



Republic of Bulgaria

Commission for Personal Data Protection

ANNUAL REPORT

**of the activities of
the Commission for Personal Data Protection
for 2007**

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Commission for Personal Data Protection

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1. INTRODUCTION

The present report of the activity of the Commission for Personal Data Protection is drawn up in compliance with the provision of art. 7, para. 6 of the Law on Personal Data Protection, promulgated in State Gazette, issue 1 of January 4th 2002, amended SG, issue 70 of August 10th 2004, amended SG, issue 93 of October 19th 2004, amended SG, issue 43 of May 20th 2005, amended SG, issue 103 of December 23rd 2005, amended SG, issue 30 of April 11th 2006, amended SG, issue 91 of November 10th 2006, and covers the period from January 1st 2007 to December 31st 2007.

First of all, the main issues are examined with relation to the institutional development of the Commission, the legislative measures and improved practices undertaken with respect to the accession of Bulgaria to the European Union.

We present consistently to the legislative body of the Republic of Bulgaria – the National Assembly, the activities according to the powers of the Commission of Personal Data Protection under art. 10 of the Law on Personal Data Protection – registration of personal data controllers, complaints handling, expressing opinions on cases stipulated by law, personal data transfer, control activity and giving opinions on draft laws and subordinate regulations in the area of public data protection. Special attention has been paid to the information activities with a view to increase the awareness about personal data protection of the population, and to construct and update a new website and information bulletin. Other activities which have been pointed out are the Commission's cooperation with other public authorities in the Republic of Bulgaria, the development of bilateral cooperation with data protection authorities from the member states of the European Union, as well as the participation of its representatives in international bodies and forums on personal data protection within the European Union.

Having taken into account the number of the inspections made on the personal data controllers, the number of the newly registered controllers and the volume of the legal opinions and assertions drawn up, a conclusion can be made that during the year the Commission of Personal Data Protection has functioned sufficiently and has reached in full the required European standards in the area of public data protection.

2. ORGANIZATION AND MANAGEMENT

2.1. Administrative Capacity

The basic structure and administrative staff of the Commission for Personal Data Protection (CPDP) are shown in Fig. 2.1., and in 2007 the number of full-time staff came to 76 positions in total. With the adoption of the amendment to the Rules on the activity of CPDP (SG, issue 25 of March 2007) they have been distributed as follows:

1. Elective offices – 5:
 - 1.1. Chairperson;
 - 1.2. members – 4.
2. Management positions:
 - 2.1. Chief Secretary – 1;
 - 2.2. Financial Controller – 1.
3. General administration – 25:
 - 3.1. Administrative-Economic and Financial-Accounting Activity Directorate – 25.
4. Specialized administration – 44:
 - 4.1. Legal and International Activity Directorate – 14;
 - 4.2. Control Activity Directorate – 15;
 - 4.3. Information Directorate – 15.

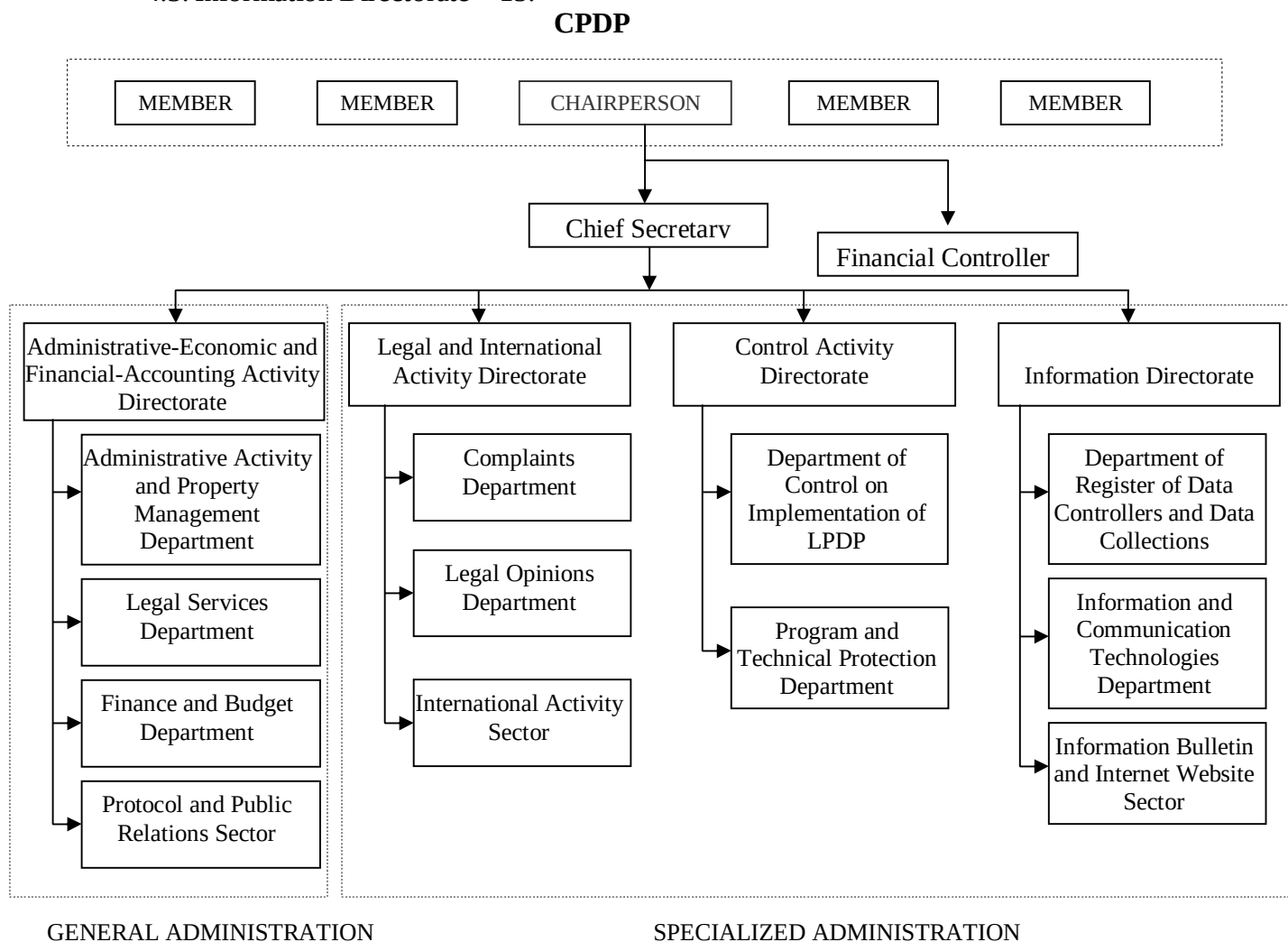


Figure 2.1.

Of all full-time positions at the Commission for Personal Data Protection in 2007 51 positions were occupied and 25 - vacant. By December 30th 2007 at CPDP 10 employees had been appointed in compliance with the Civil Servant Act, and 7 under labour contracts. Within the same period the employees who left their positions were 9 employees, who had been appointed in compliance with the Civil Servant Act, and 2 employees who had been appointed under labour contracts.

Table 2.1.

Number of the staff occupied in the administration of the Commission for Personal Data Protection

No.	Structural division/Position	Occupied full-time positions	Vacancies
	Management positions		
1.	Chief Secretary	1	
2.	Financial Controller	1	
	GENERAL ADMINISTRATION		
	Administrative-Economic and Financial-Accounting Activity Directorate	17	8
3.	Director	1	
	<i>Administrative Activity and Property Management Department</i>		
4.	Head of Department		1
5.	Chief Specialist	8	
6.	Senior Specialist	1	
7.	Junior Specialist		
8.	Technical Assistant		1
9.	Executive	1	1
	<i>Legal Services Department</i>		
10.	Chief Legal Consultant	1	
11.	Senior Legal Consultant		2
12.	Junior Legal Consultant		1
	<i>Finance and Budget Department</i>		
13.	Head of Department	1	
14.	Chief Expert		1
15.	Senior Expert	1	
16.	Chief Specialist	1	
	<i>Protocol and Public Relations Sector</i>		
17.	Head of Sector		1
18.	Junior Expert	1	
19.	Chief Specialist	1	
	SPECIALIZED ADMINISTRATION		
	Legal and International Activity Directorate	10	5
20.	Director	1	
	<i>Complaints Department</i>		
21.	Head of Department	1	
22.	Chief Expert	1	1
23.	Senior Expert	1	
24.	Junior Expert		1
	<i>Legal Opinions Department</i>		
25.	Head of Department	1	
26.	Senior Legal Consultant		1
27.	Junior Legal Consultant		1
28.	Chief Specialist	2	
	<i>International Activity Sector</i>		
29.	Head of Sector	1	

