

TRACTATENBLAD

VAN HET

KONINKRIJK DER NEDERLANDEN

JAARGANG 2011 Nr. 22

A. TITEL

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

B. TEKST

De Engelse en de Franse tekst van het Verdrag zijn geplaatst in *Trb.* 1988, 7.

De Engelse en de Franse tekst van de op 15 juni 1999 te Straatsburg totstandgekomen wijzigingen van het Verdrag zijn geplaatst in rubriek J van *Trb.* 2000, 69.

De Engelse en de Franse tekst van het op 8 november 2001 te Straatsburg totstandgekomen Aanvullend Protocol bij het Verdrag zijn geplaatst in *Trb.* 2003, 122¹⁾.

C. VERTALING

Zie voor het Verdrag *Trb.* 1988, 7, voor de wijzigingen van 15 juni 1999 rubriek J van *Trb.* 2000, 69 en voor het Aanvullend Protocol van 8 november 2001, *Trb.* 2003, 165.

¹⁾ De tekst van het Verdrag is per 1 juli 2004 aangevuld door de inwerking-treding op diezelfde datum van het Aanvullend Protocol van 8 november 2001, met dien verstande dat de aanvulling geldt voor de staten waarvoor het Protocol in werking is getreden.

Omdat het Protocol op 1 januari 2005 voor het Europese deel van Nederland in werking is getreden, is de aanvulling vanaf die datum voor het Europese deel van Nederland van kracht en vanaf 10 oktober 2010 voor het Caribische deel van Nederland.

D. PARLEMENT

Zie *Trb.* 1993, 116 en 192 en *Trb.* 2004, 287.

E. PARTIJGEGEVENS**Verdrag**

Zie *Trb.* 1988, 7 en rubriek H van *Trb.* 1993, 116. Toetreding is voorzien in artikel 23 van het Verdrag.

Partij	Onder-tekening	Ratificatie	Type *	In werking	Opzeg-ging	Buiten werking
Albanië	09-06-04	14-02-05	R	01-06-05		
Andorra	31-05-07	06-05-08	R	01-09-08		
Azerbeidzjan	03-05-10	03-05-10	R	01-09-10		
België	07-05-82	28-05-93	R	01-09-93		
Bosnië en Herzegovina	02-03-04	31-03-06	R	01-07-06		
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	14-12-05	R	01-04-06		
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	21-06-05	R	01-10-05		
Letland	31-10-00	30-05-01	R	01-09-01		
Liechtenstein	02-03-04	11-05-04	R	01-09-04		

Partij	Onder- tekening	Ratificatie	Type*	In werking	Opzeg- ging	Buiten werking
Litouwen	11-02-00	01-06-01	R	01-10-01		
Luxemburg	28-01-81	10-02-88	R	01-06-88		
Macedonië, Voormalige Joegoslavische Republiek	24-03-06	24-03-06	R	01-07-06		
Malta	15-01-03	28-02-03	R	01-06-03		
Moldavië	04-05-98	28-02-08	R	01-06-08		
Monaco	01-10-08	24-12-08	R	01-04-09		
Montenegro		14-06-06	VG	06-06-06		
Nederlanden, het Koninkrijk der – Nederland: – in Europa – Bonaire – Sint Eustatius – Saba – Aruba – Curaçao – Sint Maarten	21-01-88	24-08-93 28-09-10 28-09-10 28-09-10 – – –	R R R R – – –	01-12-93 10-10-10 10-10-10 10-10-10 – – –		
Noorwegen	13-03-81	20-02-84	R	01-10-85		
Oekraïne	29-08-05	30-09-10	R	01-01-11		
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					
Servië	06-09-05	06-09-05	R	01-01-06		
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					

Partij	Onder-tekening	Ratificatie	Type*	In werking	Opzeg-ging	Buiten werking
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		

* O=Ondertekening zonder voorbehoud of vereiste van ratificatie, R= Bekrachtiging, aanvaarding, goedkeuring of kennisgeving, T=Toetreding, VG=Voortgezette gebondenheid, NB=Niet bekend

Uitbreidingen

Verenigd Koninkrijk, het

Uitgebreid tot	In werking	Buiten werking
Guernsey	01-12-1987	
Jersey	01-12-1987	
Man	01-05-1993	

Verklaringen, voorbehouden en bezwaren

Albanië, 14 februari 2005

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

- a) Processing of personal data carried out by individuals exclusively for personal purposes provided (on the condition) that these data are not intended for distribution (broadcast) through different means of communication;
- b) To personal data which, by virtue of a law, are accessible to the public and to the personal data which are published in accordance with the law.

