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# 1. N.SIS

## 1.1 NATIONAL STRUCTURE

### 1.1.1 Competent Ministry

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**BE** Federal Public Service and the Ministry of the Interior in accordance with the provisions of a Protocol Agreement signed between these two Ministries on 9 August 1991.

**CZ** Ministry of Interior

**DK** The Ministry of Justice

**DE** The Federal Ministry of the Interior

**EE** Estonian Ministry of Internal Affairs

**EL** The Ministry of Citizen Protection

**ES** The Ministry of the Interior

**FR** The Ministry of the Interior

**IT** The Ministry of the Interior

**LV** Ministry of Interior

**LT** Ministry of the Interior of the Republic of Lithuania (MOI)

**LU** The Ministry for Home Affairs and the Greater Region

**HU** Ministry of Justice and Public Administration and Ministry of Interior

**MT** The Ministry for Justice and Home Affairs.

**NL** The Ministry of Security and Justice

**AT** The Federal Ministry of the Interior

**PL** The Ministry of Interior and Administration

**PT** The Ministry of the Interior

**SK** The Ministry of the Interior

**FI** The Ministry of the Interior

**SE** The Ministry of Justice

**CH** Federal Department of Justice and Police

**IS** The Ministry of Justice

**LI** Ministry of Home Affairs

**NO** The Ministry of Justice

# 1. N.SIS

## 1.1 NATIONAL STRUCTURE

### 1.1.2 Bodies in charge of - construction - operation

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**BE** Construction: Federal Police  
Telematics Department

Operation: Telematics Operations Centre

**CZ** Construction: Ministry of Interior

Operation: Informatics and and Analytics Department of the Police Headquarters of the Czech Republic

**DK** Construction: The Danish National Police, IT and Telecommunication

Operation: The operation of the Danish N.SIS is allocated to the Danish National Police's operating supplier CSC Danmark A/S. The N.SIS is operated under close control by the Danish National Police.

**DE** Construction:

- Federal Ministry of the Interior
- Federal Criminal Police Department (*Bundeskriminalamt*): implementation and coordination of all technical measures relating to the N.SIS
- Confederation of national and regional authorities (*Länder*): technical and legal measures concerning the *Länder* (data communication and searches)

Operation:

- Federal Criminal Police Department (*Bundeskriminalamt*): software/hardware for the SIRENE bureaux
- Federal Administration/Central Register of Aliens: technical implementation/communication of data pursuant to Article 96
- *Länder* authorities

- EE** Construction: IT and Development Centre. Ministry of Internal Affairs, Estonia.  
Operation: Police and Border Guard Board
- EL** Construction: Ministry of Citizen Protection  
Hellenic Police Headquarters  
IT Directorate  
3<sup>rd</sup> Department NSIS Technical Support  
Operation: Ministry of Citizen Protection  
Hellenic Police Headquarters  
International Police Cooperation Division  
3<sup>rd</sup> Department SIRENE Office
- ES** Construction: Interdepartmental SIS Project Committee  
(Agreement of the Council of Ministers of 20 March 1992)  
Operation: Ministry of the Interior  
Office of the State Secretary for Security
- FR** Construction: Ministry of the Interior  
National Police Headquarters  
Criminal Police Head Office  
Operation: Ministry of the Interior  
Directorate for Information Systems and Communication  
Sub Directorate of studies and projects
- IT** Construction and operation: Ministry of the Interior  
Department of Public Security
- LV** Construction: Information Centre of the Ministry of the Interior  
N.SIS. department  
Operation: The Ministry of the Interior  
State Police  
Central Criminal Police Department  
International Cooperation Department  
SIRENE Latvia Bureau

- LT** Construction: The Ministry of the Interior  
Operation: Information technology and communication department under the MOI
- LU** Construction and operation: Ministry for Home Affairs and the Greater Region, Grand-Ducal Police, General Directorate, International Relations Department
- HU** Construction and operation: Ministry of Justice and Public Administration – Central Office of Administrative and Electronic Public Services
- MT** Construction and operation: The Ministry for Justice and Home Affairs, the Malta Police Force and the Information Technology Department.
- NL** The Ministry of Security and Justice is the contracting authority  
Construction and Operation: Voorziening tot samenwerking Politie Nederland (Netherlands Police Shared Services Organisation)
- AT** Construction and Operation:  
Federal Ministry of the Interior  
- Department IV/2 (IT-Management and Services)  
- Directorate General for public security  
- Department II/3 (Immigration police, border controls)
- PL** Construction and operation: National Police HQ
- PT** Construction and operation: Ministry of the Interior  
Department of Immigration and Borders