30.	Senior Expert	1	
31.	Junior Expert		1
	Control Activity Directorate	10	5
32.	Director	1	
	<i>Department of Control on Implementation of the Law on Personal Data Protection</i>		
33.	Head of Department	1	
34.	State Inspector	2	
35.	Senior Inspector		1
36.	Junior Inspector	1	
37.	Chief Specialist	2	
	<i>Program and Technical Protection Department</i>		
38.	Head of Department		1
39.	State Inspector		1
40.	Chief Inspector		1
41.	Senior Inspector		1
42.	Junior Inspector	2	
43.	Chief Specialist	1	
	Information Directorate	8	7
44.	Director	1	
	<i>Department of Register of Data Controllers and Data Collections</i>		
45.	Head of Department		1
46.	State Expert	1	
47.	Chief Expert		1
48.	Senior Expert	1	
49.	Junior Expert	1	1
50.	Chief Specialist	1	
	<i>Information and Communication Technologies Department</i>		
51.	Head of Department		1
52.	State Expert		2
53.	Chief Specialist	1	
	<i>Information Bulletin and Internet Website Sector</i>		
54.	Head of Sector		1
55.	Senior Expert	1	
56.	Chief Specialist	1	
	TOTAL:	51	25

With respect to the yearly training of the employees 22 courses were arranged and conducted related to the mandatory and specialized training of the employees at the administration of CPDP. By now 18 employees have attended courses and seminars with various subjects:

No.	Name of the course/seminar	Month of holding	Employees attended (number)
1.	New principles in the social insurance system and labour relations	February	1
2.	Refresher English course "Communicative Skills"	April	1
3.	Control in budget organizations	May	1
4.	Electronic document turnover and handling electronically signed documents	May	1
5.	Management skills	June	2
6.	Introduction to civil services	June	10
7.	Efficient public relations	June	1
8.	Conversational English course	June	1
9.	Prevention and counteraction to the corruption in state administration	June	1
10.	Annual meeting of the legal consultants of the state administration	June	2
11.	Accounting systems in budget enterprises	September	2
12.	Annual meeting of the human resources specialists	September	1
13.	Spanish for beginners	September - November	5
14.	Development of managerial skills of the high-ranking civil servants	September - November	1
15.	English for dealing with the European Union	October	1
16.	Preparation and participation in meetings on implementation assessment	October	2
17.	Administrative servicing – strategy and policy	October	1
18.	Managing a Microsoft windows server 2003 environment with active directory	November	1
19.	Managing a Microsoft windows server 2003 environment (basic course)	November	1
20.	E-management: strategy and policy	November	2
21.	Information security in organizational systems for management and security of information	November	2
22.	Managing a Microsoft windows server 2003 environment with active directory	December	1
TOTAL:			41

In comparison with the previous year (by November 27th 2006) this calendar year has shown a considerable increase both in the incoming correspondence to CPDP, and in the outgoing correspondence, as indicated in Table 2.3.

Table 2.3.

No.	Year	Incoming mail	Incoming e-mails	Outgoing mail	Outgoing e-mails
1.	2006	1660	1042	1653	-
2.	2007	2528	1254	2018	232

In 2007 library stock accumulated and maintained, comprising daily, periodicals and specialized publications and other literature.

With respect to the increased volume of correspondence and aiming at easing the work and enhancing the quality of the services provided in Book-Keeping Sector in 2008 it is envisaged to introduce an automated book-keeping system. Its development and implementation underlie a project under PHARE Programme BG2005/017-586.03.01. The project was expected to be announced for assignment in 2007 and therefore this intention was included in the Annual Report of CPDP of 2006, however with respect to the accession of the Republic of Bulgaria to the European Union some of the projects, including that of CPDP, were redirected for assignment in 2007. As of the present the project has been announced on the website of the Ministry of Finance and the Public Procurement Agency. The deadline for submitting documents for participation in the bid procedure is January 31st 2008.

The employees at Book-Keeping Sector are envisaged in the following calendar year to attend training for enhancing their qualification and level of servicing.

Within the period of April - November 2007 with respect to the implementation of procedural representation under administrative-penal proceedings at Legal Services Department 9 files of administrative-penal correspondence were assembled in relation to appeals against the penal provisions of the Chairperson of CPDP and sent to the Sofia regional Court. By this date – December 10th 2007, 2 administrative-penal cases have been tried in the courtroom.

2.2. Financial Status

By virtue of a Council of Ministers' Decree No.20/02.02.2007 on implementation of the state budget of the Republic of Bulgaria for 2007 the budget of CPDP for 2007 was approved to the amount of 1,622 thousand BGN as a second-level spending unit. The funds of the approved budget were by 191 thousand BGN or by 13,5%, more than the funds spent according to the Commission budget for 2006.

During the year the budget of the Commission increased by 316 thousand BGN after corrections made by the Ministry of Finance, as follows:

- for the training of the state administration officers to the amount of 4 thousand BGN;
- under the program of the Ministry of Labour and Social Policy "Career Start" to the amount of 2 thousand BGN;
- under Council of Ministers' Decree No.298/07.12.2007 for maintenance and other remunerations of CPDP to the amount of 310 thousand BGN.

In order to achieve the goals and the financial security of the overall activity of the Commission for Personal Data Protection and its administration in 2007 a total of 1,726 thousand BGN were spent, allocated in items by the Uniform Budget Classification, as follows:

Table 2.4.

Item	Name of expenditures	Amount in thousand BGN
01-00	Salaries and remunerations for the staff employed under labour contracts and in compliance with the Civil Servant Act	546
02-00	Other remunerations and payments to the staff	49
05-00	Mandatory insurance contributions by employers	143
10-00	Maintenance	857
52-00	Acquisition of fixed tangible assets	90
53-00	Acquisition of intangible fixed assets	41
	Total budget expenditures	1,726
	Approved budget	1,938
	Unspent funds	212

The highest relative share - 50% of the total costs, had the funds spent on maintenance, covering expenditures for external services, including rents, materials, water, power and fuels, business trips in the country and abroad, insurances and other financial services, work clothing, taxes, fees, etc.

The funds spent on salaries, other remunerations and payments to the staff and the respective mandatory insurance contributions represent 43% of the total amounts of the expenditures of CPDP for the year.

The capital costs supporting the administrative activity in 2007 were to the amount of 7% of the totally spent funds.

As of December 31st 2007 the Commission does not have any outstanding liabilities.

2.3. PHARE Project

In 2005 the procedure of contracting under PHARE Programme BG2005/017-586.03.01 was launched: Additional strengthening of the administrative capacity of the Bulgarian Commission for Personal Data Protection and providing conditions for the implementation of the LPDP. The project includes the performance of two contracts: Twinning Contract and Contract for Supply.

The Twinning Project **BG/2005/IB/OT/02** under PHARE Programme 2005 was signed on December 27th 2006, and its performance started in January as per the provisions of the contract. The Spanish Data Protection Agency is a partner under this project.

It is divided into five components:

- Component 1: Analysis of the legislative framework;
- Component 2: Institutional development;
- Component 3: Information system of CPDP;
- Component 4: Complaints handling and control activity;
- Component 5: Strategy and methods for enhancing the public awareness on the activity of CPDP.

The project includes 42 activities (37 work meetings and seminars in Bulgaria and 5 study visits in Spain), which cover its basic objective – institutional development and the related to it investments in the Bulgarian CPDP in order to achieve higher effectiveness and better operability of the activities in the field of personal data protection within the country, by means of acceptance and performance of the best practices of the EU with regard to preventing the infringements related to the personal data protection, as well as providing their best protection.

The activities cover different sectors of personal data protection: telecommunications, Ministry of Interior, justice, healthcare, insurance, direct marketing, banks, video surveillance, e-government, etc. The preparation of their performance was carried out in February 2007 and they were commenced in March.

The project started with a work meeting on the following subject: "Control activity performed by CPDP and the Spanish Data Protection Agency". The structure of the directorates and the movement of correspondence were presented, as well as some practices of the control activity of CPDP and their Spanish partners.

In March three activities were jointly carried out on the subject of "Analysis and harmonization of legislation and personal data protection the sectors of State Administration (local administration and access to public registers) and Justice". They were attended by the former director of the Spanish Data Protection Agency Mr. Jose Luis Pinar Manas.

At the end of March eight representatives of CPDP paid a visit to the Spanish Agency in Madrid and to the Regional Data Protection Agency in the Autonomous Community of the Basque Country. The main topic of the visit was the activity and structure of the department of Register of Data Controllers, including the bulletin and website.

In April a work visit was carried out to the Spanish Data Protection Agency by officers of the Control Activity Directorate, where the subject of detailed examination was specific correspondence belonging to the main sectors of personal data protection.

The work meeting on analysis and harmonization of legislation and personal data protection in the sector of Healthcare (including genetic data) was held at the beginning of April. A number of specific cases were examined, related to the medical data and practices in the respective sector.

In May four events were held on the subject of "Analysis and harmonization of legislation and personal data protection in Bank Sector and Direct Marketing Sector". A number of specific cases were examined related to the practice of the Spanish Data Protection Agency in the respective sectors.