In accordance with Article 3, paragraph 2, sub-paragraph b, of the Convention, the Republic of Albania declares that it will apply the Convention to the data (information) relating to groups of persons, associations, foundations, companies, institutions or any other bodies, consisting directly or indirectly of individuals whether or not such bodies possess legal personality.

In accordance with Article 13, paragraph 2, of the Convention, the Republic of Albania declares that the designated authorities for cooperation among the parties are:

1. Ministry of Justice
Boulevard Zogu I No. 5

TIRANA - Albania

2. INSTAT (Instituti i Statistikave)

Rruga Lekë Dukagjini

TIRANA - Albania

Concerning the respective competences of the above-mentioned authorities:

- INSTAT is the competent authority responsible for the cooperation between parties for all issues related to statistics and any kind of data or information made by INSTAT or under its authority;
- the Ministry of Justice is the competent authority responsible for other issues not treated by INSTAT, as above mentioned.

Andorra, 6 mei 2008

In accordance with Article 3, paragraph 2, subparagraph a, of the Convention, Andorra declares that it does not apply the Convention to the following personal data:

- a. Personal data relating to State security and to the investigation and prevention of criminal offences.
- b. Datas concerning individuals and related to their entrepreneurial, professional and commercial activity.
- c. Public registers specifically regulated by Law in Andorra, the regulation applicable to bank confidentiality as well as regulatory rules on professional confidentiality.

In accordance with Article 3, paragraph 2, subparagraph c, of the Convention, Andorra declares that it will apply the Convention to personal data files which are not processed automatically and which are subjected to provisions under Andorra's domestic law.

In accordance with Article 13, paragraph 2, of the Convention, Andorra designates as competent authority to render mutual assistance between the Parties:

Agència Andorrana de Protecció de Dades

(Agence andorrane pour la protection des données)

C/Prat de la Creu, 59-65

AD500 Andorra la Vella

Principat d'Andorra

Tel. (+376) 808115

Azerbeidzjan, 3 mei 2010

In accordance with Article 3, paragraph 2, sub-paragraph a, of the Convention, the Republic of Azerbaijan declares that the provisions of the Convention will not be applied to the categories of personal data files, which are subject to State secret and processed by natural persons exclusively for personal and family needs in compliance with the rules defined by the legislation.

In accordance with Article 3, paragraph 2, sub-paragraph c, of the Convention, the Republic of Azerbaijan declares that the provisions of the

Convention will be applied to personal data files which are not processed automatically.

In accordance with Article 13, paragraph 2, sub-paragraph a, of the Convention, the Ministry of Justice of the Republic of Azerbaijan is designated as a competent authority for furnishing information on the law and administrative practice in the field of data protection and for furnishing factual information.

The contact information are the following:

Ministry of Justice of the Republic of Azerbaijan

1, Inshaatchilar Avenue,

Baky city, AZ 1073

Republic of Azerbaijan.

Email: contact@justice.gov.az.

The Republic of Azerbaijan declares that it is unable to guarantee the implementation of the provisions of the Convention in its territories occupied by the Republic of Armenia until the liberation of those territories from the occupation and complete elimination of the consequences of that occupation.

The Republic of Azerbaijan declares that the rights and obligations set out in the provisions of the Convention shall not be applied by the Republic of Azerbaijan in respect of the Republic of Armenia.

België, 28 mei 1993

In accordance with Article 3, paragraph 2 a of the Convention, Belgium will not apply the Convention to the processing of personal data managed by individuals which by its nature is intended for private, family or household use and retains this purpose.

In accordance with Article 3, paragraph 2 a of the Convention, Belgium will not apply the Convention to processing that applies exclusively to personal data made public by virtue of a statute or regulation.

In accordance with Article 3, paragraph 2 a of the Convention, Belgium will not apply the Convention to processing that applies exclusively to personal data, which the person to whom it relates makes public or has made public, provided the processing is in keeping with the purpose thereof.

In accordance with Article 3, paragraph 2 c of the Convention, Belgium will also apply this Convention to personal data files that are not processed automatically.

