

## **DECISION**

**No. 5, Dated 27.12.2012**

### **ON SOME ADDENDA AND AMENDMENTS TO THE DECISION NO. 2, DATED 10.3.2010 “ON ESTABLISHING THE ADMINISTRATION PROCEDURES OF DATA REGISTRATION, DATA ENTRY PROCESSING AND THEIR EXTRACTION”**

Based on Article 27/6 of Law No. 9887, dated 10.3.2008 “On the Protection of Personal Data”, as amended,

**I HEREBY DECIDED:**

In the Decision No. 2, dated 10.3.2010 “On establishing the administration procedures of data registration, data entry, processing and extraction”, the following addenda and amendments are introduced as follows:

1. After the title of the law "On the Protection of Personal Data", the following wording shall be added:

“as amended by Law No. 48/2012. ”

2. The content of Chapter I, point 1, litera “a” is amended as follows:

"Data shall be kept only for specific purposes, clearly defined and legitimate, and their processing shall be done only based on these purposes ”.

3. Paragraph "vi" in Chapter I, point 4, litera "a", is repealed.

4. The title of point 6 of Chapter I is amended as follows: "International data transfer".

5. In litera "a", point 6, Chapter I, the word "type" is replaced with the word "category".

6. In the content of this decision, the term “controlling entity” is replaced with the term "Controller".

7. In point 2 of Chapter II, the following amendments are made:

- a) The content of litera "b" is amended as follows:

"The scope and purpose for which personal data are collected and processed."

- b) Litera "c" is repealed.

- c) In litera "d", the word "disclosed" is replaced by the word "disseminated".

ç) The content of litera "e" is amended as follows:

"The right to access, as well as the right to rectification of his data."

d) Letters "f", "g" and "h" are repealed.

dh) At the end, the letters with the following content are added:

- The manner of processing, unless the data subject is aware of such information;
- The fact whether the provision of personal data is mandatory or voluntary;
- The fact whether he is required to provide personal data for processing, based on a legal or sub-legal act;
- Consequences of refusal to provide data.

8. The content of point 2, Chapter III is changed as follows:

"Data can be processed without the consent of the subject when the processing is necessary for one of the reasons anticipated under Article 6/1 of the law, with the exception of litera "a"."

9. The title of Chapter V is changed with "Data Confidentiality" and its content is changed as follows:

"Controllers, processors and their employees are required to maintain the confidentiality of the personal data they process, in accordance with the provisions of Article 28 of Law No. 9887, dated 10.3.2008 "On the Protection of Personal Data", as amended."

10. Failure to comply with the requirements of this Decision constitutes a violation of the Law "On the Protection of Personal Data" and is punishable under Article 39 thereof.

This decision becomes effective immediately and shall be published in the Official Journal.

**COMMISSIONER**

**Flora Çabej (Pogaçe)**