

Thuringer: Data Protection Commissioner (Thüringer Landesbeauftragte für den  
Datenschutz)

APPLICATION FORM FOR ACCREDITATION AS A DATA PROTECTION AUTHORITY

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

Notes:

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

Details of applicant

- 1. Name and postal address of authority

Der Thüringer Landesbeauftragte für den Datenschutz  
 Johann-Sebastian-Bach-Strasse 1 99096 Erfurt  
 Deutschland

- 2. Contact person for this application:

- (a) Name

Liebaug Silvia

- (b) Email address

~~silvia.liebaug@datenschutz.thueringen.de~~

- (c) Direct telephone number

~~+49 (0) 36 88 77 19 00~~

- (d) Fax contact

~~+49 (0) 36 88 77 19 04~~

Type of application

- 3. The application is for accreditation as:

- (a) national Authority

YES/NO

(b) sub-national Authority **YES**

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

### Description of applicant

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

Commissioner

5. Is the Authority a public body? **YES**

6. Geographical jurisdiction

Thuringia

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

Public sector

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

### Legal basis

9. Title of law under which the Authority is constituted

Law of privacy protection of Thuringia

10. Is this principally a data protection law? **YES**

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

regulation

12. Which body made the law?

Parliament of Thuringia

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

Parliament of Thuringia

### Autonomy and independence

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

Government appoints the Commissioner

15. What process is followed?

Decision of Parliament

16. For what term are appointments made?

Six years

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

18. May the member(s) be removed before expiry of their term? **YES**

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

Government

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

Yes

21. What are the grounds for removal?

35(6) ThurDSG

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

- (a) to initiate an investigation with seeking provision **YES**

details:

- (b) to report to the head of State, head of Government or legislature **YES**

details:

- (c) make public statements **YES**

details:

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

No

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

Finances are protected, staff is guaranteed

### Consistency with international instruments

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

NO

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

- |     |  |        |
|-----|--|--------|
| (a) | OECD Guidelines (1980)                                       | YES/NO |
| (b) | (i) Council of Europe Convention No 108 (1981)               | YES/NO |
|     | (ii) Council of Europe Additional Protocol (8 November 2001) | YES/NO |
| (c) | UN Guidelines (1990)   | YES/NO |
| (d) | EU Directive (1995)  | YES/NO |

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

No

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

No

### Appropriate functions

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

(a) compliance (e.g. audit, inspection) **YES**

details: inspection

(b) approvals (e.g. prior-checking, notification) **NO**

details:

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

**YES**

details: complaint

(d) sanctions available to Authority (for example, prosecution and enforcement) **NO**

details:

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

details: compliance advice

(f) public education **YES**

details:

(g) policy advice for government **YES**

details:

(h) studies or research (e.g. into developing technologies, privacy issues)

**NO**

details:

### Additional comments

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

### Other materials

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

Law of privacy protection of thuringia

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

URL: [www.datenschutz.thuringen.de/seite2.htm](http://www.datenschutz.thuringen.de/seite2.htm)

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

URL: [www.datenschutz.thuringen.de/seite3.htm](http://www.datenschutz.thuringen.de/seite3.htm)

### Research use

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

- I agree to this application being released to a researcher YES/NO

### Making the application

The application should be emailed to the credentials committee at [credentials@privacy.org.nz](mailto:credentials@privacy.org.nz)

If sent as an email attachment it should be in M/S Word.

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

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

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

### Use of information

The information in this form will be used for processing the application and will be disclosed to members of the committee and their staff (being the commissioners from

New Zealand, France and the United Kingdom) and future committees. It may be also disclosed also to the Data Protection Authorities which participate to the international conference and approved researchers. Any personal data contained in the form is available for access and correction in accordance with the applicable data protection laws of current and future committees. In the first instance it is subject to the New Zealand Privacy Act 1993.