



Ukrainian Parliament Commissioner for Human Rights

Department for Personal Data Protection

CONVENTION FOR THE PROTECTION OF INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA (ETS/STE No. 108)

- ▶ Ukraine ratified the Convention on July 6, 2010.
- ▶ Ukraine declared:
 - that it will not apply the Convention to the personal data which are processed by natural persons exclusively for personal or everyday needs.
 - 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.
 - that it will apply the Convention to files of personal data, which are not processed automatically.

The Law of Ukraine «On Personal Data Protection»

- ▶ Adopted by the Parliament on June 1, 2010.
- ▶ Entered into force on January 1, 2011.
- ▶ Provides legislative framework to establish personal data protection system.

Control over the observance of legislation on personal data protection in Ukraine

- ▶ On the 1st of January, 2014 the Law of Ukraine “On amendments to certain legislative acts of Ukraine concerning the improvement of personal data protection” entered into force, and, consequently, the previous edition of the Law of Ukraine “On personal data protection” was amended.
- ▶ In accordance to the specified changes, the control functions of compliance with the legislation on personal data protection were assigned to the Ukrainian Parliament Commissioner for Human Rights.
- ▶ This approach ensures implementation of the international standards regarding the national supervisory authority’s independence responsible for enforcement of legislation on personal data protection sphere.
- ▶ The following bodies exercise control over the observance of legislation on protection of personal data within their authorities provided for by the law:
 - 1) The Commissioner;
 - 2) courts.
- ▶ Certain acts in the sphere of personal data protection were approved by the order of the Ombudsman of January 8, 2014 №1 / 02-14

Sixth Progress Report of the European Commission on the Implementation by Ukraine of the Action Plan on Visa Liberalisation (December 2015)

- ▶ “Ukrainian authorities have been satisfactorily implementing the law on protection of personal data and the independent data supervisory authority operates efficiently.”

Department for Personal Data Protection

- ▶ The main task of the Department is to ensure the implementation of the powers of the Ombudsman in the sphere of personal data protection, including exercise of the control over the observance of human rights in the sphere of personal data protection, consideration of petitions and taking measures to restore the violated rights of petitioners in the sphere of personal data protection.

Structure of the Department on Personal Data Protection of the Ombudsman's Office



The authorities of the Ukrainian Parliament Commissioner for Human Rights in the sphere of protection of personal data

- ▶ To carry out consideration of petitions from citizens or on her own initiative
- ▶ To issue mandatory orders upon the results of the consideration in order to prevent or eliminate the violations of legislation on personal data protection
- ▶ To draw up administrative offence protocols and submit them to courts
- ▶ To provide explanations of the legislation in the area of personal data protection
- ▶ To submit proposals on amendments to legislation in the area of personal data protection
- ▶ To interact directly with the holders of the personal data on matters related to the personal data protection.

Consideration of petitions

- ▶ Total number of petitions concerning the personal data protection from citizens and legal entities in **2015 - 638**.
- ▶ Total number of petitions concerning the personal data protection from citizens and legal entities in **2016 (as of 27 October 2016) - 997**.
- ▶ The number of petitions is **constantly increasing**.

Petitions regarding the violation of the personal data protection legislation

Petitions usually concern:

- ▶ *transfer of personal data to third parties;*
- ▶ *legal grounds for processing of personal data;*
- ▶ *access of the personal data subject to his/her personal data;*
- ▶ *compliance with the personal data protection legislation on the Internet*

Inspections carried out by the Department

- ▶ With the purpose of monitoring the observance of legislation on personal data protection in 2015-2016, the employees of the Department for Personal Data Protection of the Secretariat of the Ombudsman carried out numerous scheduled and unscheduled inspections of personal data controllers (bodies of state power, enterprises, other institutions and organizations, irrespective of the form of their ownership).
- ▶ The number of inspections increase every year. **62** inspections were held in **2015**, while in 2014 it was **53**. **66 inspections have been conducted in 2016 as of as of October 27, 2016.**

Inspections carried out by the Department

inspections are carried out in the following spheres of public relations:

- ▶ *social services;*
- ▶ *medical services;*
- ▶ *housing and communal services;*
- ▶ *telecommunications and other consumer services;*
- ▶ *military*
- ▶ *migration*
- ▶ *law enforcement*
- ▶ *education*

... and other spheres.

Personal data protection HOTLINE

- ▶ *about 3-6 consultations per day*



Legal examination

- ▶ Based on applications or on the Ombudsman's own initiative, the Ombudsman regularly analyses legislative acts concerning personal data processing in various spheres of public relations.
- ▶ Public authorities on their own initiative sent drafts of legislative acts concerning the collection, storage and use of personal data for the review by the Ombudsman.
- ▶ About 50 drafts of legislative acts concerning personal data processing were examined in 2015-2016.

Amendments to the Law of Ukraine "On Personal Data Protection"

- ▶ With the support of the Office of the Council of Europe in Ukraine, a working group on drafting amendments to the Law of Ukraine "On Personal Data Protection" has been established at the Committee of the Verkhovna Rada of Ukraine for Human Rights, National Minorities and Interethnic Relations
- ▶ Currently, the work on the text of the draft law on amendments to the Law of Ukraine "On Personal Data Protection" is being actively conducted. In particular, the work on the first version of the draft law is being prepared for discussion with experts, including experts from the Council of Europe.