 9. Organizational Structure of the Commission. – The Commission shall be attached to the Department of Information and Communications Technology (DICT) and shall be headed by a Privacy Commissioner, who shall also act as Chairman of the Commission. The Privacy Commissioner shall be assisted by two (2) Deputy Privacy Commissioners, one to be responsible for Data Processing Systems and one to be responsible for Policies and Planning. The Privacy Commissioner and the two (2) Deputy Privacy Commissioners shall be appointed by the President of the Philippines for a term of three (3) years, and may be reappointed for another term of three (3) years. Vacancies in the Commission shall be filled in the same manner in which the original appointment was made.

The Privacy Commissioner must be at least thirty-five (35) years of age and of good moral character, unquestionable integrity and known probity, and a recognized expert in the field of information technology and data privacy. The Privacy Commissioner shall enjoy the benefits, privileges and emoluments equivalent to the rank of Secretary.

The Deputy Privacy Commissioners must be recognized experts in the field of information and communications technology and data privacy. They shall enjoy the benefits, privileges and emoluments equivalent to the rank of Undersecretary. xxx

Can the head of the authority or members of the authority be removed before the expiry of their term?

Yes

Briefly describe the process for removal, including an indication of who has the authority to remove the head or members of the authority and any applicable reasons allowed in law for removal. Provide the relevant statutory provisions

The DATA PRIVACY ACT does not contain provisions for the removal of members of the National Privacy Commission. Laws of general application in the Philippines may apply, such as the Ombudsman Act, http://www.ombudsman.gov.ph/docs/republicacts/Republic_Act_No_6770.pdf

Section 13. Mandate. — The Ombudsman and his Deputies, as protectors of the people, shall act promptly on complaints filed in any form or manner against officers or employees of the Government, or of any subdivision, agency or instrumentality thereof, including government-owned or controlled corporations, and enforce their administrative, civil and criminal liability in every case where the evidence warrants in order to promote efficient service by the Government to the people.

Please indicate if any of the following typical protections of an authority's independence and autonomy are included in the territory's data protection or privacy law or other relevant law.

- An explicit statement in law that the Authority is to act independently
- Legal protection against civil suits for members of the authority and its staff for actions performed in good faith in the course of their lawful duties
- Suitable guarantees for the funding of the authority
- Appointment of the head of the authority on a permanent basis or fixed term

An explicit statement in law that the Authority is to act independently

<http://www.gov.ph/2012/08/15/republic-act-no-10173/>

DPA, SEC. 7. Functions of the National Privacy Commission. – To administer and implement the provisions of this Act, and to monitor and ensure compliance of the country with international standards set for data protection, there is hereby created an independent body to be known as the National Privacy Commission xxx

Legal protection against civil suits for members of the authority and its staff for actions performed in good faith in the course of their lawful duties

<http://www.gov.ph/2012/08/15/republic-act-no-10173/>

DPA, SEC. 9. xxx

The Privacy Commissioner, the Deputy Commissioners, or any person acting on their behalf or under their direction, shall not be civilly liable for acts done in good faith in the performance of their duties. However, he or she shall be liable for willful or negligent acts done by him or her which are contrary to law, morals, public policy and good customs even if he or she acted under orders or instructions of superiors: Provided, That in case a lawsuit is filed against such official on the subject of the performance of his or her duties, where such performance is lawful, he or she shall be reimbursed by the Commission for reasonable costs of litigation.

Suitable guarantees for the funding of the authority

<http://www.gov.ph/2012/08/15/republic-act-no-10173/>

DPA, SEC. 41. SEC. 41. Appropriations Clause. – The Commission shall be provided with an initial appropriation of Twenty million pesos (Php20,000,000.00) to be drawn from the national government. Appropriations for the succeeding years shall be included in the General Appropriations Act. It shall likewise receive Ten million pesos (Php10,000,000.00) per year for

five (5) years upon implementation of this Act drawn from the national government.

