

**From:** admin@icdppc.org  
**To:** [ICDPPC ExCo](#)  
**Subject:** New submission from Member Authority Application  
**Date:** Tuesday, 14 March 2017 11:45:53 p.m.

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## 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

[www.controleorgaan.eu](http://www.controleorgaan.eu)

### Details of contact person for this application:

#### Name

[REDACTED]

#### Email

[REDACTED]

### Description of Authority

#### Type of Authority

Inspectorate

#### Confirm that:

- 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
<b>Legal Basis</b>
<b>Name of data protection or privacy law:</b>
Belgian privacy act
<b>Link to data protection or privacy law:</b>
<a href="https://www.privacycommission.be/sites/privacycommission/files/documents/Privacy_Act_1992.pdf">https://www.privacycommission.be/sites/privacycommission/files/documents/Privacy_Act_1992.pdf</a>
<b>Compatibility with International Instruments</b>
<b>Does the territory's data protection or privacy law implement any international instrument dealing with data protection or privacy?</b>
Yes
<b>Indicate the international instrument or instruments principally implemented by the Authority's data protection or privacy law</b>
<ul style="list-style-type: none"> <li>• EU Directive (1995)</li> </ul>
<b>Does the law instead, or additionally, implement any general or specific international instrument?</b>
No
<b>Appropriate functions and powers</b>
<b>Does the Authority possess functions in any of the following areas?</b>
<ul style="list-style-type: none"> <li>• Compliance (e.g. audit, inspection)</li> <li>• Approvals (e.g. prior-checking, notification)</li> <li>• Policy advice for government</li> </ul>
<b>Compliance</b>
article 36ter / 9 and 36ter /10 belgian privacy act
<b>Approvals</b>
article 36ter / 12 belgian privacy act
<b>Policy advice for government</b>
article 36ter/8 belgian privacy act
<b>Autonomy and Independence</b>
<b>Indicate who appoints the head of the Authority:</b>
Legislature
<b>Briefly explain the process of appointment of the head of the Authority and, if applicable, authority members.</b>
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.
<b>Can the head of the authority or members of the authority be removed before the expiry of their term?</b>
Yes
<b>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</b>

**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

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**Date:** Tuesday, 6 June 2017 6:12:19 p.m.

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

Details of the Authority
<b>Name</b>
Personal Information Protection Commission
<b>Country or Economy</b>
Japan
<b>Postal Address</b>
Kasumigaseki Common Gate, West Tower 32F, 3-2-1 Kasumigaseki Chiyoda-ku
<b>City</b>
Tokyo
<b>Postal Code</b>
100-0013
<b>Website</b>
<a href="https://www.ppc.go.jp/en/">https://www.ppc.go.jp/en/</a>
Details of contact person for this application:
<b>Name</b>
<b>Email</b>
Description of Authority
<b>Type of Authority</b>
Commission
<b>Confirm that:</b>
<ul style="list-style-type: none"><li>• The authority is a public body</li><li>• The authority has the supervision of implementation of data protection or privacy legislation</li></ul>
<b>Jurisdiction:</b>
Japan
<b>Indicate the authority's sectoral or other jurisdiction</b>
Entire private sector only
Legal Basis

