

# TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

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JAARGANG 2004 Nr. 287

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A. TITEL

*Verdrag tot bescherming van personen met betrekking tot de  
geautomatiseerde verwerking van persoonsgegevens;  
Straatsburg, 28 januari 1981*

B. TEKST

De tekst van het Verdrag is geplaatst in *Trb.* 1988, 7.

De tekst van het Verdrag wordt per 1 januari 2005 aangevuld door de inwerkingtreding op diezelfde datum van het in rubriek J hieronder genoemde Protocol van 8 november 2001.

C. VERTALING

Zie *Trb.* 1988, 7.

D. PARLEMENT

Zie *Trb.* 1993, 116 en 192.

Bij brieven van 5 september 2000 (Kamerstukken II 1999/2000, 27 280 nrs. 339 en 1) is de op 15 juni 1999 te Straatsburg totstandgekomen wijziging in overeenstemming met artikel 2, eerste lid, en artikel 5, eerste lid, van de Rijkswet goedkeuring en bekendmaking verdragen overgelegd aan de Eerste en de Tweede Kamer der Staten-Generaal.

De toelichtende nota die de brieven vergezelde, is ondertekend door de Minister van Justitie A. H. KORTHALS, de Minister van Buitenlandse Zaken J. J. VAN AARTSEN, de Minister voor Grote Steden- en Integratiebeleid R. H. L. M. VAN BOXTEL en de Staatssecretaris van Verkeer en Waterstaat J. M. DE VRIES.

De goedkeuring door de Staten-Generaal is verleend op 8 oktober 2000.

## E. PARTIJGEGEVENS

Zie *Trb.* 1988, 7.

Partij	Onder- tekening	Ratifi- catie	Type <sup>1</sup>	In werking	Opzeg- ging	Buiten werking
Albanië	09-06-04					
België	07-05-82	28-05-93	R	01-09-93		
Bosnië- Herzegovina	02-03-04					
Bulgarije	02-06-98	18-09-02	R	01-01-03		
Cyprus	25-07-86	21-02-02	R	01-06-02		
Denemarken	28-01-81	23-10-89	R	01-02-90		
Duitsland	28-01-81	19-06-85	R	01-10-85		
Estland	24-01-00	14-11-01	R	01-03-02		
Finland	10-04-91	02-12-91	R	01-04-92		
Frankrijk	28-01-81	24-03-83	R	01-10-85		
Georgië	21-11-01					
Griekenland	17-02-83	11-08-95	R	01-12-95		
Hongarije	13-05-93	08-10-97	R	01-02-98		
Ierland	18-12-86	25-04-90	R	01-08-90		
IJsland	27-09-82	25-03-91	R	01-07-91		
Italië	02-02-83	29-03-97	R	01-07-97		
Kroatië	05-06-03					
Letland	31-10-00	30-05-01	R	01-09-01		
Liechtenstein	02-03-04	11-05-04	R	01-09-04		
Litouwen	11-02-00	01-06-01	R	01-10-01		
Luxemburg	28-01-81	10-02-88	R	01-06-88		
Malta	15-01-03	28-02-03	R	01-06-03		
Moldavië	04-05-98					
<b>Nederlanden, het Koninkrijk der (voor Nederland)</b>	21-01-88	24-08-93	R	01-12-93		

Partij	Onder-tekening	Ratifi-catie	Type <sup>1</sup>	In werking	Opzeg-ging	Buiten werking
Noorwegen	13-03-81	20-02-84	R		01-10-85	
Oostenrijk	28-01-81	30-03-88	R	01-07-88		
Polen	21-04-99	23-05-02	R	01-09-02		
Portugal	14-05-81	02-09-93	R	01-01-94		
Roemenië	18-03-97	27-02-02	R	01-06-02		
Russische Federatie	07-11-01					
Slovenië	23-11-93	27-05-94	R	01-09-94		
Slowakije	14-04-00	13-09-00	R	01-01-01		
Spanje	28-01-82	31-01-84	R	01-10-85		
Tsjechië	08-09-00	09-07-01	R	01-11-01		
Turkije	28-01-81					
Verenigd Koninkrijk, het	14-05-81	26-08-87	R	01-12-87		
Zweden	28-01-81	29-09-82	R	01-10-85		
Zwitserland	02-10-97	02-10-97	R	01-02-98		

<sup>1</sup>) DO=Definitieve ondertekening, R=Ratificatie, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid

### Uitbreidingen

Verenigd Koninkrijk, het

Uitgebreid tot	Datum uitbreiding	In werking
Guernsey	26-08-87	01-12-87
Jersey	26-08-87	01-12-87
Man	21-01-93	01-05-93

### Verklaringen, voorbehouden en bezwaren

Cyprus, 25 februari 2002

In accordance with Article 13, paragraph 2, of the Convention, the Republic of Cyprus declares that the designated authority is the Commissioner for Personal Data Protection whose address (provisional) is:

Law Office of the Republic of Cyprus  
1403 Nicosia  
Cyprus  
Tel.: 00 357 2 889131  
Fax: 00 357 2 667498  
E-mail: roc-law@cytanet.co.cy

Estland, 14 november 2001

In accordance with Article 3, paragraph 2, subparagraph a, of the Convention, the Republic of Estonia declares that it will not apply this Convention to the processing of personal data collected by natural persons for private purposes.