The first seminar on the subject of "Measures for personal data protection" was held in the same month. Four Spanish inspectors took part in it.

In June a number of activities were jointly carried out on the subject of "Personal data protection at the work place and information system of CPDP".

In the beginning of July a number of activities were carried out related to the analysis and harmonization of the legislation and the personal data protection in the Police Sector (including Schengen, Europol, Customs, Eurojust, Eurodac), as well as work meetings of the international activity departments.

On July 12th and 13th a seminar on personal data protection was held in Bankya. The seminar was attended by the European Data Protection Supervisor, Mr. Peter Hustinx, the Chairman of the First Section of the Litigation Court at the National Court of Spain, Mr. Carlos Lesmes, the President of Spanish Data Protection Agency, Mr. Artemi Rallo, the Director of the International Department of the French Data Protection Authority (CNIL), Ms. Claris Giraud, the Director of Inspections Directorate of the Dutch Data Protection Authority, Mr. Paul Frenken, as well as other highly-placed representatives of the Spanish Data Protection Agency and the telecommunication operators in Bulgaria.

In the middle of the same month representatives of the Commission for Personal data Protection visited the Regional Data Protection Agency in the Autonomous Community of Barcelona and the Spanish Agency in Madrid. The visit aimed at getting introduced to the information system of the agency.

However, the activity under the project did not stop here. At the end of July a sequence of common work meetings were held related to analysis and harmonization of legislation and personal data protection in the sectors of Insurance, Telecommunications (including work place, genetic data,

video surveillance, etc.) and E-Government. On these meetings particular pieces of correspondence were examined in detail with respect to sectors of the personal data protection both in Bulgaria and Spain.

On July 25th, 26th and 27th a seminar on the subject of "Relations with media and website" was held. This seminar was also attended by representatives of the Communications Regulating Commission and telecommunication operators.

In September a summarizing open seminar was held covering three activities on analysis and harmonization of legislation and personal data protection in the following fields: bank, direct marketing, police, healthcare, e-government, state administration, justice, work place, as well as activities related to the structure of CPDP and data transfers. The seminar was attended by Mr. Alejandro Perales – member of the Advisory Board of the Spanish Data Protection Agency and representative of the Users and Consumers Council, Ms. Belen Veleiro – member of the Advisory Board of the Spanish Data Protection Agency and representative of the High Council of Chamber of Commerce, Ms. Maria Jose Ruiz – investigating inspector of international transfers, as well as the magistrates of the National Court of Spain Mr. Jose Gerrero and Mr. Arturo Fernandez and the magistrate and Head of "Institutional Relations of the Supreme Judicial Council" Mr. Juan Manuel Fernandez Lopez. It also attended by representatives of the Commission for Protection against Discrimination, experts of the Communications Regulating Commission and Registry Agency, District Prosecutor's Office - Varna, District Investigation Service - Ruse, National Health Insurance Fund, personal data controllers of the private sector. A number of cases were examined related to the practice of the Spanish Data Protection Agency in the respective sectors.

During the following month – October – a number of work meetings were held related to personal data protection and video surveillance, general administration and public services and the legal opinions and representation in court.

Since November the activity related to carrying out sector inspection has been commenced.

Meetings of the Ruling Committee have been held quarterly in order to report the actual technical and financial implementation of the activities and the administrative problems arisen in the course of the work. The Ruling Committee consists of the Commission for Personal data protection, the project managers, the permanent twinning advisor, officials of the EC Representation in Bulgaria and the Central Finance and Contract Unit at the Ministry of Finance, as well as representatives of FIIAPP.

The technical specifications drawn up with respect to the Contract for Supply were sent to the Central Finance and Contract Unit at the Ministry of Finance and by the end of December the procedure under the Public Procurement Act is expected to be commenced.

The activities under the contract continue to be carried out according to the provisions of the contract for implementation. They are envisaged to finish within the first quarter of 2008. Monthly

monitoring reports on the project have been performed in order to provide protective measures and efficient control.

3. REGISTRATION OF DATA CONTROLLERS

3.1. Registration

In compliance with art. 10, para. 2 of the Law on Personal Data Protection, the Commission keeps a Register of Data Controllers and the personal data registers kept by them. All the data of the contents of the registration applications submitted by the data controllers and approved by the Commission are entered in this register. The entry in the register is certified by a unique identification number. The register is public. The goals which the legislator has set by its establishment, are to give publicity of the personal data controllers, the types of personal data and the legal grounds for their processing.

In 2007 the registration of data controllers was carried out in compliance with the amendments to the Law on Personal Data Protection of November 10th 2006. According to them, the data controller is required prior to processing the personal data to submit an application for registration, approved by the Commission for Personal Data Protection.

The amendments from November 10th 2006 introduced new requirements for the contents of registration documents, too. In order to include these requirements a new specimen was prepared – electronically submitted Application for registration of data controller.

3.1.1. Registration of a data controller

The new form of the application for registration consists of 2 parts:

Part I. Application for registration (different for each of the four basic groups of data controllers):

- physical persons (sole traders, insurers with or without BULSAT);
- physical persons, representatives of trade representations, companies under the Obligations and Contracts Act, branches of foreign legal entities and of other non-legal entities;
- legal entities;
- state authorities and local self-government authorities. *Part II.*

Description of the register (uniform for all data controllers)

The data controller is obliged to fill in a form – Part I, for the respective group, and as many forms – Part II, as the number of the registers kept by the said data controller.

At the beginning of September 2007 new software of registration of data controllers electronically was introduced and used together with the existing information system.

When the application is submitted electronically the form is completed directly in the website of CPDP on the respective forms of applications.

The new information system “Register of data controllers” makes it possible to fill in the new form of the application in a special section of the website of CPDP - www.cdpd.bg. The notification for the completed forms shall be received with or without the use of electronic signature. The approved data controllers are entered in the CPDP’s “Register of data controllers and the registered

kept by them” with under a unique identification code. The register is public and can be accessed through the website of CPDP - www.cdpd.bg. The registered data controllers receive an official notification through email confirming that they have been registered in the system as well as username and passport for access to their own profile. By means of them they can update their profiles with respect to any changes occurred in the declared circumstances.

Figure 3.1.

Figure 3.2.

All data in the public register can be accessed both by the registered data controllers and by all interested parties, who can at any time get information on the new actions and the current status of the organizations.

After the test period is completed the system shall become accessible by the public at the beginning of 2008.

4.1.3. Updating the conditions of registration

The amendments to the Law on Personal Data Protection of November 10th 2006 have necessitated a change in the process of registration of data controllers. Here are some of the new requirements:

- The data controller can start processing data after submitting the application for registration.

No application for registration is submitted in the following cases:

- The data controller keeps a register which is intended to provide public information under a normative act, and:
 - a) the access to it is free;
 - b) the access to it is given to a person that has legal interest.
- processing is performed by a non-profit organization, including an organization with political, philosophic, religious or trade-union purpose, in the course of its legal activity and ensuring proper protection, provided that:
 - a) the processing is related only to the members of this organization or to persons who have regular contacts with it regarding its objectives;
 - b) the concerned data are not disclosed to third parties without the consent of the data subject to whom they relate.

- The commission can exempt from the obligation for registration some data controllers who are processing data apart from the specified ones, when the processing does not threaten the rights and legal interests of the data subjects whose data are being processed. The terms and conditions for exemption are settled by the Rules on the Activity of CPDP and its Administration and the Commission specifies the criteria in compliance with:

- the purposes of personal data processing;
- the personal data or categories of personal data subject to processing,
- the categories of data subjects whose data are processed,
- the recipients or categories of recipients to whom the personal data can be disclosed,
- the period of time for keeping the data.

- A compulsory ex-ante inspection is performed before the entry of the data controller in the register, when the data controller has declared processing of data which disclose racial or ethnical origin, political, religious or philosophic convictions, membership in political parties or organizations, associations with religious, philosophic, political or trade-union purposes related to health, sexual life or human genome or to data the processing of which according to a decision of the Commission endangers the rights and legal interests of the data subjects.

- The results of the inspection carried out within two months may be as follows:
 - entry
 - directions
 - denial
 - The data controller cannot start processing the data before its entry in the register, or before implementing the compulsory directions of the Commission;
 - Failure to pronounce within the two-month period is considered as a tacit denial of entry of the data controller in the register;
 - The operative part of decision is promulgated in State Gazette. Before the amendments made on November 10th 2006 the registration procedure included:
 - submission of an application for registration and documents according to a form approved by CPDP before starting personal data processing;
 - forms on a hard copy from CPDP;
 - forms in electronic format on the website of CPDP (www.cdpd.bg);
 - submission of the completed forms in CPDP;
 - entry of data in the information system;
 - working out lists with a proposal for approval of registration by CPDP;
 - Processing the approved applications in the information system and creation of a unique identification number by the Register of data controllers;
 - notification of entry in the Register of data controllers through the website of CPDP (www.cdpd.bg);
 - delivery of the certificate with an identification number by the Register of data controllers.
- Following the amendments made on November 10th 2006 the registration procedure shall be changed in the following directions:
- simplifying the access and processing of the documents;
 - creating a program for completing the forms in electronic format on the website of CPDP (www.cdpd.bg);
 - completing forms in electronic format on the website of CPDP (www.cdpd.bg) using electronic signature;
 - the data is completed directly in the information system;
 - publishing the public part of the Register of data controllers through the website of CPDP (www.cdpd.bg);
 - a certificate in electronic format on a special electronic address;
 - a certificate in electronic format on the website of CPDP (www.cdpd.bg) using electronic signature.

