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**CONSULTATIVE COMMITTEE OF THE CONVENTION FOR THE PROTECTION OF
INDIVIDUALS WITH REGARD TO AUTOMATIC PROCESSING OF PERSONAL DATA**

**OPINION ON THE REQUEST FOR ACCESSION
BY THE REPUBLIC OF KAZAKHSTAN**

Introduction

On 19 April 2018 the Secretary General of the Council of Europe received a letter dated 03/2018 informing him that the Republic of Kazakhstan wished to accede to the Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data (hereinafter, "Convention 108").

The Consultative Committee of Convention 108 would point out that, in 2008, it referred to the Committee of Ministers its recommendation for non-member states with data protection legislation in compliance with Convention 108 to be invited to accede to the Convention. The Ministers' Deputies took note of this recommendation and agreed to examine every accession request in the light of it (1031st meeting, 2 July 2008).

Opinion

In accordance with Article 4 of Convention 108, each Party shall take the necessary measures in its domestic law to give effect to the basic principles for data protection set out in the Convention (Chapter II).

Having taken note of the Constitution (Article 18.1) of the Republic of Kazakhstan and having examined¹ the *Law No. 94-V.on Personal Data and their Protection* of 21 May, 2013, hereinafter "the Law", the Committee notes the following.

1. Object and purpose (Article 1 of Convention 108)

1. Article 1 of Convention 108 says that the purpose of the Convention is to secure "...for every individual, whatever his nationality or residence, respect for his rights and fundamental freedoms, and in particular his right to privacy, with regard to automatic processing of personal data relating to him".

2. Article 18.1 of the Constitution of the Republic of Kazakhstan says: "Everyone shall have the right to inviolability of private life, personal or family secrets, protection of honour and dignity". Within this Constitutional framework, the purpose of the Law itself is dealt with in Article 2 of the Law. It says: "The purpose of this Law shall be ensuring of protection of rights and freedoms of person and citizen upon collection and processing of his (her) personal data." Article 21 of the Law complements Article 2 by describing in more detail the purposes of protection of personal data. These are the purposes of:

"1) exercise of rights of privacy, personal and family secret;

2) ensuring of their integrity and security;

3) observance of their confidentiality;

4) exercise of right of access to them;

5) prevention of illegal collection and processing."

3. These provisions are broadly in line with Convention 108. However, the use of the expression "person and citizen" is of some concern. This could mean that the Law applies only to citizens of the Republic of Kazakhstan rather than to "...every individual, whatever his nationality or residence..." as required by the Convention.

4. Confirmation is needed that the Law applies to all individuals whether or not they are citizens of the Republic of Kazakhstan.

2. Definitions (Article 2 of Convention 108)

5. Article 1 of the Law contains the definitions of what it calls the "basic concepts" which are used in the Law.

Personal data

6. Article 1.2) of the Law defines "personal data" as: "details, related to the subject of personal data, specific or defined on their basis, recorded on an electronic, paper and (or) other physical media". The data subject is

¹ On the basis of an unofficial English translation of the Act received on 4 June 2018 from the Mission of the Republic of Kazakhstan to the Council of Europe.

The Committee also took note of Decree No. 1558/2001 but was not able to take it into account in its analysis.

defined in Article 1.16) as the "...individual to which the personal data are referred", but there is no reference to the need for the individual to be "identified or identifiable" as in Article 2.a of the Convention.

7. It would be desirable for a reference for individuals to be "identified or identifiable" to be added to the definition of "personal data".

8. Article 6 of the Law is also relevant to this definition since it divides personal data into two categories: "generally available" and "limited access". These categories are defined as follows:

"Generally available personal data – the personal data, an access to which is free with consent of the subject or on which the requirements of observance of confidentiality are not distributed in accordance with the law of the Republic of Kazakhstan"

"Personal data of limited access – the personal data, an access of which is limited by the legislation of the Republic of Kazakhstan".

There is a further provision in Article 6 which says: "Generally available sources of personal data (as well as biographical reference books, phone, address books, generally available electronic information resources, mass media) shall be used for the purposes of information support of population".

9. It is difficult to determine the scope of each of the two categories and why it is necessary for the Law to distinguish between them. Indeed, most of the substantive provisions of the Law refer simply to "personal data" without making the distinction. The meaning and purpose of the provision dealing with generally available sources are also not clear.