Appointment of the head of the authority on a permanent basis or fixed term

<http://www.gov.ph/2012/08/15/republic-act-no-10173/>

DPA, SEC. 9. SEC. 9. Organizational Structure of the Commission. – The Commission shall be attached to the Department of Information and Communications Technology (DICT) and shall be headed by a Privacy Commissioner, who shall also act as Chairman of the Commission. The Privacy Commissioner shall be assisted by two (2) Deputy Privacy Commissioners, one to be responsible for Data Processing Systems and one to be responsible for Policies and Planning. The Privacy Commissioner and the two (2) Deputy Privacy Commissioners shall be appointed by the President of the Philippines for a term of three (3) years, and may be reappointed for another term of three (3) years. Vacancies in the Commission shall be filled in the same manner in which the original appointment was made. xxx

Vanya Vida

From: admin@icdppc.org
Sent: Friday, 27 May 2016 12:28 a.m.
To: ICDPPCEXCo
Subject: New submission from Member Authority Application

New Application to be accredited as a member authority from ICDPPC website

Details of the Authority

Name

The Federal Service for Supervision of Communications, Information Tecnology, and Mass Media

Country or Economy

the Russian Federation

Postal Address

Kitaigorodskiy proezd 7, bld. 2

City

Moscow

Postal Code

109074

Website

<http://rkn.gov.ru/>

Details of contact person for this application:

Name

[REDACTED]

Email

[REDACTED]

Description of Authority

Type of Authority

Other

Briefly describe type of authority

The federal executive authority combining functions of inspectorate (conducting control activities and prosecuting persons guilty for violations) and ombudsman (considering citizens' appeals and appealing to courts for protection of their rights) has advisory functions and maintains the register of operators processing personal data.

Confirm that:

- The authority is a public body
- The authority has the supervision of implementation of data protection or privacy legislation

Jurisdiction:

the Russian Federation

Indicate the authority's sectoral or other jurisdiction

Entire public and private sectors

Legal Basis

Name of data protection or privacy law:

The Federal Law No. 152-FZ of 27 July 2006 "On personal data"

Link to data protection or privacy law:

<http://pd.rkn.gov.ru/authority/p146/p164/>

Compatibility with International Instruments

Does the territory's data protection or privacy law implement any international instrument dealing with data protection or privacy?

Yes

Indicate the international instrument or instruments principally implemented by the Authority's data protection or privacy law

- Council of Europe Convention No 108 (1985)
- Council of Europe Additional Protocol No 181 (2001)

Does the law instead, or additionally, implement any general or specific international instrument?

No

Appropriate functions and powers

Does the Authority possess functions in any of the following areas?

- Compliance (e.g. audit, inspection)
- Approvals (e.g. prior-checking, notification)
- Redress for individuals (e.g. complaints, conciliation, awarding compensation)
- Applying sanctions (e.g. prosecution, compliance orders, awarding penalties)
- Guidance (e.g. compliance advice)
- Policy advice for government
- Other major functions (specify)

Compliance

Performing state control and supervision over the compliance of personal data processing with the requirements of the personal data legislation of the Russian Federation. (The Resolution of The Government No. 228 of March 16, 2009 "On the Federal service for supervision of communications, information technology, and mass media". (http://eng.rkn.gov.ru/about/powers_of_roskomnadzor/))

Approvals

The Order of the Ministry of Telecom and Mass Communications of the Russian Federation No. 312 of November 16, 2011 "On Approval of the Administrative regulation of execution by the Federal service for supervision of communications, information technology, and mass media of the state function on implementation of state control (supervision) over the compliance of personal data processing with the requirements of the personal data legislation of the Russian Federation"

Redress for individuals

Receiving citizens' appeals and ensuring timely and full consideration of oral and written appeals, adjudicating on such appeals and responding to the applicants within the time limit set by the legislation of the Russian Federation. (The Resolution Of The Government No. 228 of March 16, 2009).
Consider appeals and claims from citizens and legal entities on matters relating to the processing of personal data, and to take decisions based on the consideration of those appeals and claims within the limits of its powers. (The Federal Law No. 152-FZ of 27 July 2006 "On personal data" (<http://pd.rkn.gov.ru/authority/p146/p164/>))

Applying sanctions

The authorized body for the protection of the personal data subjects' rights shall have the right to send materials to public prosecution bodies and other law enforcement bodies in order for a decision to be taken on whether to institute criminal proceedings based on the elements of crimes associated with the violation of the personal data subjects' rights, according to the authority which is appropriate for a particular case. (The Federal Law No. 152-FZ of 27 July 2006 "On personal data")
The Order of the Ministry of Telecom and Mass Communications of the Russian Federation No. 312 of November 16, 2011.