3.2. Statistics

The process of registration of data controllers is illustrated in figures and diagrams displayed in Fig. 3.3. to Fig. 3.6.

Table 3.1.

Year	2003	2004	2005	2006	2007	Total with accumulation
Number of applications filed in CPDP	249,846	15,154	5,015	4,431	6,311	280,757
Number of data controllers entered in the register of CPDP		4,829	12,862	14,279	16,955	48,925

NUMBER OF SUBMITTED APPLICATIONS

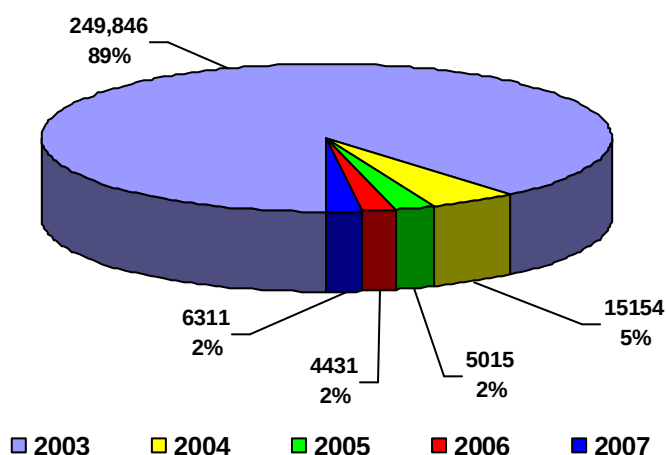


Figure 3.3.

NUMBER OF DATA CONTROLLERS ENTERED IN THE REGISTER

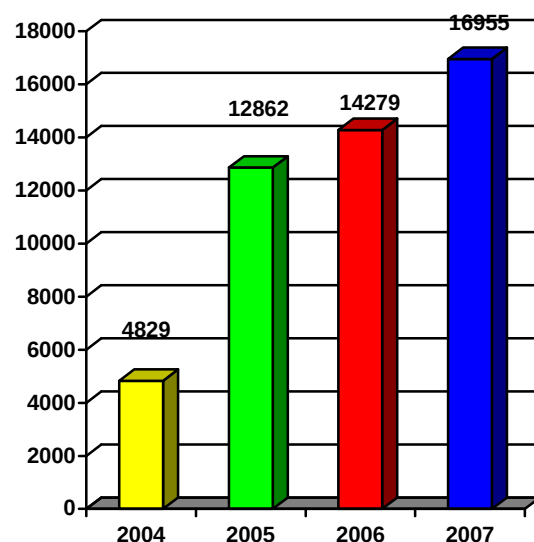


Figure 3.4.

Table 3.2.

Data controllers entered in 2007 by regions							
№	Region	Number	%	№	Region	Number	%
1	Sofia city	4703	27,74%	15	Ruse	609	3,59%
2	Varna	1571	9,27%	16	Pernik	217	1,28%
3	Plovdiv	1488	8,78%	17	Lovech	418	2,47%
4	Burgas	847	5,00%	18	Sliven	230	1,36%
5	Veliko Tarnovo	555	3,27%	19	Shumen	299	1,76%
6	Blagoevgrad	623	3,67%	20	Kardzhali	168	0,99%
7	Sofia region	530	3,13%	21	Yambol	211	1,24%
8	Stara Zagora	494	2,91%	22	Montana	240	1,42%
9	Haskovo	498	2,94%	23	Gabrovo	398	2,35%
10	Pazardzhik	594	3,50%	24	Vidin	150	0,88%
11	Pleven	420	2,48%	25	Kyustendil	282	1,66%
12	Vratsa	297	1,75%	26	Silistra	230	1,36%
13	Dobrich	331	1,95%	27	Targovishte	160	0,94%
14	Smolyan	253	1,49%	28	Razgrad	139	0,82%

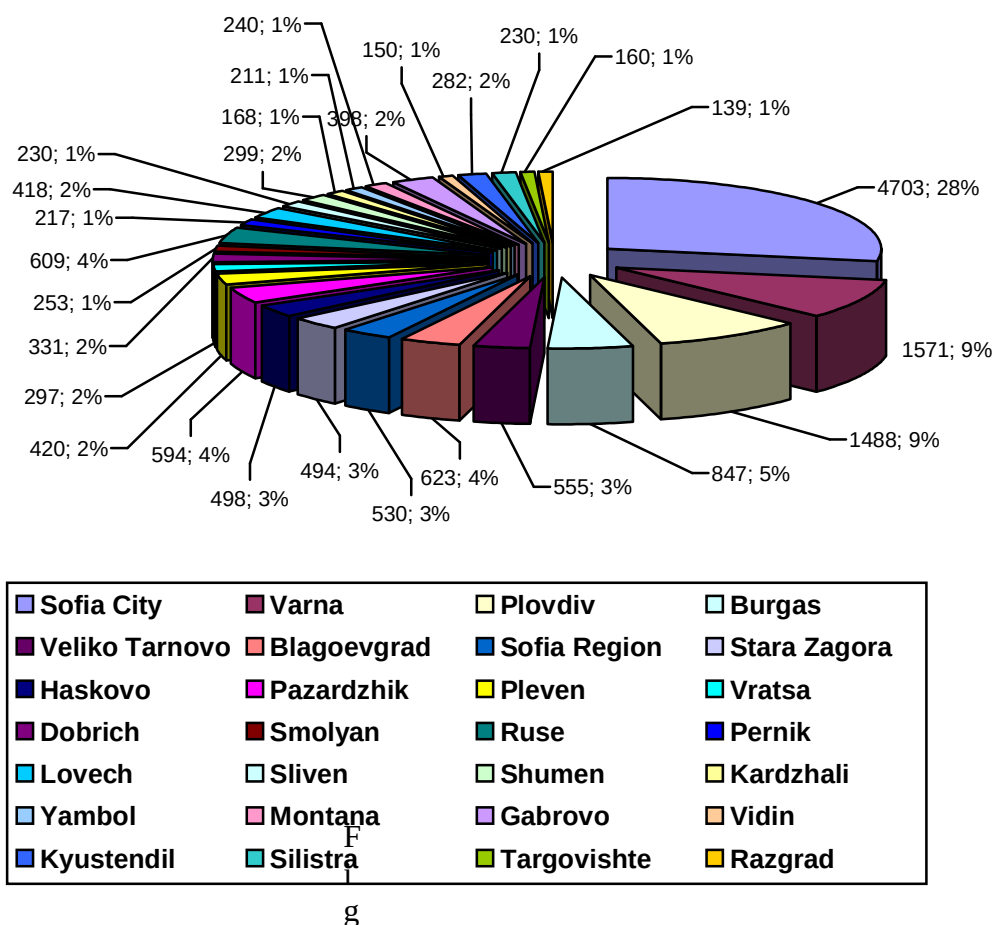


Figure 3.5.

The diagram above shows that out of 16,955 data controllers, registered in the Register of CPDP in 2007 the highest percentage of data controllers was registered in Sofia, Varna, Plovdiv, Burgas. The following regions share equal positions: Blagoevgrad, V.Tarnovo, Pazardzhik, Ruse.

In the event that the data controller has applied for processing of data as per art. 5, para. 1 or data the processing of which according to a decision of the Commission endangers the rights and legal interests of individuals, the Commission mandatory carries out ex-ante inspection prior to entering the data controller in the register under art. 10, para. 1, it. 2 according to art. 17b (SG, issue 91 of 2006).

In 2007 the CPDP filed 201 applications for registration as data controllers subject to the inspection under art. 17b, and the sector of healthcare is accentuated.

Table 3.3.