10. It would help the comprehensibility of the Law if the need for Article 6 were reviewed.

11. There is a reference to "the deceased" in Article 7.2 which suggests that dead people come within the scope of the definition of personal data. This is not a problem as far as the Convention is concerned.

Processing

12. The definition of "automatic processing" in Article 2.c of Convention 108 says that it "includes" the operations which it mentions. The use of the word "includes" means that the term also applies to other operations which are not expressly mentioned. In other words, it is an open list. The definition of "processing of personal data" in Article 1.12) of the Law, on the other hand, says that the term covers: "actions, directed to accumulation, storage, change, supplement, use, distribution, depersonalisation, blocking and destruction of personal data". It is a closed list. Any operation performed upon personal data that is not mentioned is not covered. Significantly, the list does not include "collection". Throughout the Law, when it is intended to cover collection as well as other processing operations, it is necessary to refer expressly to that operation. (See for example Article 5 of the Law.) The data protection regime is, therefore, built around two processes which are separately regulated within the Law: first collection, and then the other forms of processing as described in the definition of that term.

13. Separating collection from processing is not of itself a problem. It is to be noted nevertheless that the modernised Convention² does not contain this language and only sets out the definition of "data processing". In order to comply with the Convention, the Law should make clear that it applies to all operations performed upon personal data, and not simply those that are expressly mentioned in this definition.

14. As far as automated processing is concerned, the Law should apply to all personal data and not merely those contained in "bases" and this should be made clear.

15. On the other hand, the Law's definition of "personal data" (see above) refers to personal details recorded on paper as well as on electronic or other media. The Law would, therefore, appear also to cover manual processing of personal data, provided that they are contained in a "base". Since Convention 108 does not apply directly to manual processing, but permits Parties to extend its provisions to such processing, this is not a problem.

Owner

16. Unlike Convention 108, the Law does not use the term "controller" to describe the person in charge of the processing. Rather, it refers to "owner" which it defines as follows: "the owner of the base containing the

² Convention 108 as modernised by the amending Protocol CETS n° 223.

personal data (hereinafter – owner), - the state body, individual and (or) legal entity, exercising the right of possession, use and disposition of base, contained the personal data in accordance with the Laws of the Republic of Kazakhstan”. The Committee underlines that the ownership of data is not the notion that should prevail. On the contrary the controllership relies on the decision-making power regarding the purposes and means of the processing, which is missing from the definition of Article 1.9. As regards its scope, this definition seems broadly in line with the concept of “controller” in Article 2.d of Convention 108. It says that it covers state bodies as well as individuals and other legal entities.

17. However, as previously mentioned, the definition needs to be completed by the addition of a reference to the decision-making power.

18. Article 1 of the Law defines several other terms used in the Law for which there is no parallel in Article 2 of Convention 108. Two in particular should be mentioned here.

Operator

19. As with “controller”, the Law does not use the term “processor” (which is not used in Convention 108 but is found in Article 2.f of the modernised Convention). Rather, the Law refers to “operator” which Article 1.10) defines as follows: “operator of base, containing the personal data (hereinafter – operator), - the state body, individual and (or) legal entity, carrying out collection, processing and protection of personal data”.

Third person

20. Article 1.17) defines “third person” as: “a person not being a subject, owner and (or) operator, but related to them (him) (her) by consequences or legal relationship on collection”. There is no comparable definition in Convention 108. Many of the substantive provisions of the Law apply to third persons in the same way as they apply to owners or operators. (See, for example, Article 14.) This raises the question of the precise nature of the relationship between these actors, and in particular whether, in at least some circumstances, the third person should not in fact have the status of an owner.

21. The nature of the relationship between owner, operator and third person merits clarification.

3. Scope (Article 3 of Convention 108)

22. Article 3 of the Law is headed “The actions of this Law”. In effect it deals with the scope of the Law.

23. The Law contains no express statement of the sectors to which it applies, although, as already noted, the definitions of “owner” and “operator” apply to state bodies, individuals and legal entities. Article 3.1 says that the current Law deals with data protection, while Article 3.2 says that it may be complemented by other Laws and Presidential Acts.

24. Article 3.3.1) provides an exemption (similar to that in Article 3.2 of the modernised Convention) for “collection, processing and protection of personal data by the subjects exclusively for the personal and family needs, if upon that the rights of other individuals and (or) legal entities and requirements of the Laws of the Republic of Kazakhstan are not violated”.