The designated authority for furnishing the information covered by Article 13, paragraph 3 a, is the

Ministry of Justice

Department of Civil and Criminal Affairs

Place Poelaert 3

1000 BRUXELLES

The competent authority for furnishing the information contained in Article 13, paragraph 3 b is the

Commission for the Protection of Privacy

Place Poelaert 3
1000 BRUXELLES

The designated authority for the purposes of Article 14 is the
Commission for the Protection of Privacy

Place Poelaert 3
1000 BRUXELLES

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 Com-
missioner 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

Denemarken, 23 oktober 1989

The Convention shall not apply to the Faroe Islands and Greenland.

The Danish authority designated shall be:

Data Surveillance Authority (D.S.A.)

(Registertilsynet)

Christians Brygge 28, 4

DK-1559 COPENHAGEN V

Tel: 31 14 38 44

Duitsland, 19 juni 1985

The Federal Republic of Germany starts from the assumption that a
request for information pursuant to Article 8, paragraph b, cannot be
complied with if the data subject is unable adequately to specify his
request.

The Federal Republic of Germany, with reference to paragraph 67, sub-
paragraph 5, of the Explanatory Report to the Convention for the Pro-
tection of Individuals with regard to Automatic Processing of Personal
Data, starts from the assumption that Article 12, paragraph 2, leaves a
Party at liberty to lay down, in its domestic data protection law, provi-
sions which do not permit, in particular cases, the transfer of personal
data, in consideration of the interests of the data subject that warrant
protection.

Duitsland, 25 oktober 1994

The competent authority, for the sphere of competence of the Federal
Government, is:

Bundesministerium des Innern

Graurheindorfer Strasse 198

53117 Bonn

The competent authorities, for the spheres of competence of the Länder, are:

Baden-Württemberg

Innenministerium Baden-Württemberg

Dorotheenstrasse 6

70173 Stuttgart

Freistaat Bayern

Bayerisches Staatsministerium des Innern

Odeonsplatz 3

80539 München

Berlin

Senatsverwaltung für Inneres von Berlin

Fehrbelliner Platz 2

10707 Berlin

Brandenburg

Ministerium des Innern des Landes Brandenburg

Postfach 60 11 65

14411 Potsdam

Freie Hansestadt Bremen

Senator für Inneres und Sport der Freien Hansestadt Bremen

Postfach 10 15 05

28203 Bremen

Freie und Hansestadt Hamburg

Finanzbehörde

- Amt für Informations - und Kommunikationstechnik -

Steckelhörn 12 (Gotenhof)

20457 Hamburg

Hessen

Hessisches Ministerium des Innern und für Europaangelegenheiten

Friedrich-Ebert-Allee 12

65185 Wiesbaden

Mecklenburg-Vorpommern

Innenminister des Landes

Mecklenburg-Vorpommern

Karl-Marx-Strasse 1

19055 Schwerin

Niedersachsen

Niedersächsisches Innenministerium

Postfach 2 21

30002 Hannover

Nordrhein-Westfalen

Innenministerium des Landes Nordrhein-Westfalen

40190 Düsseldorf

Rheinland-Pfalz

Ministerium des Innern und für Sport

Postfach 32 80

55022 Mainz

Saarland
 Ministerium des Innern des Saarlandes
 Postfach 10 24 41
 66024 Saarbrücken
 Freistaat Sachsen
 Sächsisches Staatsministerium des Innern
 01095 Dresden
 Sachsen-Anhalt
 Ministerium des Innern des Landes Sachsen-Anhalt
 Postfach 35 60
 39010 Magdeburg
 Schleswig-Holstein
 Innenminister des Landes
 Schleswig Holstein
 Düsternbrooker Weg 92
 24105 Kiel
 Freistaat Thüringen
 Innenministerium Thüringen
 Postfach 2 61
 99006 Erfurt

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.

Finland, 19 maart 1992

Competent Authority:
 Data Protection Ombudsman
 Kauppakartanonkatu 7 A 41
 P.O. Box 31
 00931 HELSINKI
 Finland

Frankrijk, 28 januari 1981

The Government of the French Republic declares that in Article 9, paragraph 2(a) it interprets the phrase “Sécurité d’Etat” as meaning “Sûreté de l’Etat” and the phrase “Sûreté publique” as meaning “Sécurité publique”.