Data controller within the industry sector	Healthcare	Education	Insurance	Justice	Mediatory activity	Miscellaneous	Total
Number of applications subject to inspection under art. 17b	111	20	8	15	16	31	201

**Applications submitted under art. 17b – 201
(3.18% of the applications submitted in 2007)**

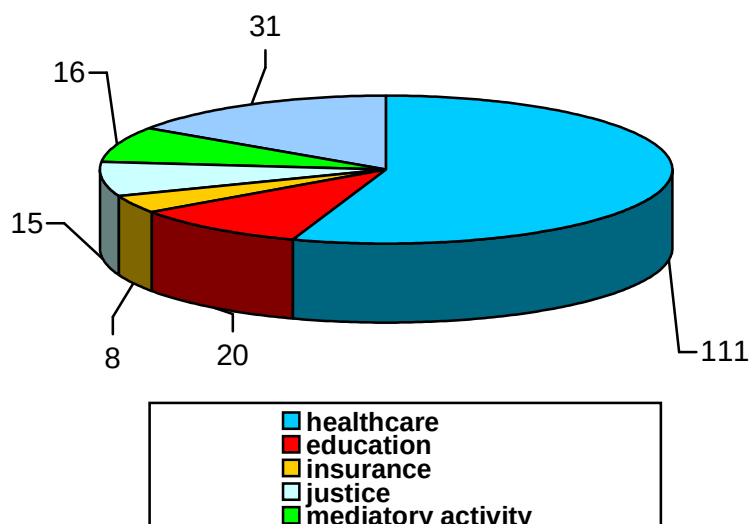


Figure 3.6.

The main activities performed by the Commission for Personal Data Protection in 2007 related to the process of registration were as follows:

- Receiving documents for registration of data controllers – through post and in the reception room especially set up by CPDP;
- Handling the application through the post;
- Inspection of the documents submitted in the new form for preparing lists in order to be approved at the weekly meetings;
- Regular database update;
- Preparing the following lists of documents submitted according to the new form in order to be approved at the weekly meetings:
 - List of the data controllers, proposed to CPDP to be entered in the register under art. 10, para. 1, it. 2 of LPDP,
 - List of the data controllers, proposed to CPDP to be inspected under art. 17b of LPDP,
 - List of the data controllers, proposed to CPDP to be exempted under art. 17a (2) of LPDP.
- Entry in the register of data controllers by unique identification number;
- Preparation of certificates;
- Preparation of documents, certifying the process of registration of data controllers in CPDP;
- Notification of the data controllers via telephone with respect to their registration;
- Notification of the data controllers via telephone with respect to their letters;
- References and consultations of data controllers via special reference telephone - 91 53 518;

- Preparation of answers to e-mail letters with enquires to data controllers and sending through e-mail;
- Formation of the final structure of the registration forms according to the amendments of LPDP of November 10th 2006 and Protocol No.39/24.11.2006 of the meeting of CPDP;
- Preparation of the Terms of reference for the electronic registration of data controllers;
- Testing the new software;
- Preparation of the Instruction on the internal document turnover and organization of the work with electronically signed documents;
- Preparation of references of the audit-report;
- Preparation of the analysis on the probable number of data controllers for 2007 – necessary for audit;
- Preparation of references necessary for the Audit Office – upon request;
- Participation in the work visit to the Spanish Data Protection Agency /SDPA/ under Twinning project BG/2005/IB/OT/02 – introduction with the information register of SDPA;
- Examining the registration of the administrative courts as data controllers with respect to the application of exemption of some of them;
- Meeting with the resource centres for support of the integrated training and education of children and students with special educational needs in the Ministry of Education and Science concerning their registration as data controllers and presenting the activity of CPDP;
- Preparation of a reference for the Ministry of Regional Development and Public Works concerning the registration of the municipalities as data controllers;
- Preparation of references for the members of the commission, for the chief secretary and the officers of CPDP;
- Participation in a seminar on the subject of “Implementation of European Legislation in the Area of Personal Data Protection in the Republic of Bulgaria. European practices” – Borovets;
- Participation in a seminar under TP BG 2005/IB/OT/02 on the subject of "Secondary legislation concerning data protection";
- Participation in a seminar under BG 2005/IB/OT/02 on the subject of "International data transfer and protection of personal data in different sectors".

As a result of the performed activities by December 31st 2007 the following results have been achieved:

- total number of the applications for registration of data controllers and documents for update received and filed in the database - 9486;
- applications for registration of data controllers received – 6311;
- statements issued on 2085 inquires received in CPDP;

- answered 178 e-mail letters;
- Issued documents certifying the process of registration of data controllers – 394;
- entered data controllers in the register of CPDP – 16 955 data controllers;
- made inquiries and consultations of data controllers on the phone – over 8595;
- consultations of data controllers in the reception room of CPDP – over 7900;
- entered in the electronic register 26 753 applications;
- manually processed and classified 53 878 applications.

The communication of the CPDP staff with data controllers generally concerns explanations and assistance about:

- clarification of terms like: "register", "data subjects included in a register, for which data controllers process personal data", "act by which the conditions of keeping the register are stipulated"; "legal grounds of keeping the register";
- references given to data controllers with respect to their registration.

During the past year the work on issuing documents certifying the process of registration of data controllers in CPDP had a sporadic character, which was due to the fact that:

- The National Health Insurance Fund and the Regional Health Insurance Fund require that the data controllers should be registered in CPDP (over 1110 data controllers from the sector of healthcare were entered in the Register of CPDP);
- In order to issue or extend the permit on performing intermediary recruitment activity within the country and abroad the National Employment Agency requires from the applicants a document, certifying their registration in CPDP;
- The General Directorate of Civil Registration and Administrative Services at the Ministry of Regional Development and Public Works requires that the municipalities should be registered as data controllers in CPDP in order to provide access to the national database "Population" (almost all 264 municipalities in the Republic of Bulgaria are entered in the Register of CPDP);
- The Ministry of Regional Development and Public Works requires that the private law enforcement officers should be registered as data controllers in CPDP in order to access the registers of CRAS.

In 2007 there was a rise in the number of the applications for issuing a certificate by the CPDP required with respect to the participation of the data controllers in tenders or contract execution.

During the past year there were problems with the documentation for participation of a part of the data controllers, sent through the post, which were not fully supplied – some copies of the necessary documents were missing and some inexactitudes were found in the reported data. As a result of this there are data controllers that have not received an identification number from the register of data controllers in CPDP yet. We hope that after the introduction of the new information system of CPDP the data controllers themselves will correct their data in the web-based application.

4. COMPLAINTS HANDLING

Complaints handling is one of the most significant activities of CPDP with respect to the infringement of important statutory rights and interests, related to the privacy inviolability of individuals. In order to guarantee their protection, the legislator arranges that the basic power of the Commission for Personal Data Protection shall be handling complaints against acts and actions of data controllers, which infringe the rights of individuals according to the Law on Personal Data Protection.

The procedure of complaints handling is arranged by the new Rules for the activity of CPDP and its administration (enforced since March 23rd 2007).

In 2007 in compliance with the Law on Personal Data Protection 75 complaints were submitted to the Commission concerning violation of the rights of individuals.

The Commission found 17 complaints groundless, and 2 of them were pronounced inadmissible and 2 complaints were not examined.

Distribution of complaints according to their subject

Table 4.1.

Total number of complaints submitted by December 31 st 2007	75
Unlawful processing of personal data by data controller, including their disclosure or circulation to third parties without the consent of the data subject whose data are being processed	47
Processing of personal data which exceeds the specific, precisely determined and lawful purposes, including their additional processing in a manner exceeding these purposes	7
Denied access of an individual to his/her personal data	4
Processing of personal data by means of video surveillance	1
Disclosure of special categories of personal data	1
Publishing personal data in Internet without the consent of the data subject	3
Direct marketing	2
Disclosure of personal data by means of telecommunications	10

COMPLAINTS

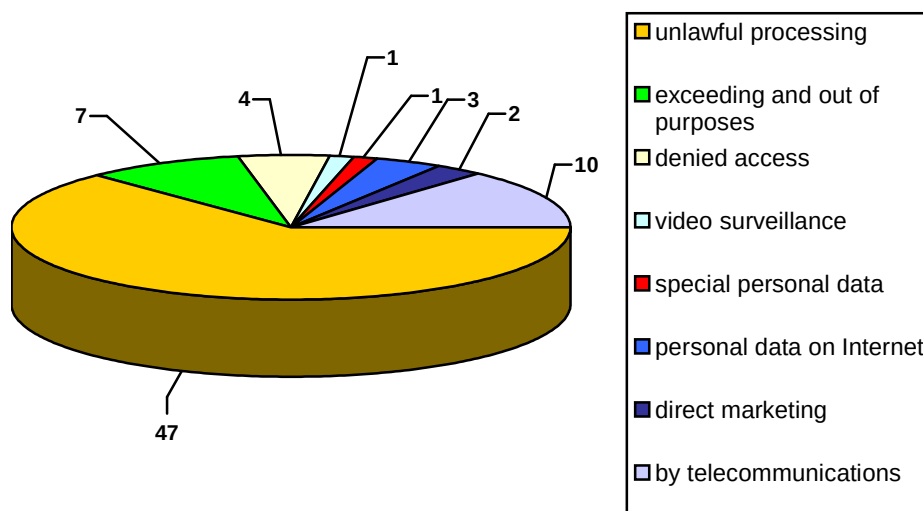


Figure 4.1.

The highest is the number of complaints related to unlawful processing (including disclosure and circulation) of personal data without their consent and without notification by the respective data controllers in advance, according to art. 19 and art. 20 of LPDP concerning processing categories of personal data, as well as the purposes for which they are processed, the recipients of the personal data and the right of individuals to access their personal data. On the cases when the Commission found the complaints grounded, the data controllers were given specific directions pursuant to art. 10, para. 1, it. 5 of the law.