25. Subsequent provisions of Article 3.3 provide complete exemptions from the Law for specified archival activities; state secrets; and intelligence and related operations. Convention 108 applies to all activities including those exempted from the Law by Article 3.3. However, Article 3.2.a of the Convention permits States to make a formal declaration that they will not apply the Convention to specified “categories of automated personal data files”. It is to be noted that this possibility of exempting specified categories of automated personal data files from the scope of the Convention by unilateral declaration of a Party disappears with the modernised Convention which puts in place in its article 11 a regime of lawful use of exceptions and restrictions.

4. Legitimacy of data processing and quality of data (Article 5 of Convention 108)

26. Article 5 of the Law is headed “Principles of collection, processing and protection of personal data” and reads as follows:

“Collection, processing and protection of personal data shall be carried out in accordance with the principles of:

1) observation of constitution rights and freedoms of person and citizens;

- 2) legality;
- 3) confidentiality of personal data of limited access;
- 4) equality of the rights of subjects, owners and operators;
- 5) safety ensuring of personality, society and the state.”

27. The Committee, having assessed the overall Law, considers that neither Article 5 of the Law, nor the other provisions of the Law give effect to the Data Protection principles established by Article 5 of Convention 108.

Fairness

28. Article 5.a of Convention 108 requires personal data to be obtained and processed “fairly”. The Law contains no express requirement for collection and processing of personal data to be fair, although the requirement for equality of the rights of subjects, owners and operators in Article 5.4) of the Law (see above) relates to fairness. Article 15.1 of the Law can also be interpreted as requiring an element of fairness as regards the “distribution” of personal data. It permits distribution only if “...the rights and freedoms of subject are not violated, as well as the legal interests of other individuals and (or) legal entities are not affected”. “Distribution” is defined in Article 1.15) as “...actions, in the result of commission of which there is a transfer of personal data as well as through mass media or provision of access to the personal data by any method”.

29. An important part of fairness is transparency and, in particular, the pro-active provision of information about the processing by the controller to the data subject at the time of collection of personal data. Transparency is made a specific requirement by Article 8 of the modernised Convention. The Law makes no provision for this.

30. In order to comply fully with Convention 108 a specific requirement for fairness and transparency are required in the Law.

Lawfulness

31. Article 5.a of Convention 108 also requires personal data to be obtained and processed “lawfully”. Two of the main principles set out in Article 5 of the Law (see above) are that the collection, processing and protection of personal data must be carried out in accordance with the principle of “observation of constitution rights and freedoms of person and citizens” (Article 5.1) and “legality” (Article 5.2). These seem generally to satisfy the Convention’s requirement for processing to be lawful. Moreover, Article 7.2 of the Law provides for the collection and processing of personal data of the deceased to be carried out in accordance with legislation; and Article 7.3 of the Law provides for “features of collection, processing of personal data in the electronic resources” to be established in accordance with the legislation on information.

32. For processing to be lawful it must have a legal basis (Article 5.2 of the modernised Convention says that data may be processed on the basis of “...the free, specific, informed and unambiguous consent of the data subject or of some other legitimate basis laid down by law”). Article 7.1 of the Law says that: “Collection, processing of personal data shall be carried out by the owner and (or) operator with consent of the subject or his (her) legal representative, except for the cases provided for by Article 9 of this Law”. Consent is, thus, the main legal basis for collection and processing personal data. The Law contains no definition of “consent” and there is no requirement for it to be free, specific, informed and unambiguous as in the modernised Convention. Article 8, which deals with the procedure for giving or withdrawing consent, does, though, require it to be given or withdrawn in written (including electronic) form.

33. The long list of exceptions to the requirement for consent in Article 9 of the Law mostly, although not exclusively, covers the public sector. In effect the exceptions represent alternative legal basis to consent, but it is questionable whether they go far enough. In particular there is nothing dealing with the situation in which the data subject’s vital interests are involved; or permitting private sector bodies to rely on another legal basis in order to process personal data. There is, though, in Article 9.10 provision for additional exemptions from the requirement for consent to be laid down by law.