In accordance with Article 13, paragraph 2, subparagraph a of the Convention, the Republic of Estonia designates the Data Protection Inspectorate as the accredited authority.

IJsland, 18 april 2002  
Persónuvernd (The Data Processing Authority)  
Rauðlólarástíg 10  
105 Reykjavík  
Iceland  
Tel.: (00354)510.9600  
Fax: (00354)510.9606

Letland, 30 mei 2001

In accordance with Article 3, paragraph 2, sub-paragraph a, of the Convention, the Republic of Latvia declares that it will not apply the above-said Convention to the following categories of automated personal data files:

1. which are subject to State secret;
2. which are processed by public institutions for the purposes of national security and criminal law.

In accordance with Article 13, paragraph 2, sub-paragraph a, of the Convention, the Republic of Latvia declares that the designated authority of the Republic of Latvia is:

Data State Inspection  
Kr. Barona Street 5-4  
Riga, LV-1050  
Latvia  
Fax: (+371) 722.3556  
Phone: (+371) 722.3131.

Liechtenstein, 11 mei 2004 (vertaling)

In accordance with Article 3, paragraph 2, of the Convention, the Principality of Liechtenstein declares that:

1. The Convention will also apply to personal data concerning legal persons and partnerships with legal capacity as well as to personal data files which are not processed automatically.

2. The Convention will not apply to:

- a. personal data files processed by an individual for his or her personal use exclusively and that will not be communicated to third persons;
- b. deliberations of Parliament (Landtag) and of parliamentary commissions;
- c. the activities of the Finance Administration;
- d. personal data files set up pursuant to the Liechtenstein Due Diligence Act.

In accordance with Article 13, paragraph 2, of the Convention, the Principality of Liechtenstein declares that the Data Protection Unit is the competent authority to render assistance in the implementation of the Convention.

Litouwen, 15 februari 2002

The authority designated by the Republic of Lithuania in pursuance of Article 13, paragraph 2a of the Convention is:  
State Data Protection Inspectorate  
Gedimino pr. 27/2  
LT- 2600 Vilnius  
LITHUANIA

Malta, 28 februari 2003

Malta declares that, in accordance with Article 3 (2) (a) of the Convention, the said Convention will not apply to the following categories of automated personal data files, which are included in Article 5 of Malta's Data Protection Act No XXVI of 2001:

- a. personal data files processed by a natural person in the course of a purely personal activity;
- b. personal data files processed for purposes of public security, defence or State security (including the economic well being of the State when the processing operation relates to security matters).

Malta understands that a request for information pursuant to paragraph (b) of Article 8 of the Convention cannot be complied with if the data subject is unable to adequately specify his or her request.

Malta declares that the authority designated for the purposes of co-operation and mutual assistance between Parties in terms of Article 13 (2) (a) of the Convention is the:

. Office for the Commissioner for Data Protection  
280 Republic Street  
Valletta CMR 02  
Malta  
Tel. 00 (356) 21 221 630  
Fax 00 (356) 21 221 629

Portugal, 31 mei 2002 (vertaling)  
Competent Authority:  
Comissão Nacional de Protecção de Dados (CNPD)  
Rua de São Bento n° 148, 3° andar  
1200-821 Lisboa  
Portugal  
Tel: (00351) 21 3928400  
Fax: (00351) 21 3976832  
e-mail: geral@cnpd.pt

Roemenië, 9 juli 2004

The Republic of Romania makes the following declarations:

In accordance with Article 3, sub-paragraph 2.a, this Convention shall not apply to the processing of personal data which are included in a data base when:

- a) the automatic processing is realized in the framework of activities in the field of national defence and national security, which are performed within the limits and with the restrictions established by the law;
- b) the automatic processing of personal data concerns data obtained from documents accessible to the public, in accordance with the law;
- c) the automatic processing of personal data are realized by natural persons exclusively for their personal use, if those data are not to be disclosed.

In accordance with Article 3, sub-paragraph 2.c, the Convention shall also apply to the non-automatic processing of personal data which are part of a data base or which are to be included in such a data base.

In accordance with Article 13 of the Convention, the national competent authority is:

. the Ombudsperson  
3-5 Iancu de Hunedoara Avenue  
sector 1, Bucharest, postal code 71204  
tel: 231 50 01/fax: 231 50 00

This Convention shall also apply to the automatic processing of personal data realized within the framework of the legitimate activities of any foundation, association or any other non-profit organization having political, philosophical, religious or trade-union character, under condition that the concerned person be a member of this organization or has constant relations with it regarding the specific activity of the organization and that the data shall not be disclosed to a third party without prior consent of the concerned person.