<b>Name of data protection or privacy law:</b>
Act on the Protection of Personal Information (APPI)
<b>Link to data protection or privacy law:</b>
<a href="https://www.ppc.go.jp/files/pdf/Act_on_the_Protection_of_Personal_Infomration.pdf">https://www.ppc.go.jp/files/pdf/Act_on_the_Protection_of_Personal_Infomration.pdf</a>
<b>Compatibility with International Instruments</b>
<b>Does the territory's data protection or privacy law implement any international instrument dealing with data protection or privacy?</b>
Yes
<b>Indicate the international instrument or instruments principally implemented by the Authority's data protection or privacy law</b>
<ul style="list-style-type: none"> <li>• OECD Guidelines (1980/2013)</li> <li>• APEC Privacy Framework (2005)</li> </ul>
<b>Does the law instead, or additionally, implement any general or specific international instrument?</b>
No
<b>Appropriate functions and powers</b>
<b>Does the Authority possess functions in any of the following areas?</b>
<ul style="list-style-type: none"> <li>• Compliance (e.g. audit, inspection)</li> <li>• Approvals (e.g. prior-checking, notification)</li> <li>• Redress for individuals (e.g. complaints, conciliation, awarding compensation)</li> <li>• Applying sanctions (e.g. prosecution, compliance orders, awarding penalties)</li> <li>• Guidance (e.g. compliance advice)</li> <li>• Public education</li> <li>• Policy advice for government</li> <li>• Rule-making (e.g. issuing codes of practice, approving standards)</li> <li>• Other major functions (specify)</li> </ul>
<b>Compliance</b>
Article 40 of the APPI (Report and Onsite Inspection)
<b>Approvals</b>
Article 47 of the APPI (Accreditation)
<b>Redress for individuals</b>
Article 61 (ii) of the APPI (Jurisdictional Affairs)
<b>Applying sanctions</b>
Article 42 of the APPI (Recommendation and Order)
<b>Guidance</b>
Article 41 of the APPI (Guidance and Advice)
<b>Public education</b>
Article 7 (iii) of the APPI (Jurisdictional Affairs)
<b>Policy advice for government</b>
Article 7 (3) of the APPI (Jurisdictional Affairs)
<b>Rule-making</b>

Article 74 of the APPI (Establishment of Rules)
<b>Other major functions</b>
Article 61 (viii) of the APPI (Jurisdictional Affairs)
<b>Autonomy and Independence</b>
<b>Indicate who appoints the head of the Authority:</b>
Head of Government
<b>Briefly explain the process of appointment of the head of the Authority and, if applicable, authority members.</b>
Article 63 (3) and (4) of the APPI (Organization etc.)
<b>Can the head of the authority or members of the authority be removed before the expiry of their term?</b>
No
<b>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.</b>
<ul style="list-style-type: none"> <li>• An explicit statement in law that the Authority is to act independently</li> <li>• 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</li> <li>• Suitable guarantees for the funding of the authority</li> <li>• Appointment of the head of the authority on a permanent basis or fixed term</li> <li>• Removal of the head of the authority permitted only for limited reasons and by a process provided for in law</li> <li>• Express provision in law prohibiting or limiting the ability of government officials to direct the authority in the performance of its functions</li> </ul>
<b>An explicit statement in law that the Authority is to act independently</b>
Article 62 of the APPI (Independence on Exercising the Authority)
<b>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</b>
Based on the State Redress Act, when a public officer who exercises the public authority of the State or of a public entity has, in the course of his/her duties, unlawfully inflicted damage on another person intentionally or negligently, the State or public entity shall assume the responsibility to compensate therefor. In addition, based on the National Public Service Act, officials are not to be demoted, placed on administrative leave or dismissed against their will, unless there are grounds to do so provided for by law or rules of the National Personnel Authority.
<b>Suitable guarantees for the funding of the authority</b>
The PPC exercises its authority independently, however, its budget is to be allocated from national budget as those of other government organizations. In addition, based on the Public Finance Act, national budgetary expenditure shall be financed by revenues other than public debt or borrowing.
<b>Appointment of the head of the authority on a permanent basis or fixed term</b>
Article 64 of the APPI (Term of Office etc.)
<b>Removal of the head of the authority permitted only for limited reasons and by a process provided for in law</b>
Article 66 of the Act (Dismissal)
<b>Express provision in law prohibiting or limiting the ability of government officials to direct the authority in the performance of its functions</b>





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

### Details of the Authority

#### Name

Korea Communications Commission

#### Country or Economy

Republic of Korea

#### Postal Address

Building #2, 47 Gwanmun-ro, Gwacheon-si, Gyeonggi-do, Republic of Korea

#### City

Gwacheon

#### Postal Code

13809

#### Website

<http://www.kcc.go.kr/>

### 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:

KCC regulates all internet or communication service providers. Therefore, the protection of any personal data transferred or processed via internet is under the jurisdiction of KCC.

#### Indicate the authority's sectoral or other jurisdiction

Particular sectors / other

#### Briefly describe sectors or other jurisdiction

KCC regulates all internet or communication service providers. Therefore, the protection of any personal data transferred or processed via internet is under the jurisdiction of KCC.

