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CAHDATA(2014)05Addendum

AD HOC COMMITTEE ON DATA PROTECTION
COMITE AD HOC SUR LA PROTECTION DES DONNEES
(CAHDATA)

Compilation of comments received / Compilation des commentaires reçus

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Preamble – First paragraph

SK supports the proposal of the EU position as it is better to formulate general aspects of the proposed draft of the Convention at the first place and subsequently introduce specific reasons.

Article 1

We consider as redundant to point out “the jurisdiction of the Parties” that this circumstance is evident from the whole Convention 108. For this reason SK supports the EU position but we do not agree to add word “every” before the word “individuals”.

Article 2(c)

SK supports the EU position to the second paragraph.

Article 3(1)

SK consider the Convention 108 as a general legal instrument which should provide general provisions of data processing regardless if it relates to public and private sector. It is on the side of the contracting party to set out special provision or make difference between public and private sector in its national legislation. Separate remittance for the private and public sector could cause necessity to provide further specifications and provisions. For this reason we propose following wording: **“Each Party undertakes to apply this Convention to data processing subject to its jurisdiction, thereby securing the right of every individuals to protection of his/her personal data.”**

Article 4(2)

Taking into account the provisions set out in Article 19(e) and 23(1) we support the proposal of T-PD because the adequacy level will be evaluated before any State or organisation will be invited to accede to the Convention.

Article 6(1)

Personal Identification Number belongs to the special category of personal data according to the Slovak Act on Personal Data Protection. The Personal Identification Number is a very specific personal data based on which data subject could be easily and uniquely identified. We know that many other countries use the PIN to identify data subject in the filing systems. Based on the above we propose to add **Personal Identification Number** as one of the dash point of the Article 6(1).

Article 8

SK does not agree with the first sentence of Article 8 and supports the wording of this sentence proposed for a discussion. Only data subject concerned by data processing possesses the rights set out by this Article and wording “every person” could lead to a legal uncertainty.

Article 8bis(3)

SK supports the proposal for discussion.

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