- SI** Construction: General Police Directorate (Ministry of the Interior)  
Operation: Information and Telecommunications Office, General Police Directorate
- SK** Construction:  
 Ministry of the Interior  
 Information management, Telecommunications and security  
 IT applications support department  
 National Schengen information system unit  
Operation:  
 Ministry of the Interior  
 Information management, Telecommunications and security  
 IT systems and communications department
- FI** Construction: HALTIK - Internal Security ICT Agency  
Operation (SIRENE): National Bureau of Investigation (NBI)  
(SIS): HALTIK - Internal Security ICT Agency
- SE** Construction: The Swedish National Police Board (Police Operational Support Service)  
Operation: Swedish National Police Board (IT Department)
- CH** Construction: Federal Office of Police  
Operation: Information Service Center  
Federal Department of Justice and Police
- IS** Construction: Icelandic Registration Office (IRO)  
Operation: National Police Commissioner
- LI** Construction and operation: National Police
- NO** Construction: National Police Directorate and Police Data Processing Service  
Operation: Police Data Processing Service



# 1. N.SIS

## 1.1 NATIONAL STRUCTURE

### 1.1.3 N.SIS database

- a Owner
  - b Operator
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- BE**
  - a The Belgian State
  - b Federal Public Service and the Ministry of the Interior, which have entrusted operation of the N.SIS to the Belgian SIRENE Bureau in accordance with the royal decree of 11 June 1998 amending the royal decree of 11 July 1994 and the implementing Protocol of 9 August 1991.
  
- CZ**
  - a The Czech Republic
  - b The Police of the Czech Republic
  
- DK**
  - a The Danish National Police
  - b The Danish National Police by CSC Danmark A/S
  
- DE**
  - a Bundeskriminalamt: The Federal State and the Länder
  - b Bundeskriminalamt
  
- EE**
  - a Estonian Ministry of Internal Affairs
  - b Police and Border Guard Board
  
- EL**
  - a The Greek State
  - b The Ministry of Citizen Protection
  
- ES**
  - a The Spanish State
  - b The Ministry of the Interior  
The Office of the State Secretary for Security

- FR** a The French State  
b The Ministry of the Interior  
National Police Headquarters  
Criminal Police Head Office  
International Relations Division
- IT** a The Italian State  
b The Ministry of the Interior - Department of Public Security
- LV** a Information Centre of the Ministry of the Interior  
b Information Centre of the Ministry of the Interior
- LT** a. Ministry of Interior  
b. Information technology and communication department under the MOI (technical operator);  
Lithuanian Criminal Police Bureau (The SIRENE National Unit)
- LU** a The Luxemburgish State  
b The Grand-Ducal Police, General Directorate, International Relations Department
- HU** a The Hungarian State  
b Ministry of Justice and Public Administration – Central Office of Administrative and Electronic Public Services
- MT** a. Ministry for Justice and Home Affairs;  
b. Malta Police Force.
- NL** a Ministry of Security and Justice  
b Korps Landelijke Politiediensten (KLPD – The Netherlands Police Agency)  
Dienst IPOL (Department of International Police)

- AT** a Republic of Austria  
b The Federal Ministry of the Interior
- PL** a. The Polish State  
b. National Police HQ
- PT** a The Portuguese State  
b The Ministry of the Interior  
(Department of Immigration and Borders)
- SI** a General Police Directorate (Ministry of the Interior)  
b Information and Telecommunications Office, General Police Directorate
- SK** a The Ministry of the Interior  
b Information management, Telecommunications and security
- FI** a The Ministry of the Interior  
b HALTIK - Internal Security ICT Agency
- SE** a. The Swedish National Police Board (Police Operational Support Service)  
b. The Swedish National Police Board (IT Department)
- CH** a. Federal Office of Police  
b. Federal Office of Police
- IS** a The Icelandic State  
b The National Police Commissioner
- LI** a National Police  
b National Police
- NO** a. The National Police Directorate  
b. The National Criminal Investigation Service (NCIS)

## **2. DATA PROTECTION**

### **2.1 National data protection legislation**

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**BE** Law of 8 December 1992 on the protection of privacy when processing personal data (published in the *Moniteur belge* on 18 March 1993), as amended by the Law of 11 December 1998 transposing Directive 95/46/EC of 24 October 1995 of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data (published in the *Moniteur belge* on 3 February 1999).

**CZ** a) Act No. 101 of April 4, 2000 on the Protection of Personal Data and on Amendments to Some Related Acts  
b) Act. No. 273 of July 17, 2008 on Police of the Czech Republic - Police Act, this act provides personal data processing by the Police with effect from 1 st January 2009

**DK** Law No. 429 of 31 May 2000 on Processing of personal data.

**DE** Federal Data Protection Act („Bundesdatenschutzgesetz in der Fassung der Bekanntmachung vom 14. Januar 2003 (BGBl. I S. 66), zuletzt geändert durch Artikel 1 des Gesetzes vom 22. August 2006 (BGBl. I S. 1970)“). Plus specific provisions on data protection contained in sectoral laws.

There are also data protection acts and specific provisions contained in sectoral laws of the Länder.