### Legal Basis

#### Name of data protection or privacy law:

'ACT ON PROMOTION OF INFORMATION AND COMMUNICATIONS NETWORK UTILIZATION AND INFORMATION PROTECTION, ETC.

#### Link to data protection or privacy law:

<http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=%27ACT+ON+PROMOTION+OF+INFORMATION+AND+COMMUNICATIONS+NETWORK+UTILIZATION+AND+INFORMATION+PROTECTION%2C+ETC.&x=0&y=0#iBgcolor1>

#### Name of other law:

ACT ON THE PROTECTION, USE, ETC. OF LOCATION INFORMATION

#### Link to other law:

<http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=information+protection&x=0&y=0#iBgcolor2>

### 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)
- Council of Europe Convention No 108 (1985)
- Council of Europe Additional Protocol No 181 (2001)
- UN Guidelines (1990)
- EU Directive (1995)
- APEC Privacy Framework (2005)
- ICDPPC International Standards on Data Protection and Privacy (2009)

#### 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)
- Rule-making (e.g. issuing codes of practice, approving standards)

#### Compliance

According to the Article #64 ④ of the 'ACT ON PROMOTION OF INFORMATION AND COMMUNICATIONS NETWORK UTILIZATION AND INFORMATION PROTECTION, ETC.', the Commission may



order a provider of information and communications services or similar who violated this Act to take corrective measures as may be necessary to stop or correct the violation.

#### Approvals

Those who want to run the location information business must obtain the permission of the Korea Communications Committee, according to the Article #5 of the 'LAW ON THE PROTECTION AND USE OF LOCATION INFORMATION'.

(<http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=korea+communicaiont&x=0&y=0#iBgcolor4>)

#### Redress for individuals

According to the Article #12.13, of the 'ACT ON THE ESTABLISHMENT AND OPERATION OF KOREA COMMUNICATIONS COMMISSION', the Commission shall deliberates on matters concerning the mediation of disputes between telecommunications business entities, or disputes between business entities and users, etc.

<http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=korea+communicaiont&x=0&y=0#iBgcolor0>

#### Applying sanctions

According to the Article #69-2 of the 'ACT ON PROMOTION OF INFORMATION AND COMMUNICATIONS NETWORK UTILIZATION AND INFORMATION PROTECTION, ETC.', in cases where an act falling is deemed existing, the Commission may accuse the responsible provider of information and communications services or similar to the local prosecutor's office or other investigative agencies.

<http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=korea+communicaiont&x=0&y=0#iBgcolor1>

#### Guidance

The Commission has issued compliance guidelines for the providers of information and communication services. For example, the Commission issued 'Personal Information de-identification Guideline' on July 2016 and 'Privacy Protection on Smart-phone access Guideline' on March 2017.

(Here is the link on Korean version. English version is not available so far.

<http://www.kcc.go.kr/user.do?boardId=1099&page=A02030700&dc=K02030500>)

#### Rule-making

The Commission has a power to make a legally binding public announcement. For example, according to the Article #23-2 of the 'ACT ON PROMOTION OF INFORMATION AND COMMUNICATIONS NETWORK UTILIZATION AND INFORMATION PROTECTION, ETC.', the Commission can make a public announcement which notes the provider of information and communication services.

<http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=korea+communicaiont&x=0&y=0#iBgcolor1>

#### 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 head of the Commission shall be appointed by the president(head of State), after going through personnel hearing process by the National Assembly. For the other four members of the Commission, one member shall be nominated by the President, and three members shall be nominated upon the recommendation of the National Assembly. In such cases, the negotiation body of a political party, to which the President belongs or belonged, shall recommend one member and other negotiation bodies shall recommend two members.

##### 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
- 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

The Article 1 of the 'ACT ON THE ESTABLISHMENT AND OPERATION OF KOREA COMMUNICATIONS COMMISSION' states that "The purpose of this Act is (...) to contribute to the protection of rights and interests of the public and the improvement of the public welfare by guaranteeing the independent operation of the Korea Communications Commission"

<http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=korea+communicaiont&x=0&y=0#iBgcolor0>

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

The Article 7 and 8 of the 'ACT ON THE ESTABLISHMENT AND OPERATION OF KOREA COMMUNICATIONS COMMISSION' states that the term of every member of the Commission is three years, and no member shall be removed or influenced by unfair instructions or interference from outside in performing his/her duties.