Purpose specification

34. Article 5.b of Convention 108 deals with the purposes for which personal data may be processed. The Law contains no requirement for the collection or, more generally, the processing of personal data to be for “specified and legitimate purposes” as required by the Convention. Article 14 of the Law, which deals only

with the use of personal data rather than processing more broadly, says: "Use of personal data shall be carried out by the owner, operator and third person only for the previously stated purposes of their collection". The reference to "previously stated purpose" is odd, since the Law contains no provision requiring the owner or operator, or indeed a third person, to state the purpose for which the data are to be used. A similar form of words is used in Article 15.2 of the Law which permits the "distribution" of personal data "...in the cases fallen beyond the scope of previously stated purposes of their collection..." only with the consent of the data subject or his/her legal representative.

35. Subject to the point made in the following paragraph, a provision limiting all processing of personal data (and not simply "use" and "distribution") to "specified and legitimate purposes" is needed in the Law.

36. The prohibition in Article 14 of the Law on the use of personal data otherwise than for the stated purpose is a much stricter provision than that in the Convention which permits personal data to be used (processed) in a way that is not incompatible with the purposes of their collection. The "incompatibility" test provides the flexibility that is often needed when personal data are processed and represents an essential element of the requirement for purpose specification.

37. While its absence from the Law does not mean that Article 5.b of the Convention is not complied with, it would be desirable to add an "incompatibility" test to the requirement for purpose specification.

Data minimisation

38. Article 5.c of Convention 108 requires personal data to be "...adequate, relevant and not excessive...". Article 12.1 of the Law says: "Accumulation of personal data shall be carried out by collection of personal data, necessary and sufficient for performance of tasks, carrying out by the owner and (or) operator, as well as third person." ("Accumulation" is defined in Article 1.4) of the Law as: "actions by inclusion in the database contained the personal data".) This broadly meets the requirement in the Convention for personal data undergoing processing to be adequate and relevant, although it does not expressly require them not to be excessive.

39. A requirement for personal data not to be excessive is needed.

Accuracy

40. Article 5.d of Convention 108 requires personal data to be "...accurate and, where necessary, kept up to date...". There is no corresponding provision in the Law, and such a requirement is needed.

Storage period

41. Article 5.e of Convention 108 says that personal data must not be kept in an identifiable form for longer than is needed to achieve the purpose of the processing. Article 12.2 of the Law contains a comparable provision. It says: "The term of storage of personal data shall be determined by the date of achievement of purposes of their collection and processing, unless otherwise provided by the legislation of the Republic of Kazakhstan". This meets the requirement in the Convention (but see the section dealing with exceptions and restrictions, below). The circumstances in which personal data must be destroyed are set out more fully in Article 18 of the law.

5. Special categories of data (Article 6 of Convention 108)

42. With the sole exception of biometric data, the Law neither distinguishes nor makes separate provision for special categories of data. Biometric data are dealt with only in Article 1.1 and Article 11, which deals with the confidentiality of personal data. Article 11.3 says no more than that: "Confidentiality of biometric data shall be established by the legislation of the Republic of Kazakhstan".

43. The absence of provisions defining and establishing appropriate and additional safeguards for special categories of personal data in line with Article 6 of Convention 108 is a significant weakness in the Law.

6. Data security (Article 7 of Convention 108)

44. Article 7 of Convention 108 requires security measure to be taken against "...accidental or unauthorised destruction or accidental loss as well as against unauthorised access, alteration or dissemination". No article of the Law deals generally with data security. There is very limited provision, dealing only with unauthorised access, in Article 22. This puts a duty on owners, operators and third persons to take the necessary measures

to prevent unauthorised access to personal data, to detect in a timely way unauthorised access where it cannot be prevented, and to minimise its adverse consequences.

45. Article 11, which deals with the confidentiality of personal data, also deals with the prevention of unauthorised access. With the omission of Article 11.3 which is cited above, Article 11 says:

“1. The owners and (or) operators, as well as third persons, receiving an access shall ensure their confidentiality by observance of requirements to prevent their distribution without the consent of subject or his (her) legal representative or existence of other legal basis.

2. The persons who became known about personal data of limited access shall be obliged to ensure their confidentiality in connection with professional, official necessity, as well as labour relations.”

46. Ensuring security of personal data is an essential element of data protection and the absence of a comprehensive provision requiring security measures to be taken against all forms of breach mentioned in Article 7 of Convention 108 is another significant weakness in the Law. In addition, the modernised Convention foresees in Article 7.2 a mandatory notification scheme where data breach is to be reported “without delay, at least to the competent supervisory authority...” if it would result in serious interference with the right and fundamental freedoms of data subjects.