**EE** - Personal Data Protection Act, passed 15 February 2007, entered into force 1 January 2008  
- Public Information Act, passed 15 November 2000, entered into force 1 January 2001  
- Information Society Services Act, passed 14 April 2004, entered into force 1 May 2004  
- Electronic Communications Act, passed 8 December 2004, entered into force 1 January 2005  
- Regulation No. 93 of the Minister of Internal Affairs of 22.12.2009, Statute of the National Database of the Schengen Information System

- EL** Law No. 2472 of 10 April 1997 on the protection of persons with regard to the processing of personal data
- ES** Organic Law 15/99, of 13 December, on Protection of Personal Data.  
Royal decree 1720/2007, of 21 December, which approves the Regulation implementing Organic Law 15/1999, of 13 December, on the protection of personal data.  
Royal Decree 428/1993, of 26 March, approving the Statute of the Data Protection Agency (Official State Gazette No 106).
- FR** Council of Europe Convention of 28 January 1981 approved by law 82-890 of 9 October 1982 which entered into force on 1 October 1985.  
Law 78-17 of 6 January 1978 on data processing, data files and individual liberties, amended by the Act of 6 August 2004 relating to the protection of individuals with regards to the processing of personal data and by the Act of 12 May 2009 relating to the simplification and clarification of law and lightening of procedures.  
Law 78-753 of 17 July 1978 improving relations between the administration and the general public.  
Penal Code provisions on computerized national criminal records.
- IT** Legislation on police databases (Law No. 121 of 1 April 1981 and presidential decree No. 378 of 3 May 1982).  
Law No. 675 of 31 December 1996: protection of persons and other subjects with regard to the processing of personal data  
and  
Law No. 676 of 31 December 1996: law granting powers to the Government in the area of the protection of persons and other subjects with regard to the processing of personal data
- LV** - Personal data protection law adopted on 23 March 2000  
- Regulation of the Cabinet of the Ministers No 40 adopted on 30 January 2001, Obligatory technical and organizational requirements for protection of personal data processing systems  
- Law On Operation of the Schengen Information System adopted on 14 June 2007, in force from 1 September 2007 and corresponding regulations of the Cabinet of the Ministers

- Regulation of the Cabinet of the Ministers No. 639 adopted 18 September 2007, Procedures for the Entering, Correction and Deletion of Alerts in the Schengen Information System, as well as Ensuring Accessibility of Supplementary Information between the SIRENE Latvia Bureau and Procedures for the Exchange of Supplementary Information of Institutions and Authorities

- Regulation of the Cabinet of the Ministers No. 622 adopted 11 September 2007 Procedures for the Request and Issue of Information Regarding a Data Subject that is Kept in the Schengen Information System and the SIRENE Information System

**LT** - Article 22 of the Constitution of the Republic of Lithuania

The private life of a human being shall be inviolable. Personal correspondence, telephone conversations, telegraph messages, and other communications shall be inviolable. Information concerning the private life of a person may be collected only upon a justified court decision and only according to the law. The law and the court shall protect everyone from arbitrary or unlawful interference in his private and family life, from encroachment upon his honour and dignity.

- Law on Legal Protection of Personal Data of the Republic of Lithuania

The new version of the Law on Legal Protection of Personal Data (hereinafter – the Law) came into force on the 1<sup>st</sup> January 2009. The English version of this Law is available on website [www.ada.lt](http://www.ada.lt).

This Law shall apply to the processing of personal data where:

- 1) personal data are processed by a data controller who is established and operating in the territory of Lithuania, as part of its/his activities. Where personal data are processed by a branch office or a representative office of a data controller of Member State of the European Union or another state of the European Economic Area, established and operating in the Republic of Lithuania, such branch office or representative office shall be bound by the provisions of this Law applicable to the data controller;
- 2) personal data are processed by a data controller which is established in the territory other than the Republic of Lithuania but which is bound by the laws of the Republic of Lithuania by virtue of international public law (including diplomatic missions and consular posts);

3) personal data are processed by a data controller established and operating in a non-member state of the European Union or another state of the European Economic Area (hereinafter – third state), which uses personal data processing means established in the Republic of Lithuania, with the exception of cases where such means are used only for transit of data through the territory of the Republic of Lithuania, the European Union or another state of the European Economic Area. In the case laid down in this subparagraph, the data controller must have its representative – an established branch office or a representative office in the Republic of Lithuania which shall be bound by the provisions of this Law applicable to the data controller.

This Law shall not apply if personal data are processed by a natural person in the course of a purely personal activity, unrelated to business or profession.

When personal data are processed for the purposes of State security or defence, this Law shall apply in so far as other laws do not provide otherwise.

- Other laws:
- Penal Code of the Republic of Lithuania

Penal Code establishes penal liability for unlawful collection of information about private life of individual, disclosure and use of such information. The unlawful collection of information about private life of individual is punished by public works or fine, or confinement, or arrest, or imprisonment up to two years. The disclosure and use of such information is punished by public works or fine, or confinement, or arrest, or imprisonment up to three years. The penal liability for such criminal offences is also for legal entity.