Frankrijk, 16 mei 1983

The Government of the French Republic wishes to make the following complementary declaration:

In accordance with the provisions of Article 3, paragraph 2, subparagraph c, it will also apply the present Convention to personal data files which are not processed automatically.

Frankrijk, 13 maart 1992

Competent Authority:

National Commission for Computerization and Freedom

21, rue Saint-Guillaume

75007 PARIS

Tél: (1) 45 44 40 65

Fax: (1) 45 49 04 55

Hongarije, 8 oktober 1997

The Government of the Republic of Hungary hereby declares that in accordance with Article 3, paragraph 2, subparagraph c, of the Convention, it will also apply the Convention to data classified without the aid of electronic or automatic processing.

In conformity with Article 13, paragraph 2, subparagraph a, of the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data, done at Strasbourg, on 28 January 1981, the Ministry of Justice of the Republic of Hungary has been designated by the Government of the Republic of Hungary as the competent authority to render assistance to the Parties, in order to implement the convention. The address of the Ministry of Justice of the Republic of Hungary is as follows:

Igazságügyi Minisztérium

H-1363 Budapest

Szalay u. 16.

Ierland, 25 april 1990

The Government of Ireland wish to make a declaration in accordance with Article 3(2)(a) of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data to the effect that the Convention will not apply to the following categories of automated personal data files, which are set out at Section 1(4) of the Data Protection Act 1988, to wit:

- a. personal data that in the opinion of the Minister for Justice or the Minister for Defence are, or at any time, were, kept for the purpose of safeguarding the security of the State;
- b. personal data consisting of information that the person keeping the data is required by law to make available to the public;
- c. personal data kept by an individual and concerned only with the management of his personal, family or household affairs or kept by an individual only for recreational purposes.

Ierland, 5 mei 2009

Declaration regarding application of the Convention to personal data files which are not processed automatically (Article 3.2 (c)):

Ireland 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. In accordance with Article 13(2)(a) of the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data, (...) the designated authority, in respect of Ireland, is:

Data Protection Commissioner

Canal House

Station Road

Portarlington

Co. Laois

Ireland.

IJsland, 18 april 2002

Persónuvernd (The Data Processing Authority)

Rauðarástíg 10

105 Reykjavík

Iceland

Tel.: (00354)510.9600

Fax: (00354)510.9606

Italië, 29 maart 1997

Italy declares, with regard to Article 3, paragraph 2, sub-paragraph a, of the Convention, that it will not apply the Convention to the processing of personal data from individuals, provided that these data are not intended for systematic communication or for broadcast.

-List provided for by Article 3, paragraph 2, sub-paragraph a:

Processing of personal data carried out by individuals exclusively for personal purposes, provided that these data are not intended for systematic communication or for broadcast.

Italy declares, with regard to Article 3, paragraph 2, sub-paragraph b, of the Convention, that it will also apply the Convention to the processing of personal data concerning legal person, groups, foundations, associations.

Italy declares, with regard to Article 3, paragraph 2, sub-paragraph c, of the Convention, that it will also apply the Convention to data classified without the aid of electronic or automatic processing.

Italy declares that the authority designated for the purposes of cooperation and mutual assistance between Parties provided for by Chap-

ter IV of the Convention is the “Garante per la tutela delle persone e di altri soggetti rispetto al trattamento dei dati personali”, whose provisional seat is at the Chamber of Deputies, Palais Montecitorio, I-00100 ROME.

Kroatië, 21 juni 2005

In accordance with Article 3, paragraph 2, sub-paragraph a, of the Convention, the Republic of Croatia declares that the Convention will not apply to the automated personal data files kept by individuals exclusively for personal use or for household purposes.

In accordance with Article 3, paragraph 2, sub-paragraph c, of the Convention, the Republic of Croatia declares that the Convention will also apply to personal data files which are not processed automatically.

In accordance with Article 13, paragraph 2, sub-paragraph a, of the Convention, the Republic of Croatia declares that the competent authority is the Personal Data Protection Agency.

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.