7. Rights of the data subject (Article 8 of Convention 108, Article 9 of Convention 108+)

47. The rights of the data subject are set out in Article 24 of the Law. These correspond broadly to the rights established under Article 8.a, b, and c. of Convention 108, although there is no reference to the right to obtain information at reasonable intervals and without excessive delay or expense as specified in Article 8.b of the Convention. The Law does not contain provisions on a new set of rights introduced in the modernised Convention, notably in Article 9.1.a,c and d which foresees that the data subject shall be given the right “not to be subject to a decision significantly affecting him or her based solely on an automated processing of data without having his or her views taken into consideration;” the right “to obtain, on request, knowledge of the reasoning underlying data processing where the results of such processing are applied to him or her” and the right to object to the processing of personal data concerning him or her.

48. It would be recommended that those omissions to be corrected.

49. Article 24.1.7 of the Law says that a data subject has the right to: “protection of his (her) rights and legal interests, as well as compensation of material and moral damage”. This provision complies broadly with the requirement for data subjects to have a remedy for breach of their rights. Article 21.4.8 also provides for the data subject to exercise rights provided by “... other Laws of the Republic of Kazakhstan”. It is possible that those other Laws may also provide remedies.

8. Exceptions and restrictions (Article 9 of Convention 108, Article 11 of Convention 108+)

50. There is no provision in the Law which corresponds to Article 9 of Convention 108 permitting derogations from specified provisions of the Convention. Certain, but not all, of the important public interests to which Article 9 of the Convention relates are completely exempted from the scope of the Law by Article 3, but these exemptions do not cover all the individual and important public interests to which Article 9 of the Convention applies. In some cases individual articles of the Law provide for derogations from the provision of the Law made by those articles. For example, Article 12.2 allows legislation to override the requirement in that provision for the storage period of personal data to be determined by the date of achievement of the purpose of the processing. This would be permitted under Article 9 of Convention 108 only for the limited purposes and in accordance with the safeguards for which Article 9 provides. Article 12.2 of the Law contains no such restrictions.

51. The absence of a general power to provide for the use of derogations and restrictions under the conditions set for by Article 9 of the Convention is a significant omission. It would be desirable to add to the Law a provision permitting derogations and restrictions from those provisions to which Article 9 of Convention 108 applies, subject to the safeguards for which that provision provides. The scope of existing derogations, such as the one provided for by Article 12, should also be limited as required by Article 9 of the Convention. The modernised Convention however considerably changes those provisions with conditions that shall be met for the lawful use of exceptions and restrictions by Parties.

9. Sanctions and remedies (Article 10 of Convention 108, Article 12 of Convention 108+)

52. Article 27 of the Law includes the following:

“The state bodies within their competence shall ...

- 2) consider applications of individuals and (or) legal entities on issues of personal data and their protection;
- 3) take measures on bringing of persons, committed violation of the legislation of the Republic of Kazakhstan on personal data and their protection to the responsibility, established by the Laws of the Republic of Kazakhstan”.

53. Article 30 of the Law provides as follows:

“Actions (omission) of subject, owner and (or) operator, as well as third person upon collection, processing and protection of personal data may be appealed in the manner established by the Laws of the Republic of Kazakhstan.

Disputes arising upon collection, processing and protection of personal data shall subject to consideration in the manner established by the Laws of the Republic of Kazakhstan.”

54. There is, thus, a framework for dealing with violations of the Law. Penalties are provided by Article 147 of the Penal Code. For some violations of the Law, the penalty can be as much as five years imprisonment. Administrative fines are also available.

10. Transborder flows of personal data (Article 12 of Convention 108 and Article 2 of its Additional Protocol, Article 14 of Convention 108+)

55. Transborder transfers of personal data to other states, whether or not they are Parties to the Convention, are dealt with in Article 16 of the Law. Article 16.2 establishes the basic principle which is that transfers are permitted “... only in the case of ensuring of protection of personal data by these other states in accordance with this Law”. Derogations from this principle are provided for by Article 16.3. They permit transfers to countries not ensuring protection of personal data in the cases of:

- “1) existence of the consent of subject or his (her) legal representative to the trans-border transfer of his (her) personal data;
- 2) provided international treaties, ratified by the Republic of Kazakhstan;
- 3) provided by the Laws of the Republic of Kazakhstan, if it is necessary for the purposes of protection of constitutional order, protection of public order, rights and freedoms of person and citizen, health and morals of population;
- 4) protection of constitutional rights and freedoms of person and citizen, if reception of the consent of subject or his (her) legal representative is impossible.”