- Code of Administrative Offences of the Republic of Lithuania

Code of Administrative Offences establishes administrative liability for the illegal processing of personal data, violation of data subject rights, non-executing lawful instructions of the State Data Protection Inspectorate (hereinafter – the Inspectorate) and its officers. The fines for the violations are imposed by the court from 30 EUR (100 Lt) to 571 EUR (2000 Lt).

- Resolutions of the Government of the Republic of Lithuania:

On the 20th May 2003 by the Governmental resolution No 624 the Inspectorate was assigned as the institution responsible for the independent supervision of the legitimacy of the processing of personal data in the national Schengen information system. According to the paragraph 8.1 of the Governmental Resolution the Inspectorate shall perform the following function - carry out independent supervision of the lawfulness of the processing of personal data in national Schengen Information System and check whether the processing of personal data in the Schengen Information System does not violate the rights of the data subjects.

- International documents

On 11<sup>th</sup> February 2000 Lithuania signed and on 20<sup>th</sup> February 2001 ratified the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (ETS No. 108).

On 8<sup>th</sup> November 2001 Lithuania signed and on 18<sup>th</sup> December of the year 2003 ratified Additional Protocol to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data regarding Supervisory Authorities and Transborder Data Flows (ETS No. 181).

**LU** Law on the protection of personal data of 2<sup>nd</sup> August 2002 (Mem. A n°91, 13 August 2002)

**HU** Act CXII 2011 on Information Rights and the Freedom of Information (entered into force on 01.01.2012.), Act IV of 1978 on the Criminal Code Misuse of Personal Data Section 177/A (published on 31 December 1978, established by Section 11. (1) of Act II of 2003, last amended by Act LXXX of 2009.)

Act CV of 2007 on cooperation and information exchange in the framework of the Convention Implementing the Schengen Agreement and its implementing act: Government decree 242 of 2007.

**MT** Data Protection Act (Cap. 440).

Data Protection (Processing of Personal Data in the Police Sector) Regulations (LN142/04).

- NL**
- Law and decision on police records (Law gazette No 414 1990 and No 56 1991)
  - Law on data protection (Law gazette No 302 2000)
  - Law on the Intelligence and security services (Law gazette No 148 2002 and No 212 2003)



- AT**
- Federal law on personal data protection [*Datenschutzgesetz* 2000 (BGBl. I No 165/1999 amended by BGBl. I No 136/2001)]
  - Federal law on the security organization and powers of the administrative police [*Sicherheitspolizeigesetz* (BGBl. I No. 566/1991 amended by BGBl. I No 104/2002)]. This law deals with data protection in the articles 51-80a.
  - Federal Law on international police cooperation [*Polizeikooperationsgesetz* (BGBl. I No. 104/1997 amended by BGBl. I No 146/1999)]
- PL** Act of 29 August 1997 on the Protection of Personal Data (unified text: Journal of Laws of 2002 No. 101, item 926 with later amendments)  
The Polish Act relating to the Schengen Information System (SIS) and Visa Information System of April 2007 (under legislation process).
- PT** Law No. 67/98 of 26 October 1998.
- SI** Personal data protection act (published in Official State Gazette No 86/2004, 113/05)  
4<sup>th</sup> Chapter of Police act (IV. GATHERING, CUSTODY AND PROTECTION OF INFORMATION)
- SK** Processing of personal data in the filing systems is regulated by Act No. 428/2002 Coll. on Protection of Personal Data as amended by later legislation and specific provisions on data protection contained in sectorial laws (e.g. by Act No. 171/1993 Coll. regarding the Police Force as amended by later legislation).
- FI** The Personal Data Act (No. 523/1999) of 1<sup>st</sup> June 1999 and the Police Data File Act (No. 658/1998).
- SE** Personal Data Act (1998:204)  
Police Computer Records Act (2010:361)  
Schengen Informations System Act (2000:344)

- CH** Federal Act on Data Protection dated 19 June 1992 (SR 235.1)  
Statutory Regulations on the Federal Act on Data Protection dated 14 June 1993 (SR 235.11)  
Regulation dated 7 May 2008 on the National Schengen Information System (N-SIS) and the SIRENE Office (N-SIS Regulation; SR 362.0)
- IS** Act Concerning the Registration and Handling of Personal Data no. 121 of 28 December 1989.  
A bill on Privacy and Processing of Personal Data that contains provisions that ensure the conformity of Icelandic law to the provisions of Directive 95/46/EC was adopted by the Parliament on 10 May 2000. This bill will replace the Act no 121/1989.
- LI** Data Protection Act dated 14.03.2002 and Ordinance relating to the Data Protection Act.  
Regulation dated 14 April 2011 on the National Schengen Information System and the SIRENE Office.
- NO** Personal Data act of 14.04.2000  
Act relating to the Schengen Information System (SIS) of 16.07.1999.

## 2. DATA PROTECTION

### 2.2 National data protection agency (pursuant to Article 114)

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**BE** Committee for the protection of privacy.

*This body is made up of members appointed by both the Chamber of Representatives and the Senate. It comprises:*

- 8 full members, including a magistrate who acts as Chairman.
- 8 alternate members including one magistrate.