Letland, 19 mei 2006

In accordance with Article 3, paragraph 2.a, of the Convention, the Republic of Latvia declares that:

– it will apply the Convention to those personal data files which are subject to the law “On Official Secrets” considering the exceptions listed in this law, i.e. , information which may not be an Official Secret. According to Article 5 of the Law on Official Secrets, it is prohibited to grant the status of an official secret and to restrict access to the following information:

1. information regarding natural disasters, natural or other calamities and the consequences thereof;
2. information regarding the environmental, health protection, educational and cultural state, as well as the demographic situation;
3. information regarding violations of human rights;
4. information regarding the crime rate and the statistics thereof, corruption cases, irregular conduct of officials;
5. information regarding the economic situation in the State, implementation of the budget, living standards of the population, as well as the salary scales, privileges, advantages and guarantees specified for officials and employees of State and local government institutions, and

6. information regarding the state of health of the heads of State.
- it will not apply the Convention to the personal data files which are processed by public institutions for the purposes of national security and criminal law.

This declaration replaces the previous declaration made by the Republic of Latvia on 28 November 2005, registered by the Secretariat General on 8 December 2005.

Letland, 30 mei 2008

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 Inspectorate

Kr. Barona Str. 5-4

Riga, LV-1050 Latvia

Tel: +371.67223131

Fax: +371.67223556

E-mail: info@dvi.gov.lv

Website: <http://www.dvi.gov.lv>

Liechtenstein, 11 mei 2004

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.

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

Luxemburg, 10 februari 1988

The Grand Duchy of Luxembourg declares that it avails itself of the right, within the limits of Article 3(2)a) of the Convention, not to apply the Convention:

- a. to data banks which, by virtue of a law or regulation are accessible to the public;
- b. to data banks which exclusively contain data relating to the owner of the data bank;
- c. to data banks which have been set up for public international law institutions.

Luxemburg, 21 april 2010

The Grand Duchy of Luxembourg designates as the competent authority for the granting of assistance for the implementation of the Convention: the Consultative Committee established by the law of 31 March 1979 regulating the use of personal data in automated processing:

c/o Ministry of Justice

13 Rue Erasme

Centre Administratif Pierre Werner

L - 1468 Luxembourg

Macedonië, Voormalige Joegoslavische Republiek, 24 maart 2006

In accordance with Article 3, paragraph 2.a, of the Convention, the Republic of Macedonia declares that it will not apply the Convention to the following categories of personal data:

- Processing of personal data carried out by individuals exclusively for personal use or household purposes;
- Processing of personal data for the purpose of safeguarding national security and national defence of the Republic of Macedonia, or
- in conducting criminal proceedings.

Macedonië, Voormalige Joegoslavische Republiek, 16 mei 2006

In accordance with Article 13, paragraph 2.a, of the Convention, the function of the Macedonian information center is fulfilled by the:

Directorate for Personal Data Protection

“Kej 13 Noemvri”

GTC, floor II, Section II

1000 Skopje Rep. Macedonia

Contact person: Ms Marijana Marusic

Tel.: +389 2 3 230 635

Fax: +389 2 3 230 617

email: marijana.marusic@dzip.gov.mk and
info@dzip.gov.mk

Macedonië, Voormalige Joegoslavische Republiek, 4 november 2008

Partial withdrawal of a declaration:

Following the adoption by the Parliament of the Republic of Macedonia of the Amendments to the Law of Protection of Personal Data, the last item of the declaration made to Article 3 of the Convention contained in the instrument of ratification of the Republic of Macedonia is no longer valid.

The Republic of Macedonia, therefore, withdraws only the last item of the declaration made to Article 3, paragraph 2.a, of the Convention, which reads as follows: "In accordance with Article 3, paragraph 2.a, of the Convention, the Republic of Macedonia declares that it will not apply the Convention to the categories of personal data in conducting criminal proceeding."

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

Moldavië, 28 februari 2008

In accordance with Article 3, paragraph 2.a, of the Convention, the Republic of Moldova will not apply the provisions of the Convention to:

- a. the data processing which is carried out by individuals exclusively for their personal and family use provided that the rights of the personal data subjects are not violated;
- b. the personal data processing subject to the legal regime on information which constitutes a State's secret.

In accordance with Article 3, paragraph 2.c, of the Convention, the Republic of Moldova will also apply the Convention to personal data files which are not processed automatically.

