

12/2018

ENHANCING DATA PROTECTION IN THE REPUBLIC OF BELARUS

Project description

Context

In Belarus, Data Protection legislation is scattered in different sectorial laws and there is no Data Protection Authority. In 2016 and 2017, under the Partnership for Good Governance (PGG) joint programme, the Council of Europe carried out activities in Belarus, in particular towards the preparation of data protection law by the National Centre of Legislation and Legal Research (NCLLR) of the Republic of Belarus. Among these activities were legal analysis of the current legislation and expert analysis and seminar on a concept of a draft law on data protection. The Concept was subsequently submitted to the Presidency of Belarus and accepted.

The National Centre of Legislation and Legal Research of the Republic of Belarus (NCLLR) engaged in drafting a law on data protection. Further support was given to the Centre in the form of a study visit at the French Data Protection Authority (Commission nationale de l'informatique et des libertés - CNIL) on 13 June 2018, followed by an international workshop, on 14 June 2018, with the participation of representatives of data protection authorities of Belgium, France, Georgia and the UK as well as of an independent expert. During both events, the eight delegates of the NCLLR obtained a wealth of detailed information on the powers, the organisation, the operation, the funding, etc. of data protection authorities, as well as on the requirements of the modernised Convention 108 and of the EU General Data Protection Regulation. All topics and information were actively and openly discussed.

Analysis and needs assessment

1. Expressed needs and situation analysis

On 27 September 2018, representatives of the Ministry of Foreign Affairs of the Republic of Belarus discussed possible co-operation with Council of Europe, among which possible follow-up of support already given on data protection.

The draft law have reached completion stage and, following approval by the President of the Republic, was submitted to the Parliament for the legislative process.

The National Centre for Legislation and Legal Research expressed needs for further support in the form of workshops/seminars to discuss the final draft with parliamentarians and study visit to a country with similar conditions to help preparing a presidential decree for the setting up of a future Data Protection Supervisory Authority.

2. Relevant standards

The modernised Convention for the protection of individuals with regard to the processing of personal data (Convention 108 +) specifically requires the establishment of an independent data protection authority. This is a sine qua non condition for an adequate protection system (ref. Articles 15 à 21).