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ANNEX 2

ANNEX

ANNEX II

Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part

to the

proposal for a Council Decision

on the conclusion of the Association Agreement between the European Union and the European Atomic Energy Community and their Member States, of the one part, and the Republic of Moldova, of the other part

ANNEX I

TO TITLE III (FREEDOM, SECURITY AND JUSTICE)

Directive 2006/24/EC of the European Parliament and of the Council of 15 March 2006 on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks

Commitments and Principles on personal data protection

1. The Parties shall, in the context of the implementation of this or other Agreements, ensure a legal level of data protection which at least corresponds to that set out in Directive 95/46/EC of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data, Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters, as well as the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, signed on 28 January 1981 (ETS No. 108) and its Additional Protocol, regarding Supervisory Authorities and Transborder Data Flows, signed on 8 November 2001 (ETS No. 181). Where relevant, the Parties shall take into account Recommendation No. R (87) 15 of 17 September 1987 of the Committee of Ministers of the Council of Europe Regulating the Use of Personal Data in the Police Sector.

2. In addition the following principles shall apply:
- (a) both the transferring authority and the receiving authority shall take every reasonable step to ensure, as appropriate, the rectification, erasure or blocking of personal data where the processing does not comply with the provisions of Article 13 of this Agreement, in particular because those data are not adequate, relevant, or accurate, or because they are excessive in relation to the purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;
 - (b) upon request, the receiving authority shall inform the transferring authority of the use of the transferred data and of the results obtained therefrom;
 - (c) personal data may only be transferred to the competent authorities. Further transfer to other authorities requires the prior authorisation of the transferring authority;
 - (d) the transferring and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data.