Moldavië, 11 maart 2010

In accordance with Article 13, paragraph 1.a, of the Convention, the Republic of Moldova designates the National Center for the protection of personal data, created pursuant to Article 11 of the Law of the Republic of Moldova on the protection of personal data, as the competent authority for the implementation of the provisions of the Convention, and for the reports on co-operation with other Parties. The contact information are:

National Center for Personal Data Protection

Str. Serghei Lazo nr. 48

MD-2004

CHISINAU

Republic of Moldova

Tel.: +373 22 820801

Fax: +373 22 820807

Email: centru@datepersonale.md

Director of the Centre: Vitalie PANIS

Deputy Director of the Centre: Vasile FOLTEA

Monaco, 24 december 2008

In accordance with Article 13 of the Convention, Monaco designates as the authority responsible for providing, within the scope and limitations of the said Article, all information on Monaco's law and administrative practice regarding data protection:

Commission de Contrôle des Informations Nominatives - C. C.I.N.

"Gildo Pastor Center"

7, rue du Gabian

MC 98000 Monaco

Tel.: 00.377.97.70.22.44

Fax: 00.377.97.70.22.45

E-mail: ccin@gouv.mc

Montenegro, 19 oktober 2006

In accordance with Article 3, paragraph 2, sub-paragraph a, of the Convention, the Republic of Montenegro shall not apply the Convention to automated databases containing personal data being kept in accordance with criminal records and State security regulations.

In accordance with Article 13 of the Convention, Montenegro designates the following responsible authority:

Secretariat for development of the Republic of Montenegro

No. 46, Rimski trg

81000 Podgorica.

Nederlanden, het Koninkrijk der, 24 augustus 1993

Pursuant to Article 3, second paragraph, under a. of the Convention, the Kingdom of the Netherlands (for the Kingdom in Europe) declares that:

- I. The Convention shall not apply to the following personal data files:
- personal data files which are by their nature intended for personal or domestic use;
 - personal data files kept exclusively for public information purposes by the press, radio or television;
 - books and other written publications, or index systems pertaining to them;
 - personal data files kept in archive repositories designated for that purpose by law;
 - personal data files which are established and to which public access is required by law;
 - personal data files kept for the purpose of implementing the Elections Act; (“Kieswet”);
- II. The Convention shall as yet not apply to the following personal data files:
- personal data files established under or pursuant to the Criminal Records and Certificates of Good Behaviour Act (“Wet op de justitiële documentatie en op de verklaringen omtrent het gedrag”);
 - personal data files established pursuant to the Population and Residence Registers Act (“Wet bevolkings- en verblijfsregisters”);
 - the central register of students in higher education, established under the University Education Act, the Higher Vocational Education Act and the Open University Act (“Wet op het wetenschappelijk onderwijs, Wet op het hoger beroepsonderwijs, Wet op de open universiteit”); and
 - files of registered vehicle registration marks and of issued driving licences, established pursuant to the Road Traffic Act (“Wegenverkeerswet”).

In accordance with Article 13, second paragraph, under a. of the Convention, the authority designated by the Kingdom of the Netherlands (for the Kingdom in Europe) is:

Registratiekamer
 Postbus 3011
 NL - 2280 GA Rijswijk
 The Netherlands
 Tel.: 19-31-70-3190190
 Fax: 19-31-70-3940460.

Nederlanden, het Koninkrijk der, 28 september 2010

The Kingdom of the Netherlands currently consists of three parts: the Netherlands, the Netherlands Antilles and Aruba. The Netherlands Antilles consists of the islands of Curaçao, Sint Maarten, Bonaire, Sint Eustatius and Saba.

With effect from 10 October 2010, the Netherlands Antilles will cease to exist as a part of the Kingdom of the Netherlands. From that date onwards, the Kingdom will consist of four parts: the Netherlands, Aruba, Curaçao and Sint Maarten. Curaçao and Sint Maarten will enjoy internal self-government within the Kingdom, as Aruba and, up to 10 October 2010, the Netherlands Antilles do.

These changes constitute a modification of the internal constitutional relations within the Kingdom of the Netherlands. The Kingdom of the Netherlands will accordingly remain the subject of international law with which agreements are concluded. The modification of the structure of the Kingdom will therefore not affect the validity of the international agreements ratified by the Kingdom for the Netherlands Antilles: these agreements, including any reservations made, will continue to apply to Curaçao and Sint Maarten.