<http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=korea+communicaiont&x=0&y=0#iBgcolor0>

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

The Article 6 of the 'ACT ON THE ESTABLISHMENT AND OPERATION OF KOREA COMMUNICATIONS COMMISSION' states that the National Assembly may vote for his/her impeachment only when the head of the Commission violates the Constitution or Acts in performing his/her duties.

<http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=korea+communicaiont&x=0&y=0#iBgcolor0>

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

The Article 6 of the 'ACT ON THE ESTABLISHMENT AND OPERATION OF KOREA COMMUNICATIONS COMMISSION' states that when the head of the Commission violates the Constitution or Acts in performing his/her duties, the National Assembly may vote for his/her impeachment.

<http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=korea+communicaiont&x=0&y=0#iBgcolor0>

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

The Article 18 of the 'GOVERNMENT ORGANIZATION ACT' states that the Prime Minister shall direct and supervise the heads of central administrative agencies under orders from the President. However, the Article 3 (2) of the 'ACT ON THE ESTABLISHMENT AND OPERATION OF KOREA COMMUNICATIONS COMMISSION' states that the Article 18 of the 'GOVERNMENT ORGANIZATION ACT' shall not apply to the matters concerning the investigation into and restriction on prohibited acts by telecommunications business entities.

'ACT ON THE ESTABLISHMENT AND OPERATION OF KOREA COMMUNICATIONS COMMISSION'

<http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=korea+communicaiont&x=0&y=0#iBgcolor0>

'GOVERNMENT ORGANIZATION ACT'

<http://www.law.go.kr/eng/engLsSc.do?menuId=1&query=organization&x=0&y=0#iBgcolor10>

**From:** admin@icdppc.org  
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## New Application to be accredited as a member authority from ICDPPC website

### Details of the Authority

#### Name

Information Regulator (south Africa)

#### Country or Economy

South Africa

#### Postal Address

SALU Building, 316 Thabo Sehume Street

#### City

Pretoria

#### Postal Code

0002

#### Website

<http://www.justice.gov.za/infoereg/>

### Details of contact person for this application:

#### Name

[REDACTED]

#### Email

[REDACTED]

### Description of Authority

#### Type of Authority

Other

#### Briefly describe type of authority

The Information Regulator is formed by Members akin to a Commission.

#### Confirm that:

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

#### Jurisdiction:

South Africa

#### Indicate the authority's sectoral or other jurisdiction

Entire public and private sectors
<b>Legal Basis</b>
<b>Name of data protection or privacy law:</b>
Protection of Personal Information Act 4 of 2013
<b>Link to data protection or privacy law:</b>
<a href="http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf">http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf</a>
<b>Compatibility with International Instruments</b>
<b>Does the territory's data protection or privacy law implement any international instrument dealing with data protection or privacy?</b>
No
<b>Does the law instead, or additionally, implement any general or specific international instrument?</b>
No
<b>Appropriate functions and powers</b>
<b>Does the Authority possess functions in any of the following areas?</b>
<ul style="list-style-type: none"> <li>• Compliance (e.g. audit, inspection)</li> <li>• Approvals (e.g. prior-checking, notification)</li> <li>• Redress for individuals (e.g. complaints, conciliation, awarding compensation)</li> <li>• Applying sanctions (e.g. prosecution, compliance orders, awarding penalties)</li> <li>• Guidance (e.g. compliance advice)</li> <li>• Public education</li> <li>• Policy advice for government</li> <li>• Rule-making (e.g. issuing codes of practice, approving standards)</li> <li>• Other major functions (specify)</li> </ul>
<b>Compliance</b>
Section 40(1)(b) and section 90(1) of the Protection of Personal Information Act 4 of 2013 available at <a href="http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf">http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf</a> .
<b>Approvals</b>
Section 65(2) and section 66 of the Protection of Personal Information Act 4 of 2013 available at <a href="http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf">http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf</a> .
<b>Redress for individuals</b>
Section 4(3), section 5, section 9(b), section 40(1)(d), section 73, section 76-77 and numerous other sections of the Protection of Personal Information Act 4 of 2013 available at <a href="http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf">http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf</a> .
<b>Applying sanctions</b>
Sections 73-section 99 and sections 100-109 Protection of Personal Information Act 4 of 2013 available at <a href="http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf">http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf</a> .
<b>Guidance</b>
Section 40(1)(a)(iv)-(v) and section 40(1)(f) and Protection of Personal Information Act 4 of 2013 available at <a href="http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf">http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf</a> .
<b>Public education</b>
Section 40(1)(a) of the Protection of Personal Information Act 4 of 2013 available at <a href="http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf">http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf</a> .