Committee members are elected for a renewable term of six years.

Apart from the Chairman, the Committee includes, among its full members and alternate members, at least:

- one legal expert
- one information technologist
- one person with professional experience of personal data management in the private sector
- one person with professional experience of personal data management in the public sector.

**CZ** a) Úřad pro ochranu osobních údajů, Odbor právní podpory a schengenské spolupráce (The Office for Personal Data Protection, Department of Legal Support and Schengen Cooperation)

Pplk. Sochora 27, 170 00, Praha 7, +420 234 665 111, fax +420 234 665 444 ,  
posta@uoou.cz

The Office for Personal Data Protection is an independent body, which according tot the Act.No. 101 of April 4, 2000:

- supervises the observance of legally mandated responsibilities in the processing of personal data,
- maintains a register of instance of permitted personal data processing,
- deals with notifications and grievances from citizens concerning infringements of the law,
- provides consultations in the area of personal data protection

The Office acts on Act No. 101 of April 4, 2000 on the Protection of Personal Data and on Amendments to Some Related Acts.

The purpose of this act is to protect citizens' right to privacy, which while guaranteed by the Chapter of Fundamental Rights and Freedoms, is coming increasingly under threat on contemporary society due to advancements in information technologies.

Employees of the Office shall consist in the President, inspectors and other employees. Control activities of the Office shall be carried out by the inspectors and authorised employees. The President of the Office and the inspectors shall be appointed and recalled by the President of the Czech Republic on the basis of a proposal of the Senate of the Parliament of the Czech Republic

b) Policejní prezidium České republiky, Kancelář policejního prezidenta, Oddělení správy a kontroly osobních údajů (Police presidium of the Czech Republic, Office of the Police President, Personal Data Administration and Control Department)

Bubenečská 20, Praha 6, +420 974 835 775, fax +420 974 835 430, sou@mvcr.cz

This department is an internal control body, not an independent supervisor authority according the Art. 114 of CISA.

The department ensures the observance of the technical and methodical rules in personal data processing by the police, in accordance with the euro amendment (Act No.60/2001 amending the Police Act and setting new rules governing personal data processing by the police) of the Police Act. This expert group worked out proposals of technical and legal solutions including unified procedures used by the Czech Police while collecting, holding and processing personal data (Directive of The Police President No.215/2008, which sets unified procedure of the Police of CR in collecting, holding and processing personal data). It is also responsible for providing the methodological guidance regarding personal data protection to the police at all levels in the Czech Republic and controls the way the personal data are handled by them.

**DK** The Danish Data Protection Agency, which consists of a Council and a Secretariat, is a national authority which carries out its activities fully independently. The Data Protection Council consists of a Chairman and 6 other members appointed by the Minister of Justice. The Data Protection Council's main task is to decide on matters of principle. The Council lays down its own rules of procedure. The Secretariat employs around 35 people (lawyers, technicians and office staff) who carry out the Data Protection Agency's day-to-day activities. The Secretariat is headed by a Director.

**DE** Data protection commissioner

The (autonomous) federal commissioner for data protection and freedom of information is elected by the German Parliament (Bundestag). This commissioner is granted all the necessary staff and resources to perform his tasks.

**EE** Data Protection Inspectorate

Data Protection Inspectorate is a government agency operating within the area of government of the Ministry of Justice that exercises state supervision and applies enforcement powers of the state on basis and procedures prescribed by law.

While discharging its functions the Inspectorate represents the state.

Accruing from the Personal Data Protection Act and the Public Information Act, the Inspectorate presents its management reports to the Constitutional Committee of the *Riigikogu* and to the Chancellor of Justice.

The area of activity of the Inspectorate is state supervision of processing of personal data, management of databases and access to public information and the discharge of other functions imposed by law or on the basis of law.

The principal functions of the Inspectorate are:

1. exercising state supervision of adherence to requirements deriving from legislation regulating the area of activity of the Inspectorate and, if necessary, application of enforcement of powers of the state;
2. participation in development of legislation related to its area of activity and proposing amendments and supplementations to such legislation;
3. participation in development of policies, strategies and development plans related to its area of activity; preparation and implementation of projects related to its area of activity, incl. participation in preparation and implementation of international projects;
4. participation in international working groups and the work of international organizations related to its area of activity.

**EL** Data Protection Authority

The authority is made up of a magistrate, with the rank of State Council or equivalent or higher rank, as President of the Authority, and of the following six members:

- a) a full or associate university professor specialized in law;
- b) a full or associate university professor specialized in IT;
- c) a full or associate university professor specialized;
- d, e, f) three persons of high standing and experience in the field of the protection of personal data.

**ES** The Spanish Data Protection Agency is composed of the following bodies:

The Director of the Spanish Data Protection Agency

The Consultative Council (eleven members)

Deputy Directorate on Inspection

Deputy Directorate on Register

General Secretariat

**FR** National committee for data processing and freedoms (created by the law of 6 January 1978)

(Commission nationale de l'informatique et des Libertés)

The CNIL is an independent administrative authority composed of 17 members (4 members of Parliament, 2 members of the Economic and Social Council, 6 Supreme Court Judges of the Administrative supreme Court, the Judicial Supreme Court, the National Accounting Office, 5 qualified personalities appointed by the Cabinet, the Chairman of the National Assembly, the Chairman of the Senate), appointed for a term of 5 years.