Lower than that in the previous year is the percentage of complaints against personal data processing, exceeding the specific, precisely determined and lawful purposes, as well as their additional processing in a manner incompatible with them. The decisions of CPDP include mandatory directions to the data controllers to undertake specific measures and actions for ensuring lawful processing of personal data, according to the legal purposes for which such data have been collected, as well as for not admitting their additional processing in a manner incompatible with them.

In the last 2 years most often the submitted complaints concern the denial of data controllers to grant access to individuals to their personal data. In the course of the inspections carried out by the Commission it was established that these data were processed both electronically and on hard copies and they concern rights and obligations of appellants, as well as that they have legal interest in being given access to this information. In the cases when the Commission found the complaints belonging to this category well grounded, by means of the issued mandatory directions the data controller is obliged to grant the previously denied access to the personal data.

Individuals are especially sensitive with respect to the disclosure or denial to "special categories of personal data" (as specified in Directive 95/46 EC), and most often to those related to the health of the individuals.

In comparison with 2006 there is a significant decrease in the number of complaints related to processing of personal data for the needs of direct marketing without the consent of the individuals, as well as complaints against video surveillance.

Inspections were carried out on 85% of the complaints and additional evidence was collected on each particular case of unlawful actions of data controllers.

Collecting evidence with respect to publishing personal data on Internet was difficult in practice as in most cases personal data is collected when the individuals sign in and register in the internet sites where they willingly give their personal data, and the protection of data circulation is difficult to be controlled by the supervisory authority.

Prior to the examination of all submitted complaints by the administrative authority at expert level, legal opinions are drawn up with respect to their admissibility and they are reported at a meeting of the Commission by the Head of the respective department.

The correspondence with the parties with relation to the requirement of preparing opinion on the complaints, additional evidence, as well as the entire technical activity with regard to sending invitations for participation in open meetings of the Commission, the preparation of orders and participation in inspections on the complaints, the preparation of decisions and presenting them to be signed by the respective authority and sending certified copies of them to the parties under each complaint, is performed by the legal experts in Complaints Department. Beside their immediate duties, the officers of the department give regular consultations to individuals both with respect to the process of registration of data controllers and generally with respect to the implementation of the Law on Personal Data Protection. In 2007 235 consultations were made – on the telephone and in the Commission.

The officer of the Complaint Department took active part in seminars and presentations on the Twinning Project BG/2005/IB/OT/02 under PHARE Programme 2005 in the sectors of justice, video surveillance, banks, insurance, healthcare, etc., as well as in work parties with regard to drawing up drafts of legal acts.

5. INSPECTION ACTIVITY OF CPDP

5.1. Legal framework

The main change which should be point out is the regulating of the inspection activity of CPDP by differentiating the inspections carried out by CPDP – art. 12. of LPDP. One of the basic recommendations of the European Commission with respect to Directive 95/46/EC was fulfilled. The inspections are divided into ex-ante, on-going and ex-post, indicating the criteria for their performance. Therefore, the Commission issues respective Instructions. The ex-ante inspections are regulated in the part of the law (Chapter Three) related to one of the basic duties of data controllers – submitting applications for registration in CPDP and their entry in the special register of the Commission.

One of the basic amendments of the Law on Personal Data Protection concerned the inspection activity of the Commission, and at present its powers for exercising control on the observance of the law are in conformity with the requirements of Directive 95/46 of the European Community.

For the purpose of performing its control activity CPDP is supported by Inspection Activity Directorate that is part of the specialized administration. The inspections are made on the grounds of a decision by CPDP according to which a team and term for their performance is specified. The main purposes of the inspections include control on data controllers with respect to personal data processing, the legal grounds of the processing and the manner of protections of the rights of data subjects within the course of the processing, whether the required technical and organizational measures have been taken in order to protect data against unlawful access, accidental or unlawful infringement, accidental loss or change.

5.2. Made inspections

The following parameters are checked with respect to carrying out the control activity of CPDP:

- Reasons for keeping the register,
 - Purpose of data processing,
 - Groups of data in the register,
 - Availability of explicit consent of the individual,
 - The way of storing the data,
 - The way of arranging the data,
 - The way of arranging the access to the data,
 - The way of arranging the electronic protection of data.
- The conformity of the protection level of the processed data with the Ordinance on the minimum level and technical and organizational measures for protection.

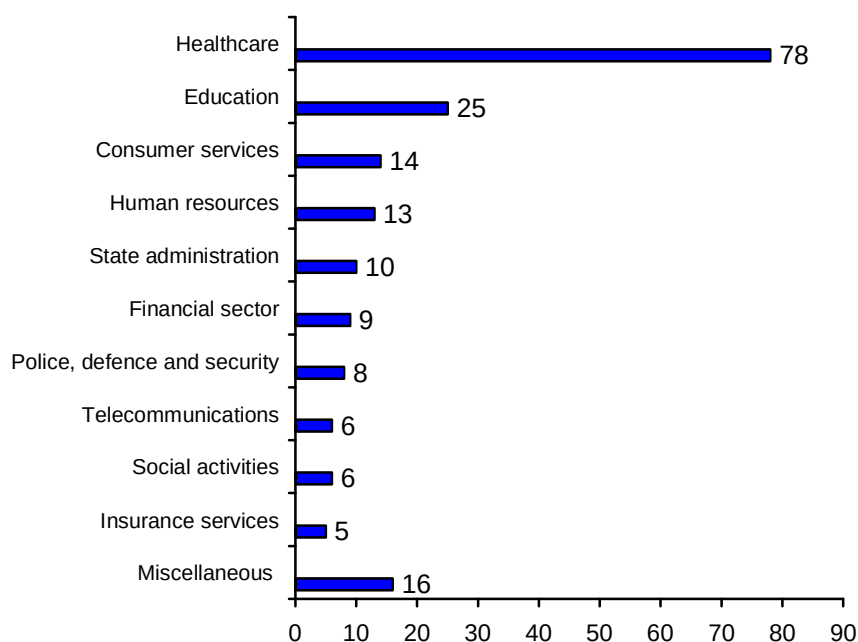
A differentiation has been made with respect to the specific conditions for processing personal data in each of the sectors. In the performance of its activity in 2007 CPDP made the following assertions on the inspections made:

The following inspections were carried out according to the specific activity of data controllers (sector):

Table 5.1.

No	Sector	Number of inspections
1.	Healthcare	79
2.	Education	25
3.	Consumer services	14
4.	Human resources	13
5.	State administration	10
6.	Financial sector	9
7.	Police, defence and security	8
8.	Telecommunications	6
9.	Social activities	6
10.	Insurance services	5
11.	Miscellaneous	16

INSPECTIONS ON DATA CONTROLLERS ACCORDING TO THEIR SPECIFIC ACTIVITY



Фиг.5.1

Following the amendments of LPDP of November 10th 2006 (SG, issue 91 of 2006) the Commission mandatory performs ex-ante inspections prior to the entering in the register of data controllers in the event that the data controllers have applied for processing personal data revealing racial or ethnical origin; reveal political, religious or philosophical convictions, membership in political parties or organizations, associations with religious, philosophical, political or trade-union goals; referred to health, sexual life or human genome or data, the processing of which according to a resolution of CPDP endangers the rights and lawful interests of individuals. With respect to the numerous amendments in the legislation with respect to the sector of Healthcare and the mandatory medical standards adopted for the implementation of this activity most of the inspections were carried out in this sector.

Most of the inspections in the sector of Education are based on the provisions of art. 17b of LPDP, due to the fact that the data controllers have specified in their application for registration that they will process personal data concerning the health of individuals.

According to the source of the given signal the following inspections were carried out:

Table 5.2.

No	Source	Number of inspections
1.	Applications for registration submitted under art. 17b	143
2.	Individual	38
3.	Legal entity	4
4.	Group of individuals	4
5.	Self-approach	2

INSPECTIONS ON DATA CONTROLLERS ACCORDING TO THE SOURCE

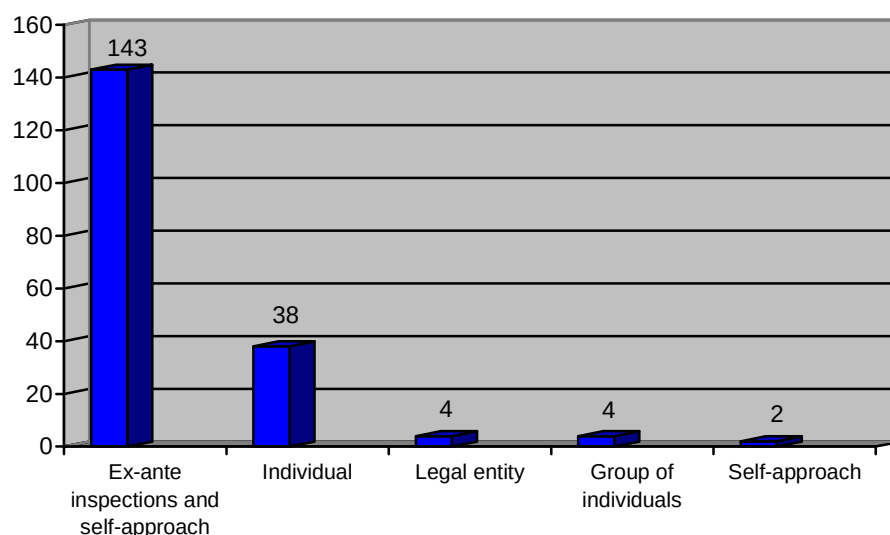


Figure 5.2

The highest is the number of the ex-ante inspections under art. 17b of LPDP, followed by inspections made on signals and complaints submitted by individuals and concerning the infringement of their rights under LPDP.