The other islands that have until now formed part of the Netherlands Antilles – Bonaire, Sint Eustatius and Saba – will become parts of the Netherlands, thus constituting “the Caribbean part of the Netherlands”. The agreements that now apply to the Netherlands Antilles will also continue to apply to these islands; however, the Government of the Netherlands will now be responsible for implementing these agreements.

In addition, a number of the agreements that currently apply to the Netherlands are hereby declared applicable, from 10 October 2010, to this Caribbean part of the Netherlands.

Noorwegen, 20 februari 1984

The Convention shall not apply to private personal registers which are not utilised in the private sector or by societies or foundations.

The rules of the Convention shall also be applied to information on associations or foundations.

The Convention will not be made applicable to Svalbard.

The institution in Norway designated in pursuance of Article 13, paragraph 2a of the Convention shall be:

Datatilsynet (The Data Inspectorate)

Postboks 8177 Dep.

OSLO 1

Oekraïne, 30 september 2010

In accordance with Article 3, paragraph 2, sub-paragraph a, of the Convention, Ukraine declares that it will apply the Convention to the personal data which are processed by natural persons exclusively for personal or everyday needs.

In accordance with Article 3, paragraph 2, sub-paragraph b, of the Convention, Ukraine declares that it will apply the Convention to the information pertaining to groups of persons, associations, funds, companies, corporations and any other organisations, which directly or indirectly consist of individuals irrespective of the fact, whether such offices have, or do not have, the status of legal entity.

In accordance with Article 3, paragraph 2, sub-paragraph c, of the Convention, Ukraine declares that it will apply the Convention to files of personal data, which are not processed automatically.

In accordance with Article 13, paragraph 2, of the Convention, Ukraine declares that the designated authority is the Ministry of Justice of Ukraine.

Oostenrijk, 30 maart 1988

The Republic of Austria takes the assumption that the term “dissemination” covers the terms “communication” and “making available” used in section 3 paragraphs 9 and 10 of the amendment to the Austrian Data Protection Act, Federal Law Gazette No. 370/1986.

The Republic of Austria takes the assumption that this requirement [Article 5.e] is fully met by the stipulation of the Austrian Data Protection Act concerning the deletion of data upon application by the data subject.

The Republic of Austria takes the assumption that the contents of the phrase “provided for by the law of the Party” contained in the introductory sentence of Article 9(2) of the Convention conforms to the contents of the phrase “in accordance with the law” contained in Article 8(2) of the European Convention on Human Rights, and that it is therefore in agreement with the Convention if under the Austrian basic right to data protection it is admissible to restrict such basic right only if provided for by the law.

The Republic of Austria takes the assumption that, in its scope, the restriction in the interest of the “monetary interests of the State” as provided for in Article 9(2)a of the Convention in conjunction with the restriction under paragraph 2(b) corresponds to the restriction in the interest of the “economic well-being of the country” contained in Article 8(2) of the European Convention on Human Rights.

In compliance with Article 13(2) it is hereby notified that the authority responsible for rendering assistance in the implementation of this Convention shall be:

Bundeskanzleramt
Ballhausplatz 2,
A-1014 VIENNA

In accordance with Article 3(2)b it is hereby notified that Austria will also apply this Convention to information relating to groups of persons, associations, foundations, companies, corporations or any other bodies consisting directly or indirectly of individuals whether or not such bodies possess legal personality (legal persons or associations of persons within the meaning of section 3(2), Data Protection Act).

Portugal, 31 mei 2002

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.

Servië, 6 september 2005

In accordance with Article 3, paragraph 2, sub-paragraph a, of the Convention, Serbia and Montenegro shall not apply the Convention to automated databases containing personal data being kept in accordance with criminal records and State security regulations.

Servië, 20 juli 2006

In accordance with Article 13 of the Convention, Serbia designates the following responsible authority:

Ministry of Interior of the Republic of Serbia

Department for International Cooperation
 11000 Belgrade, No. 101, Kneza Milosa St.
 Tel. + 381 11 161 78 54
 Fax + 381 11 362 01 89

Slovenië, 19 januari 1995

In accordance with Article 13. 2. a., the designated authority is:
 Ministry of Justice of the Republic of Slovenia,
 Mr Joze Santovec,
 Counsellor to the Government,
 (Chief of the Data Protection Sector),
 Zupanciceva 3,
 61000 LJUBLJANA.
 Tel: 386 61 1765 211
 Fax: 386 61 210 200

Slowakije, 13 november 2000

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

Spanje, 26 januari 1999

Central Authority:

Ministerio de Justicia, Secretaría General Técnica, San Bernardo, 45,
 28071 Madrid, Espana.