**IT** The Supervisory authority is the Data protection supervisor established by Law 675/96. This consists of four parliament-appointed members of whom one is Chairman and one Deputy Chairman.

**LV** Data State Inspectorate

Riga, Kr.Barona 5-4, LV-1050

Tel: 7223131

Fax: 7223556

**LT** The paragraph 1 of Article 36 of the Law provides that the implementation of the Law, with the exception of Article 8 (processing of personal data carried out for the purposes of providing information to the public or the purposes of artistic or literary expression), shall be supervised and monitored by the Inspectorate.

According to the paragraph 3 of Article 36 of the Law the key objectives of the Inspectorate shall be supervision of the activities of data controllers when processing personal data, monitoring the legality of processing of personal data, prevention of breaches in data processing and ensuring protection of the rights of the data subject.

The Inspectorate shall have no right to monitor processing of personal data in courts.

According to the Article 37 of the Law in its activities the Inspectorate shall be guided by the Constitution of the Republic of Lithuania, international agreements to which the Republic of Lithuania is a party, this Law and other legal acts. The activities of the Inspectorate shall be based on the principles of lawfulness, impartiality, openness and professionalism in the discharge of its functions. When discharging the functions provided by this Law and making its decisions related to the discharge of the functions set out for it in this Law, the Inspectorate shall be independent; its rights may be limited only by law. State and municipal institutions and agencies, members of the Seimas and other officials, political parties, public organisations, other legal and natural persons shall have no right to exert any kind of political, economic, psychological or social pressure or other illegal influence on the director of the Inspectorate, civil servants and employees employed under labour contracts. Interference with the activities of the Inspectorate shall entail liability in accordance with laws.

The subparagraph 4 of the Article 40 of the Law establishing the functions of the Inspectorate provides that the Inspectorate shall check the lawfulness of personal data processing and take decisions in respect of the breaches of personal data processing. The Inspectorate carries out the planned inspections by its' initiative, inspections on the bases of the data subject's complaint.

The paragraphs 5, 6 and 7 of Article 41 of the Law foresees that the Inspectorate shall be empowered to make recommendations and give instructions to data controllers on personal data processing and protection issues; to draw up records of administrative offences in accordance with the procedure laid down in laws; to exchange information with personal data supervisory authorities in other countries and international organisations to the extent necessary for the discharge of their duties.

According to the Article 41 of the Law the Inspectorate shall be empowered to obtain free of charge from state and municipal institutions and agencies, other legal and natural persons all necessary information, copies and transcripts of documents, copies of data and get access to all data and documents necessary for discharging all the functions of supervision of personal data processing; to obtain access, subject to a prior notice in writing, or without a prior notice where the lawfulness of personal data processing is to be checked in response to a complaint, to the premises of the person being checked (including to premises leased or used on other basis), or to the territory where the documents and facilities related with the personal data processing are kept. Access to the territory, buildings and premises of the legal person (including to buildings and premises leased or used on any other basis) shall be permitted only during the office hours of the legal person being checked upon presenting a certificate of civil servant. Access to residential premises (including the premises leased or used on any other basis) of a natural person being checked, where documents and facilities related with the personal data processing are kept shall be permitted only upon producing a court order warranting entry into the residential premises; to invite experts (consultants) and form work groups for examination of data processing or data protection, for drafting of documents on data protection and for making decisions on other issues falling within the competence of the Inspectorate (the paragraph 4 of Article 41 of the Law).

The Code on the Administrative Offences establishes administrative liability for the interruption for Inspectorate to carry out the inspections by the order established by the laws and other legal acts.

According to the paragraph 3 of the Article 40 of the Law the Inspectorate shall examine complaints and notifications of persons in accordance with the procedure laid down in this Law. It is worth mentioning that the Inspectorate publishes on its website ([www.ada.lt](http://www.ada.lt)) the recommendable form for the data subjects to declare the violations of the data subject's rights. According to the subparagraph 12 of the Article 40 of the Law one of the functions of the Inspectorate is the implementation of the provisions of the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data (ETS No. 108).

**LU** National committee for data protection (*Commission Nationale de Protection des Données-* created by the law of 2<sup>nd</sup> August 2002 on data protection)

The CNPD is an independent administrative authority composed of 3 members appointed for a term of 6 years.



**HU** The President of the National Authority for Data Protection and Freedom of Information. This new independent body was established by Act CXII 2011 on Information Rights and the Freedom of Information. It includes data protection, legal, administrative and IT experience.

**MT** The Office of the Data Protection Commissioner is the Supervisory Authority established under the Data Protection Act (Cap. 440).