Article 16.4 says that transfers may be prohibited by law.

56. These provisions are broadly in line with Convention 108 which permits transfers of personal data to non-Parties which provide an appropriate level of protection, and provides for limited derogations from this requirement.

11. Supervisory authority (Article 1 of Additional Protocol to Convention 108, Article 15 of Convention 108+)

57. Article 1 of the Additional Protocol requires the establishment of an independent supervisory authority for ensuring compliance with national data protection law and sets out the authority’s main powers and duties. The Law makes no provision for a dedicated data protection supervisory authority. Article 28 of the Law places responsibility for “...supreme supervision over compliance...” with the Law upon”... the bodies of the Prosecutor’s Office...” without specifying any further detail.

58. The absence of provision for a dedicated, independent supervisory authority is a significant omission from the Law.

Summary

Confirmation is needed that the Law applies to all individuals whether or not they are citizens of the Republic of Kazakhstan. (Paragraph 4)

It would be desirable for a reference for individuals to be “identified or identifiable“ to be added to the definition of “personal data”. (Paragraph 7)

It would help the comprehensibility of the Law if the need for Article 6 were reviewed. (Paragraph 10)

The Law should make clear that it applies to all operations performed upon personal data, and not simply those that are expressly mentioned in the definition of “processing”. (Paragraph 13)

As far as automated processing is concerned, the Law should apply to all personal data and not merely those contained in “bases” and this should be made clear. (Paragraph 14)

The definition of the controller needs to be completed by the addition of a reference to decision-making. (Paragraph 17)

The nature of the relationship between owner, operator and third person merits clarification. (Paragraph 21)

It is to be noted that the possibility of exempting specified categories of automated personal data files from the scope of the Convention by unilateral declaration of a Party disappears with the modernised Convention which puts in place in its article 11 a regime of lawful use of exceptions and restrictions. (Paragraph 25)

In order to comply fully with Convention 108 a specific requirement for fairness and transparency are required in the Law. (Paragraph 30)

A provision limiting processing of personal data to “specified and legitimate purposes” is needed. (Paragraph 35)

It would be desirable to include an “incompatibility” test in the requirement for purpose specification. (Paragraph 37)

A requirement for personal data undergoing processing not to be excessive is needed. (Paragraph 39)

A requirement for personal data to be accurate and, where necessary, kept up to date is needed. (Paragraph 40)

The absence of provisions defining and establishing appropriate and additional safeguards for special categories of personal data is a significant weakness. (Paragraph 43)

The absence of a comprehensive provision requiring security measures to be taken against all forms of breach mentioned in Article 7 of Convention 108 is another significant weakness. (Paragraph 46)

It would be recommended that the omission of a provision for data subjects to be able to obtain information from data owners at reasonable intervals and without excessive delay or expense to be corrected. (Paragraph 48)

It would be desirable to add to the Law a provision permitting derogations and restrictions from those provisions to which Article 9 of Convention 108 applies, subject to the safeguards for which that provision provides. The scope of existing derogations, such as the one provided for by Article 12, should also be limited as required by Article 9 of the Convention. (Paragraph 51)

The absence of provision for a dedicated, independent supervisory authority is a significant omission from the Law. (Paragraph 58)

Conclusion

In light of the above, the Consultative Committee considers that to give proper effect to the requirements of the Convention, the Law would need significant review notably in respect of:

- Article 5 of the Convention which establishes the data protection principles, with which the Law deals in a very limited way;
- Article 6 of the Convention dealing with special categories of data, for which the Law makes no effective provision;

- Article 7 of the Convention dealing with security, which is barely covered in the Law;
- Article 1 of the Additional Protocol and Article 15 of the modernised Convention establishing a requirement for an independent supervisory authority, with which the Law deals by placing responsibility for supervision on the Prosecutor's Office without further clarification.

The Committee stands ready to cooperate with the competent national authorities with a view to bringing the Law closer to the provisions of the Convention.