Spanje, 5 maart 2008

If the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data were to be extended by the United Kingdom to Gibraltar, the Kingdom of Spain would like to make the following declaration:

1. Gibraltar is a non-autonomous territory for the international relations of which the United Kingdom is responsible and which is subject to a decolonisation process in accordance with the relevant decisions and resolutions of the General Assembly of the United Nations.

2. The authorities of Gibraltar have a local character and exercise exclusively internal competences which have their origin and their foundation in the distribution and attribution of competences performed by the United Kingdom, in compliance with its internal legislation, in its capacity as sovereign State on which the mentioned non-autonomous territory depends.

3. As a result, the eventual participation of the Gibraltarian authorities in the application of this Convention will be understood as carried out exclusively as part of the internal competences of Gibraltar, and it cannot be considered to produce a change in relation with what was established in the two previous paragraphs.

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

The United Kingdom withdraws the following declaration, made on 26 august 1987 in respect of the United Kingdom, but maintains it in respect of Jersey, Gueunsey and the Isle of Man:

The Convention will not be applied to the following categories of automated personal data files:

- a. payroll and pensions: personal data held only for calculating employment remuneration or pensions, or paying deductions from same;
- b. accounts and transaction records: personal data held only for keeping accounts or records of transactions;
- c. information publicly available by law: personal data which must be publicly available under an enactment.

... the following declaration (...) applies only to the Isle of Man, and not to the United Kingdom or other Islands:

In accordance with Article 3, paragraph 2, sub-paragraph (a) of the Convention, I declare that the Convention will not be applied to personal data files held only for distributing or supplying or recording the distribution or supply of articles, information or services to the data subjects. 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
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 of the designated authority for the Isle of Man is now:

The Data Protection Registrar
Willow House
Main Road
Onchan
Isle of Man IM3 4PR

Zweden, 3 oktober 1985

The Data Inspection Board
Box 12050

S-102 22 STOCKHOLM

has been declared the competent authority in accordance with Article 13, paragraph 2, subparagraph a. of the Convention.

Zwitserland, 2 oktober 1997

In accordance with Article 3, paragraph 2, of the Convention:

The Convention will also apply to personal data concerning legal persons and to personal data files which are not processed automatically.

The Convention will not apply:

- a. to files set up and used by Federal and cantonal parliaments during their deliberations,
- b. to files of the International Committee of the Red Cross,
- c. to personal data files processed by an individual for his or her personal use exclusively and that will not be communicated to third persons.

The Federal Data Protection Commissioner is the competent authority to render assistance in the implementation of the Convention.

Wijzigingen van 15 juni 1999

Zie rubriek J van *Trb.* 2000, 69 en, laatstelijk, *Trb.* 2004, 287.

G. INWERKINGTREDING

Zie *Trb.* 1988, 7, *Trb.* 1993, 157 en rubriek J van *Trb.* 2000, 69.

Wat betreft het Koninkrijk der Nederlanden, geldt het Verdrag, dat vanaf 1 december 1993 alleen voor het Europese deel van Nederland gold, vanaf 10 oktober 2010 ook voor het Caribische deel van Nederland.

J. VERWIJZINGEN

Zie voor verwijzingen en andere verdragsgegevens *Trb.* 1988, 7, *Trb.* 1993, 116 en 157, *Trb.* 2000, 69 en *Trb.* 2004, 287.

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
- Laatste *Trb.* : *Trb.* 2011, 28¹⁾

Overige verwijzingen

- Titel : Statuut van de Raad van Europa;
Londen, 5 mei 1949
- Laatste *Trb.* : *Trb.* 2007, 146

¹⁾ In *Trb.* 2004, 287 is ten onrechte *Trb.* 2004, 000 opgenomen als verwijzing naar het laatste Tractatenblad. Dat moest *Trb.* 2004, 288 zijn.

Uitgegeven de *vierde* februari 2011.
De Minister van Buitenlandse Zaken,
U. ROSENTHAL