According to the reason of approaching CPDP the following inspections were carried out:

Table 5.3.

№	Type	Number of inspections
1.	Application submitted under art. 17b	143
2.	Complaints	27
3.	Alerts	19
4.	Self-approach	2
Total:		191

INSPECTIONS MADE

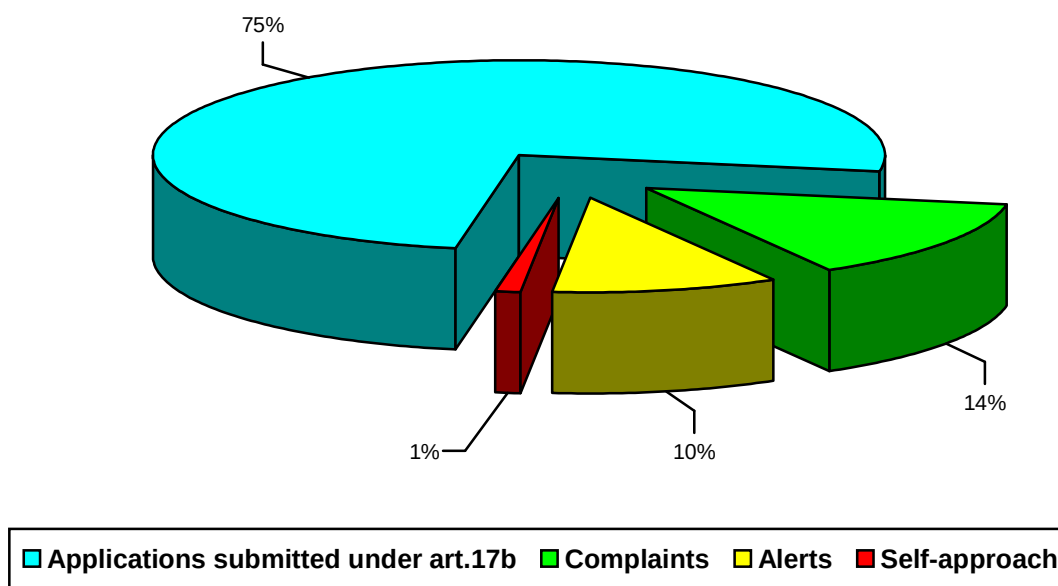


Figure 5.3.

In 2007 in total 191 inspections were carried out, and most of them did not establish infringements under LPDP. With regard to the established infringements the inspections on 41 cases ended in issuance of mandatory directions, whereas the inspections in 12 of the cases ended in imposing administrative violations and sanctions acts.

According to the administrative violations and sanctions acts imposed:

Table 5.4.

№	Sector	AVSA (in %)
1.	Consumer services	26
2.	Financial sector	25
3.	Telecommunications	8
4.	Healthcare	8
5.	State administration	8
6.	Human resources	8
7.	Miscellaneous	17

IMPOSED ADMINISTRATIVE VIOLATIONS AND SANCTIONS ACTS
ACCORDING TO THEIR SPECIFIC ACTIVITY (IN %)

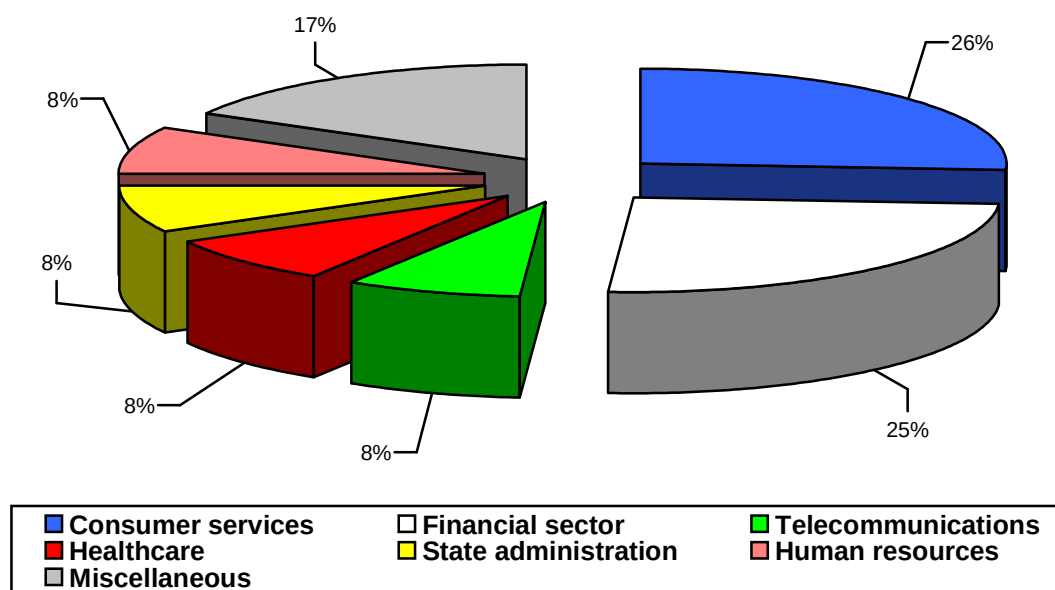


Figure 5.4.

After completing the inspection of data controller and upon establishing violations the Commission may issue mandatory directions or impose administrative penalty.

In 2007 the highest number of administrative violations and sanctions acts (AVSA) were issued in the sector of Consumer Services and Financial Sector. The most common violations are as follows:

- no adequate technical and organizational measures have been taken for protection of data against accidental or unlawful destruction, or accidental loss, against unauthorized access, alternation or dissemination, as well as against other illegal forms of processing (art. 23, para. 1 of LPDP);

- the data have not been destroyed after the goal of their processing has been achieved (art. 25, para. 1, it. 1 of LPDP);
- refusal to cooperate with the inspecting team upon exercising their powers (art. 22, para. 5 of LPDP).

According to the type of violators the following penal provisions have been issued:

ISSUED PENAL PROVISIONS ACCORDING TO THE VIOLATOR

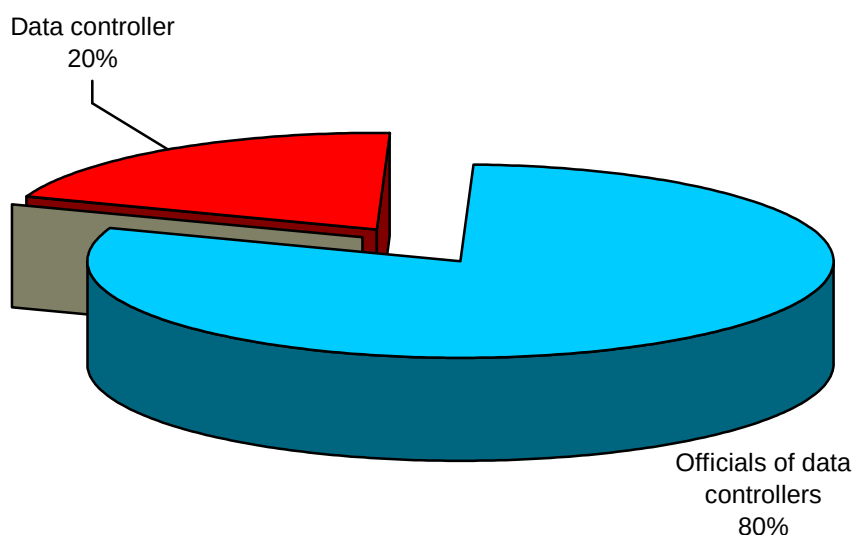


Figure 5.5.

The penal provisions are issued by the Chairperson of the Commission for Personal Data Protection. The issuance, appeal and enactment of the penal provisions are performed according to the Administrative Offences and Sanctions Act.

5.3. Analysis of the mandatory directions issued

The Commission issues mandatory directions to data controllers with respect to the protection of personal data most often after having carried out ex-ante inspections under art. 17b in case of inspections, carried out after approaching the Commission (in case of filed complaints, alerts, requests for transfer of personal data). In 2007 in total 41 mandatory directions were issued.