Guidance

May, within the scope of the competence, adopt regulatory legal acts, normative acts, legislative acts (hereinafter referred to as regulations) with respect to particular issues related to personal data processing. (The Federal Law No. 152-FZ of 27 July 2006 "On personal data")

Explain issues within the Service's competence to state authorities, local government authorities, entities and individuals. (The Resolution Of The Government No. 228 of March 16, 2009)

Policy advice for government

The authorized body for the protection of the personal data subjects' rights shall have the right to submit to the Government of the Russian Federation proposals for improving normative legal regulation of the protection of rights of data subjects. (The Federal Law No. 152-FZ of 27 July 2006 "On personal data")

Other major functions

Keeping a register of operators engaged in personal data processing. (The Resolution Of The Government No. 228 of March 16, 2009)

In accordance with the established procedure, interacting with public authorities of foreign states and international organizations within the Service's scope of activity. (The Resolution Of The Government No. 228 of March 16, 2009)

Restrict access to information processed in breach of personal data laws of the Russian Federation, in accordance with the procedure stipulated by legislation of the Russian Federation. (The Federal Law No. 152-FZ of 27 July 2006 "On personal data")

File statements of claim with a court in defence of the personal data subjects' rights, including in defence of the rights of the general public, and to represent the interests of data subjects in court. (The Federal Law No. 152-FZ of 27 July 2006 "On personal data")

The authorized body for the protection of the personal data subjects' rights shall send a report on its activities on an annual basis to the President of the Russian Federation, the Government of the Russian Federation and the Federal Assembly of the Russian Federation. That report shall be published in mass media. (The Federal Law No. 152-FZ of 27 July 2006 "On personal data")

Autonomy and Independence

Indicate who appoints the head of the Authority:

Head of Government

Briefly explain the process of appointment of the head of the Authority and, if applicable, authority members.

The head is appointed and dismissed by the Government of the Russian Federation. (The Resolution of The Government No. 228 of March 16, 2009 "On the Federal service for supervision of communications, information technology, and mass media").

Can the head of the authority or members of the authority be removed before the expiry of their term?

Yes

Briefly describe the process for removal, including an indication of who has the authority to remove the head or members of the authority and any applicable reasons allowed in law for removal. Provide the relevant statutory provisions

The grounds of termination of the office contract, dismissal of the head and deputy head of Roskomnadzor from the civil service office and retirement from civil service are provided for by chapter 6 of the Federal law No. 79-FZ «On public civil service of the Russian Federation» of July 27, 2004.

Please indicate if any of the following typical protections of an authority's independence and autonomy are included in the territory's data protection or privacy law or other relevant law.

- An explicit statement in law that the Authority is to act independently
- Legal protection against civil suits for members of the authority and its staff for actions performed in good faith in the course of their lawful duties
- Suitable guarantees for the funding of the authority
- Appointment of the head of the authority on a permanent basis or fixed term
- Removal of the head of the authority permitted only for limited reasons and by a process provided for in law

An explicit statement in law that the Authority is to act independently

Part 1 and 4 of the Resolution of The Government No. 228 of March 16, 2009 "On the Federal service for supervision of communications, information technology, and mass media".

Legal protection against civil suits for members of the authority and its staff for actions performed in good faith in the course of their lawful duties

Clause 7. part 5. article 23 of the Federal Law No. 152-FZ of 27 July 2006 "On personal data". Clause 9 and 15. part 1.

article 14 of the Federal law No. 79-FZ «On public civil service of the Russian Federation» of July 27, 2004.

Suitable guarantees for the funding of the authority

The Resolution of The Government No. 228 of March 16, 2009 "On the Federal service for supervision of communications, information technology, and mass media".