## Policy advice for government

Section 40(1)(b)(iii)-(iv) and (ix) of the Protection of Personal Information Act 4 of 2013 available at <http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf>.

## Rule-making

Section 40(1)(f) of the Protection of Personal Information Act 4 of 2013 available at <http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf>.

## Other major functions

To conduct research and to facilitate cross-border co-operation in terms of section 40(1)(e) and (g) in the Protection of Personal Information Act 4 of 2013 available at <http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.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.

In terms of section 41(2) of the Protection of Personal Information Act 4 of 2013 the Members of the Information Regulator are appointed by the President on the recommendation of the National Assembly, which recommendation must also indicate which ordinary members must be appointed in a full-time or part-time capacity.

(b) The National Assembly must recommend persons—

(i) nominated by a committee of the Assembly composed of members of parties represented in the Assembly; and

(ii) approved by the Assembly by a resolution adopted with a supporting vote of a majority of the members of the Assembly.

### 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

In terms of section 41(6)(a)-(c) of the Protection of Personal Information Act 4 of 2013 available at <http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf> the process for removal is as follows:

A member may be removed from office only on—

(i) the ground of misconduct, incapacity or incompetence;

(ii) a finding to that effect by a committee of the National Assembly; and

(iii) the adoption by the National Assembly of a resolution calling for that person's removal from office.

(b) A resolution of the National Assembly concerning the removal from office of a member of the Regulator must be adopted with a supporting vote of a majority of the members of the Assembly.

(c) The President—

(i) may suspend a member from office at any time after the start of the 40 proceedings of a committee of the National Assembly for the removal of that member; and

(ii) must remove a member from office upon adoption by the Assembly of the resolution calling for that member's removal.

### 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**

See section 39(b) of the Protection of Personal Information Act 4 of 2013 available at <http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.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**

See section 53 of the Protection of Personal Information Act 4 of 2013 available at <http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf>.

#### **Suitable guarantees for the funding of the authority**

See section 52 of the Protection of Personal Information Act 4 of 2013 available at <http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf>.

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

Full time term appointment for five years in terms of section 41(1)(c) and 41(3) of the Protection of Personal Information Act 4 of 2013 available at <http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf>.

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

See section 41(6)(a) of the Protection of Personal Information Act 4 of 2013 available at <http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf> above.

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

See section 41(6)(b)-(c) of the Protection of Personal Information Act 4 of 2013 available at <http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf> above.

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

See section 39(b) of the Protection of Personal Information Act 4 of 2013 available at <http://www.justice.gov.za/infoereg/docs/InfoRegSA-act-2013-004.pdf>.



**From:** admin@icdppc.org  
**To:** [ICDPPC ExCo](#)  
**Subject:** New submission from Member Authority Application  
**Date:** Saturday, 24 June 2017 2:12:44 a.m.

This sender failed our fraud detection checks and may not be who they appear to be. Learn about [spoofing](#) [Feedback](#)

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

Details of the Authority
<b>Name</b>
Personal Data Protection Authority
<b>Country or Economy</b>
Turkey
<b>Postal Address</b>
Cinnah cad. Willy Brandt sok. no:5 Çankaya
<b>City</b>
Ankara
<b>Postal Code</b>
06690
<b>Website</b>
<a href="http://www.kvkk.gov.tr/en/index.html">www.kvkk.gov.tr/en/index.html</a>
Details of contact person for this application:
<b>Name</b>
<b>Email</b>
Description of Authority
<b>Type of Authority</b>
Board
<b>Confirm that:</b>
<ul style="list-style-type: none"><li>The authority is a public body</li><li>The authority has the supervision of implementation of data protection or privacy legislation</li></ul>
<b>Jurisdiction:</b>
country
<b>Indicate the authority's sectoral or other jurisdiction</b>
Entire public and private sectors
Legal Basis