**NL** Dutch data protection authority (*College Bescherming Persoonsgegevens*)

**AT** Data Protection Commission [Datenschutzkommission]:

The Data Protection Commission is housed at the Federal Chancellor and consists of six members appointed by the Federal President on a proposal of the Federal Government for a term of five years. Their terms in office may be renewed.

All members of the Data Protection Commission must have legal background; one member must be a judge.

The members of the Data Protection Commission are independent and not bound by instructions in the exercise of their duties.

**PL** The Bureau of Inspector General of Poland for the Protection of Personal Data. The Inspector is elected by the Polish Parliament. The Inspector is granted all the necessary staff and resources to perform his tasks.

**PT** National committee for the protection of data (CNPD).

Composition:

1 President and 2 voting members elected by the national parliament (Assembleia da República).

2 voting members, one of whom is elected by the higher council of the Magistrature and the other by the higher council of the public prosecutor's office.

2 members entitled to vote and appointed by the government.

**SI** Information Commissioner

The Information Commissioner is elected by the Slovenian Parliament for a renewable term of five years.

**SK** Authority responsible for the supervision of the personal data protection is the Office for Personal Data Protection of the Slovak Republic, which was established by the Act No. 428/2002 Coll. The Office, as a state authority, shall execute supervision of personal data protection independently and it shall participate in protection of the fundamental rights and freedoms of natural persons in the processing of personal data.

The Office shall be headed by the President of the Office. The President of the Office shall be elected and recalled by the National Council of the Slovak Republic upon proposal of the Government of the Slovak Republic. During the time of his absence, the President of the Office shall be represented by a Vice-President of the Office.

At present time the Office employs 33 people whose carry out the day to day activities of the Office. The Staff is composed from lawyers, technicians, secretary and supporting team.

**FI** The Bureau of the Data Protection Ombudsman.

**SE** Data Inspection Board

Fleminggatan 14

Box 8114

S-104 20 Stockholm

Tel: + 46 8 657 61 00

Fax: + 46 8 652 86 52

**CH** Federal Data Protection and Information Commissioner (FDPIC)

The Commissioner

The commissioner is appointed by the Federal Council.

He has a permanent secretariat and his own budget.

He fulfils his tasks independently and is allocated to the Federal Chancellery for administrative purposes.

### *Main Tasks*

Supervision of federal and private bodies.

Advisory services to private bodies.

Informing the public about his findings and recommendations.

### *Additional Tasks*

Assistance to federal and cantonal bodies on data protection.

To give opinion on draft Confederation legislation.

Cooperation with data protection authorities in Switzerland and abroad.

Carrying out the tasks assigned to him under the Freedom of Information Act of 17 December 2004.

Maintaining and publishing the Register for Data Files.

### *The permanent secretariat*

The permanent secretariat is made up of:

Executive board (3 posts)

Information bureau (1.3 posts)

Legal experts (9.8 posts)

IT experts (4.6 posts)

Administrative Support (2,6 posts)

## **IS** The Data Protection Commission (DPC).

Composition:

According to Act no. 121/1989 Art. 30 the DPC is made up of 5 members appointed by the Minister of Justice for a term of four years at a time. The chairman of the commission, the vice-chairman and one other member of the commission shall be lawyers. One member of the commission shall be a specialist in matters concerning computing and data registration.

According to the new Act, Art. 36 the only change in the composition of the DPC is that instead of three lawyers the new Act only requires two lawyers: the chairman and the vice-chairman of the commission.

## **LI** Data Protection Office (DPO).

The Data Protection Commissioner is elected by the Parliament for a term of eight years.

## **NO** The Data Inspectorate (Datatilsynet)

**DATA PROTECTION AGENCY**

(Supervisory authority)

**BELGIUM**

Privacy Protection Commission  
C/o Vrije Universiteit Brussel  
Pleinlaan 2  
1050 Brussel  
Tel: 32 2 629 26 31  
Fax: 32 2 629 26 62

Privacy Protection Commission  
rue Haute 139  
1000 Bruxelles  
Tel: 32 2 542 72 00  
Fax: 32 2 542 72 12

**CZECH REPUBLIC**

Úřad pro ochranu osobních údajů (The Office for Personal Data Protection)  
Pplk Sochora 27  
170 00 Praha 7  
Tel: 420 234 665 111  
Fax: 420 234 665 444  
e-mail: nfo@uouu.cz

**DENMARK**

The Danish Data Protection Agency  
Borgergade 28, 5<sup>th</sup> floor  
DK-1300 Copenhagen K  
Tel: 45 33 19 32 00  
Fax: 45 33 19 32 18

**GERMANY**

The Federal Commissioner for Data Protection and Freedom of Information  
Husarenstraße 30  
53117 Bonn  
Tel: 49 228 81995 0  
Fax: 49 228 81995 550

Data protection commission for the Land Hessen  
Uhlandstr. 4  
D 65189 Wiesbaden  
Tel: 49 611 1408 0  
Fax: 49 611 1408 900

The German Länder have also their own Data protection commissioner.