Slowakije, 14 april 2000 (vertaling)

In accordance with Article 13, paragraph 2, of the Convention, the State body providing State Supervision over the protection of personal data in the Slovak Republic is:

the Government Commissioner for the Protection of Personal Data in Information Systems and Inspection Unit for the Protection of Personal Data

Government Office of the Slovak Republic  
Namestie slobody 1  
SK-813 70 Bratislava 1  
Slovak Republic

Tsjechië, 9 juli 2001

In accordance with Article 13 of the Convention, the Czech Republic declares that the designated authority is:

Office for Personal Data Protection  
Havelkova 22  
130 00 Praha 3

Tsjechië, 24 september 2003

The Czech Republic declares that, according to Article 3, sub-paragraph 2.c, of the Convention, it will also apply this Convention to personal data files which are not processed automatically.

[Date of entry into force of the declaration: 25/12/2003]

Verenigd Koninkrijk, het, 26 januari 2001<sup>1)</sup>

The United Kingdom makes the following declaration in respect of the United Kingdom only:

„The United Kingdom will apply the Convention to personal data which are not processed automatically but which are held in a relevant filing system. „Relevant filing system” means any set of information relating to individuals to the extent that, although the information is not processed by means of equipment operating automatically in response to instructions given for that purpose, the set is structured, either by reference to individuals or by reference to criteria relating to individuals, in such a way that specific information relating to a particular individual is readily accessible”.

[Date of entry into force of the declaration: 27/4/2001]

The designated authority for the United Kingdom with effect from 20 January 2001 will be:

The information Commissioner  
Wycliffe House  
Water Lane  
Wilmslow - Cheshire SK9 5AF

The designated authority for the Bailiwick of Guernsey is now:

The Data Protection Commissioner

<sup>1)</sup> De in *Trb.* 1988, 7 opgenomen verklaring met betrekking tot artikel 3, lid 2, onderdeel a, van het Verdrag heeft het Verenigd Koninkrijk bij brief van 26 januari 2001 ingetrokken voor het Verenigd Koninkrijk. Zij blijft van toepassing op Guernsey, Jersey en het Eiland Man.

Sir Charles Frossard House  
 PO Box 43  
 St Peter Port - Guernsey GY1 1 FH  
 The address of the designated authority for the Bailiwick of Jersey is now:  
 The Data Protection Registrar  
 The Data Protection Registry  
 Morier House  
 Halkett Place  
 St Helier - Jersey JE1 1DD  
 The address previously notified for the designated authority for the Isle of Man, which is otherwise correct, lacks the postcode, which is IM3 4PR.

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### Wijzigingen van 15 juni 1999

Partij	Onder-tekening	Ratifi-catie	Type <sup>1</sup>	In werking	Opzeg-ging	Buiten werking
België		01-07-99	R			
Denemarken		09-05-00	R			
Duitsland		12-03-03	R			
Estland		14-11-01	R			
Finland		03-04-01	R			
Frankrijk		28-03-00	R			
Griekenland		12-07-99	R			
Hongarije		10-09-99	R			
Ierland		27-07-99	R			
IJsland		23-09-99	R			
Letland		07-01-02	R			
Liechtenstein		11-05-04	R			
Litouwen		01-06-01	R			
<b>Nederlanden, het Koninkrijk der</b> (voor Nederland)		02-11-00	R			
Noorwegen		07-02-03	R			



Partij	Onder- tekening	Ratifi- catie	Type <sup>1</sup>	In werking	Opzeg- ging	Buiten werking
Oostenrijk		26-08-99	R			
Polen		23-10-02	R			
Portugal		05-04-00	R			
Slowakije		13-09-00	R			
Tsjechië		13-02-02	R			
Verenigd Koninkrijk, het		26-01-01	R			
Zweden		19-12-00	R			
Zwitserland		29-08-00	R			

<sup>1)</sup> DO=Definitieve ondertekening, R=Ratificatie, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid

#### G. INWERKINGTREDING

Zie *Trb.* 1988, 7 en *Trb.* 1993, 157.

#### J. VERWIJZINGEN

Zie voor verwijzingen en andere verdragsgegevens *Trb.* 1988, 7, *Trb.* 1993, 116 en 157 en *Trb.* 2000, 69.

### **Verbanden**

Het Verdrag wordt aangevuld door:

- Titel : Aanvullend Protocol bij het Verdrag tot bescherming van personen met betrekking tot de geautomatiseerde verwerking van persoonsgegevens inzake toezichthoudende autoriteiten en grensoverschrijdend verkeer van gegevens;  
Straatsburg, 8 november 2001
- Tekst : *Trb.* 2003, 122 (Engels en Frans)  
*Trb.* 2003, 165 (vertaling)
- Laatste *Trb.* : *Trb.* 2004, 000

**Overige verwijzingen**

Titel : Statuut van de Raad van Europa;  
Laatste *Trb.* : *Trb.* 2003, 83

Uitgegeven de *dertigste* november 2004.

*De Minister van Buitenlandse Zaken,*

B. R. BOT