Budget classification adopted annually by the Federal Law On a Federal Budget, according to the Budget Code of the Russian Federation No. 145-FZ of July 1998.

Appointment of the head of the authority on a permanent basis or fixed term

Chapter 4 of the Federal law No. 79-FZ «On public civil service of the Russian Federation» of July 27, 2004.

Removal of the head of the authority permitted only for limited reasons and by a process provided for in law

The Federal law No. 79-FZ «On public civil service of the Russian Federation» of July 27, 2004.

Vanya Vida

From: admin@icdppc.org
Sent: Thursday, 4 August 2016 4:45 a.m.
To: ICDPPCEXCo
Subject: New submission from Member Authority Application

New Application to be accredited as a member authority from ICDPPC website

Details of the Authority

Name

Alexander Alben

Country or Economy

U.S.

Postal Address

1500 Jefferson Ave SE

City

Olympia

Postal Code

98504

Website

www.privacy.wa.gov

Details of contact person for this application:

Name

[REDACTED]

Email

[REDACTED]

Description of Authority

Type of Authority

Commissioner

Confirm that:

- The authority is a public body
- The authority has the supervision of implementation of data protection or privacy legislation

Jurisdiction:

State of Washington

Indicate the authority's sectoral or other jurisdiction

Entire public and private sectors

Legal Basis

Name of data protection or privacy law:

Link to data protection or privacy law:

<http://lawfilesexternal.leg.wa.gov/biennium/2015-16/Pdf/Bills/House%20Passed%20Legislature/2875-S.PL.pdf>

Compatibility with International Instruments

Does the territory's data protection or privacy law implement any international instrument dealing with data protection or privacy?

No

Does the law instead, or additionally, implement any general or specific international instrument?

Yes

Specify the international body and the international instrument

The Legislation calls for the Chief Privacy to coordinate with international bodies regarding administration of Washington State Privacy Law.

Appropriate functions and powers

Does the Authority possess functions in any of the following areas?

- Guidance (e.g. compliance advice)
- Public education
- Policy advice for government
- Rule-making (e.g. issuing codes of practice, approving standards)

Guidance

<http://lawfilesexternal.leg.wa.gov/biennium/2015-16/Pdf/Bills/House%20Passed%20Legislature/2875-S.PL.pdf>

Guide over 50 state agencies on privacy best practices and protocols regarding implementation of state and federal privacy law

Public education

Consumer education and outreach in print, web, public speaking and other media on privacy law at all levels

<http://lawfilesexternal.leg.wa.gov/biennium/2015-16/Pdf/Bills/House%20Passed%20Legislature/2875-S.PL.pdf>

Policy advice for government

Advisor to Governor, State Legislature and state agencies on privacy and data protection

<http://lawfilesexternal.leg.wa.gov/biennium/2015-16/Pdf/Bills/House%20Passed%20Legislature/2875-S.PL.pdf>

Rule-making

Rules for data collection, processing, sharing and retention for state agencies

<http://lawfilesexternal.leg.wa.gov/biennium/2015-16/Pdf/Bills/House%20Passed%20Legislature/2875-S.PL.pdf>

Autonomy and Independence

Indicate who appoints the head of the Authority:

Government minister

Briefly explain the process of appointment of the head of the Authority and, if applicable, authority members.

By statute, the Chief Privacy Officer is appointed by the state's Chief Information Officer. This is done in consultation with the Governor.

Can the head of the authority or members of the authority be removed before the expiry of their term?

No

Please indicate if any of the following typical protections of an authority's independence and autonomy are included in the territory's data protection or privacy law or other relevant law.

- Appointment of the head of the authority on a permanent basis or fixed term

Appointment of the head of the authority on a permanent basis or fixed term

<http://lawfilesexternal.leg.wa.gov/biennium/2015-16/Pdf/Bills/House%20Passed%20Legislature/2875-S.PL.pdf>

There is no term limit for the CPO, who is a full time state employee. As with any state employee, the CPO can be removed "For cause" under U.S. Law.