**ESTONIA**

Andmekaitse Inspektsioon (Data Protection Inspectorate)  
Väike-Ameerika 19  
Tallinn 10129  
Tel: 372 627 4135  
Fax: 372 627 4137  
info@aki.ee  
http://www.aki.ee/

**GREECE**

Hellenic Data Protection Authority  
1-3 Kifissias Av.  
115 23 Athens  
Tel: 30 210 64 75 600  
Fax: 30 210 64 75 628

**SPAIN**

Spanish Data Protection Agency  
Jorge Juan, 6  
28001 Madrid  
Tel: 34 91 266 35 17  
Fax: 34 91 445 25 29  
www.agpd.es

**FRANCE**

CNIL  
Commission Nationale de l'Informatique et des Libertés  
8, rue Vivienne  
F-75083 Paris Cédex 02  
Tel: 33 1 53 73 22 22  
Fax: 33 1 53 73 22 00

**ITALY**

Tel: 39 06 67 60 46 93  
Fax: 39 06 95 62 12 20  
39 06 67 60 96 78

Personal Data Protection Supervisor  
Largo del Teatro Valle, 6  
00186 Roma  
Tel: 39 06 68 18 61  
Fax: 39 06 68 18 669

**LATVIA**

Data State inspectorate  
Kr.Barona 5-4  
LV-1050 Riga  
Tel: 371 7223131  
Fax: 371 7223556

## **LITHUANIA**

### **State Data Protection Inspectorate**

A. Juozapavičiaus str. 6 /  
Slucko str. 2  
09310 Vilnius  
Lithuania  
Phone +370 5 279 1445  
Fax +370 5 261 9494  
E-mail: [ada@ada.lt](mailto:ada@ada.lt)

## **LUXEMBOURG**

Commission nationale pour la protection des données  
41, avenue de la gare  
L-1611 Luxembourg  
Tél.: (+352) 26 10 60-1  
Fax: (+352) 26 10 60-29  
[www.cnpd.lu](http://www.cnpd.lu)

## **HUNGARY**

National Authority for Data Protection and Freedom of Information  
H-1125 Budapest, Szilágyi Erzsébet fasor 22/C.  
Tel: +36 -1-391-1400  
Fax: +36-1-391-1410  
E-mail: [privacy@naih.hu](mailto:privacy@naih.hu)  
<http://www.naih.hu/information.html>

## **MALTA**

Office of the Data Protection Commissioner  
2, Airways House  
High Street  
Sliema SLM 16  
Malta  
Tel: 356 2328 7100  
Fax: 356 23287198  
Email: [commissioner.dataprotection@gov.mt](mailto:commissioner.dataprotection@gov.mt).

## **THE NETHERLANDS**

College Bescherming Persoonsgegevens  
Postbus 93374  
2509 AJ Den Haag  
Tel: 31 70 381 13 01  
Fax: 31 70 381 13 01

## **AUSTRIA**

Office of the Data Protection Commission (Büro der Datenschutzkommission)  
Ballausplatz 1  
A – 1014 Wien  
Tel: 43 1 531 15/2525  
Fax: 43 1 531 15/2690

**POLAND**

The Bureau of Inspector General of Poland for the Protection of Personal Data  
ul. Stawki 2  
00-193 Warsaw  
Tel.: 48 22 860 70 81  
Fax.: 48 22 860 70 90

**PORTUGAL**

Rua de S. Bento 148 3º Andar  
1200 Lisbonne  
Tel: 351 21 392 84 00  
Fax: 351 21 397 68 32

**SLOVENIA**

Information Commissioner  
Vošnjakova 1, p.p. 78  
1000 Ljubljana  
Tel: +386 1 230 97 30  
Fax: +386 1 230 97 78

**SLOVAKIA**

Office for Personal Data Protection of the Slovak Republic  
Odborárske námestie 3  
817 60 Bratislava 15  
e-mail: statny.dozor@pdp.gov.sk  
Tel: +421 2 502 39 418  
Fax: + 421 2 502 39 441

**FINLAND**

Albertinkatu 25 A  
FIN – 00180 Helsinki  
Tel: 358 9 18 251  
Fax: 358 9 1825 7835

**SWEDEN**

Data Inspection Board  
Fleminggatan 14  
Box 8114  
S-104 20 Stockholm  
Tel: 46 8 657 61 00  
Fax: 46 8 652 86 52

**SWITZERLAND**

Office of the Federal Data Protection and Information Commissioner (FDPIC)

Feldeggweg 1

3003 Bern

Switzerland

Tel: +41 31 322 43 95

Fax: +41 31 325 99 96

**ICELAND**

Data Protection Commission

Arnarhvoli

150 Reykjavík

Tel: 354 560 9010

Fax: 354 552 7340

**LIECHTENSTEIN**

Data Protection Office

Kirchstrasse 8

Postfach 684

FL 9490 Vaduz

Tel: +423 / 236 60 90

Fax: +423 / 236 60 99

**NORWAY**

The Data Inspectorate

Tollbugaten 3

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Tel: 47 22 39 69 00

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