<b>Name of data protection or privacy law:</b>
Turkish Law on the Protection of Personal Data no. 6698
<b>Link to data protection or privacy law:</b>
<a href="http://kvkk.gov.tr/en/docs/regulation-6698.pdf">http://kvkk.gov.tr/en/docs/regulation-6698.pdf</a>
<b>Compatibility with International Instruments</b>
<b>Does the territory's data protection or privacy law implement any international instrument dealing with data protection or privacy?</b>
No
<b>Does the law instead, or additionally, implement any general or specific international instrument?</b>
No
<b>Appropriate functions and powers</b>
<b>Does the Authority possess functions in any of the following areas?</b>
<ul style="list-style-type: none"> <li>• Compliance (e.g. audit, inspection)</li> <li>• Approvals (e.g. prior-checking, notification)</li> <li>• Applying sanctions (e.g. prosecution, compliance orders, awarding penalties)</li> <li>• Guidance (e.g. compliance advice)</li> <li>• Public education</li> <li>• Policy advice for government</li> <li>• Rule-making (e.g. issuing codes of practice, approving standards)</li> </ul>
<b>Compliance</b>
Turkish Law on the Protection of Personal Data no. 6698 Article 15
<b>Approvals</b>
Turkish Law on the Protection of Personal Data no. 6698 Article 14
<b>Applying sanctions</b>
Turkish Law on the Protection of Personal Data no. 6698 Article 17-18
<b>Guidance</b>
Turkish Law on the Protection of Personal Data no. 6698 Article 4-13
<b>Public education</b>
Turkish Law on the Protection of Personal Data no. 6698 Article 20/b,c,d
<b>Policy advice for government</b>
Turkish Law on the Protection of Personal Data no. 6698 Article 20/a , 22/h
<b>Rule-making</b>
Turkish Law on the Protection of Personal Data no. 6698 Article 22
<b>Autonomy and Independence</b>
<b>Indicate who appoints the head of the Authority:</b>



Other
<b>Other - please specify</b>
The Board elects the President and the Second President among its members. President of the Board is also the head of the Authority.
<b>Briefly explain the process of appointment of the head of the Authority and, if applicable, authority members.</b>
<p>The Board consists of nine members. Five members of the Board are elected by the Turkish Grand National Assembly, two members by the President, and two members by the Council of Ministers. In order to be a member of the Board, the following conditions are sought: Having knowledge and experience in the subjects of duty of the institution, not being a member of any political party, to have worked for at least ten years in public institutions and organizations, in international organizations, in non-governmental organizations, in professional organizations of public institutions or in private sector etc.</p> <p>Consent of the elected members of the Board is sought. In the selection of the members, the representatives of the institutions are given a pluralistic representation of those who have the knowledge and experience in the subjects.</p>
<b>Can the head of the authority or members of the authority be removed before the expiry of their term?</b>
No
<b>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.</b>
<ul style="list-style-type: none"> <li>• An explicit statement in law that the Authority is to act independently</li> <li>• 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</li> <li>• Suitable guarantees for the funding of the authority</li> <li>• Appointment of the head of the authority on a permanent basis or fixed term</li> <li>• Removal of the head of the authority permitted only for limited reasons and by a process provided for in law</li> <li>• Express provision in law prohibiting or limiting the ability of government officials to direct the authority in the performance of its functions</li> </ul>
<b>An explicit statement in law that the Authority is to act independently</b>
Protection of Personal Data no. 6698 Article 21/(1)
<b>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</b>
Protection of Personal Data no. 6698 Article 21/ (11), (12)
<b>Suitable guarantees for the funding of the authority</b>
Protection of Personal Data no. 6698 Article 29
<b>Appointment of the head of the authority on a permanent basis or fixed term</b>
Protection of Personal Data no. 6698 Article 21/ (8)
<b>Removal of the head of the authority permitted only for limited reasons and by a process provided for in law</b>
Protection of Personal Data no. 6698 Article 21/ (13)

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

Protection of Personal Data no. 6698  
Article 21/(1)