Most of the mandatory directions were issued aiming at ensuring adequate level of protection of personal data within the maintained personal data registers, providing the minimum necessary technical and organizational means and measures according to Ordinance No. 1, dated February 7th 2007 on the minimum level of technical and organizational measures and admissible type of protection of personal data (SG, issue 25 of March 23rd 2007).

Most often the directions were issued with relation to the obligation of data controllers to correct the following violations:

- No internal rules were drawn up, specifying the measures and means of protection of personal data according to art. 3, para. 3 of Ordinance No 1 of February 7th 2007,

- The explicit consent of the data subject was not obtained with respect to processing their personal data in accordance with art. 5, para.2, it. 2 of LPDP,
- The adequate organizational and technical measures were not taken with regard to limiting and monitoring the access to the registers kept in accordance with Ordinance No. 1 of February 7th 2007.

5.4. Sector inspection

After making analysis of the situation with the personal data protection by sectors at a regular meeting on June 2007 CPDP made a decision to carry out an inspection on the Bank Sector. The inspection started at the beginning of September and envisages the inspection of several banks.

The inspection will establish whether the purposes of processing personal data have exceeded the limits of lawfulness of the processing, set out in art. 4, para. 1 of LPDP. The subject of the inspection also covers establishing whether personal data are processed by the data controllers contrary to art. 5, para. 1 of LPDP with respect to processing of personal data.

The subject of the inspection also covers the measures taken to ensure the protection of the personal data and the registers with personal data in accordance with Ordinance No.1 of 07.02.2007 on the minimum level of technical and organizational measures and the admissible type of protection of personal data.

After the inspection is completed a summarizing report shall be drawn up concerning the protection of data in this sector. The results will show how the rights of individuals are protected with regard to processing their personal data and where the most common mistakes of data controllers are made when implementing this protection.

6. OPINIONS

6.1. Opinions

The Commission on Personal Data Protection expresses opinions on the grounds of the provisions of the Structural Regulations of the Council of Ministers and Its Administration and the Law on Personal Data Protection.

6.1.1. Opinions on coordinating procedures

The first group of opinions are expressed by CPDP pursuant to the provisions of art. 10, para. 1, it. 8 of LPDP and art. 58, para. 3 of the Structural Regulations of the Council of Ministers and Its Administration.

In 2007 drafts of legal acts were worked out by the Ministry of Interior and were coordinated with CPDP. In 2007 the Ministry of Interior presented 2 drafts of laws to CPDP for coordination, as well as 15 draft decisions of the Council of Ministers for adoption of agreements between the Republic of Bulgaria and other countries. In 2007 no requests were presented by the commissions at the national Assembly concerning opinions on draft laws.

In 2007 representatives of CPDP participated in the work of the interdepartmental working party 23 to the Ministry of Interior - "Cooperation in the field of justice and home affairs" and interdepartmental working party 3 to the Ministry of Finance - "Free provision of services".

6.1.2. Opinions on implementation of LPDP

The second group of opinions are expressed by CPDP pursuant to the provision of art. 10, para. 1, it. 4 of the Law on Personal Data Protection. The powers of the Commission on Personal Data Protection involve expressing opinions on the implementation of LPDP. In 2007 CPDP expressed a number of opinions on the issues concerning the lawful processing of personal data by personal data controllers. The requests for opinions are presented both by data controllers and individuals with respect to their rights under LPDP. Opinions are expressed with respect to the lawful processing of Personal Numbers, processing of personal data for statistical purposes, prerequisites for lawful processing of personal data belonging to the customers of trade companies, providing public services, with respect to making copies of the ID Cards of the customers of the banks, with respect to requests for access to the data, maintained and stored in the National Database "Population".

Most of the requests sent by individuals were answered through e-mail or directly on the phone.

Table 6.1.

Total number of opinions expressed in 2007	121
Opinions on coordinating procedures	35
Opinions on implementation of LPDP	97

6.2. Personal data transfer

Following the latest amendments and additions to LPDP (promulgated in SG, issue 91 of 10.11.2006) and adoption of the new art. 36a of LPDP (in force as of the effective date of the Treaty of Accession of the Republic of Bulgaria to the European Union), according to which the provision of personal data in any Member State of the European Union shall be done freely in compliance with the requirements of LPDP, the Commission has issued a decision with respect to the transfer of personal data both to the Member States of the European Union and to third countries. In the event that data controllers transfer personal data to other data controllers located on the territory of third countries out of the European Union and the European Economic Area, then CPDP rules by a decision after making an assessment on the adequate level of protection of personal data provided in these countries. This assessment is made according to criteria, set out in the Rules on the activity of the Commission for Personal Data Protection and its administration (RACPDPIA), including the nature of data, which are to be provided, duration of data processing, purpose of the personal data provision, notification of data subjects whose data are to be provided, purposes of provision and recipients of such data within the third country, right of access of the individual to the respective data and the possibility of correction or deletion of any data the processing of which does not comply with LPDP, security measures for data protection provided in the third country, provided possibility of compensation for damages suffered by the individuals as a result of the unlawful processing. In 2007 the requests presented by the data controllers to the Commission pursuant to art. 36a of LPDP referred to transfer of personal data belonging to their officers employed under labour contracts to the sole owner of the capital of the separate companies, located in third countries, according to the provisions §1, it. 14 of the Additional Provisions of LPDP. Requests were also presented by data controllers whose subject of activity includes recruitment of seamen working on ships under foreign flag. Aiming at indisputably establishing whether the data controller, recipient of the personal data, provides adequate level of protection, the Commission requires that the applicants for transfer should present contracts, including standard contract clauses, specified by means of decision made by the European Commission. The standard contract clauses are applicable to transfers to any country not belonging to the European Union. They envisage respective

obligations for the data controller, who provides the data, and for the recipient from the third country. In the event of infringement of the clauses there is joint liability for data transferor and recipient.

7. INFORMATION ACTIVITY

7.1. Information bulletin

The commission issues a bulletin where it releases information about its activity and decisions that have been made. The annual report for the activity of the Commission in 2006 is also published in the bulletin. The external design has been changed and new headings have been set up. Some of the headings include:

- *Decisions of CPDP*
 - *Decisions on complaints*
 - *Opinions of CPDP*
- *Registration of a data controller*
- *Annual report*
- *Personal data protection in Europe*
- *PHARE programme*
- *Judicial comments*
- *You ask, we provide the answers*
- *Events and comments*

All issues are published in chronological order on the website of CPDP (www.cdpd.bg) in pdf format. The files are accessible to all users and may be reviewed on the website itself or downloaded on a local computer.

7.2. Website

The website of CPDP can be found on the following address: (www.cdpd.bg).

The contents are as follows:

- *Home page*
- *Commission*
- *Administration*
- *Legislation*
- *Law*
- *Rules*
- *Documents of CPDP*
- *Forms*
- *Annual report 2003*
- *Annual report 2005*
- *Decisions of CPDP*
- *Decisions on complaints*
- *Miscellaneous*
- *References*
- *Competitions*

- *Ethic code of behaviour*
- *Information bulletin*
- *Court practice*
- *Contacts*
- *Links*

A version in English was developed.

7.3. Promotion of the activity of CPDP

After September 2006 r. the Ministry of Education and Science set up state servicing units – extra-school pedagogic establishments (resource centres for assistance in the integrated education and training of children and students with special educational needs). On this occasion officers of CPDP conducted training on LPDP, the procedure for registration of data controllers and Ordinance No.1 of 07.02.2007 for the minimum level of technical and organizational measures and admissible type of protection of personal data. The meeting was attended by representatives of all 28 resource centres for assistance in the integrated education and training of children and students with special educational needs in Bulgaria.

7.4. Partner meeting with the Commission for Protection against Discrimination

The partner meeting with the Commission for Protection against Discrimination (CPD), held from July 21st to 23rd 2007 was organized by CPDP entitled "Discussion on current practical problems, related to privacy and personal inviolability and protection against discrimination".



Members of both commissions and representatives of their administrations took part in it.

The procedures and practices with regard to handling complaints and alerts sent to CPDP, as well as some basic aspects in the activity of the Commission for Protection against Discrimination were discussed at the meeting. The activity of CPD was discussed with respect to the promotion of its

activity. Its information materials and a questionnaire for research of the public attitude of Bulgarian citizens towards the availability and acts of discrimination, as well as other acts related to unequal treatment in today's society.

The international cooperation with the European Commission and European authorities for personal data protection was discussed.

7.5. Seminar on the subject of “Implementation of European Legislation in the Area of Personal Data Protection in the Republic of Bulgaria”. European practices”

Seminar on the subject of “Implementation of European Legislation in the Area of Personal Data Protection in the Republic of Bulgaria. European practices” was held from May 4th to 6th. It was organized together with the Centre for Law of the Information and Communication Technologies.

The seminar was attended by Dr. Astrid Brainliter from Germany and Prof. Josef Canatachi – Director of Lancashire Law School, University of Central Lancashire, UK. Ms. Brainliter gave a report on the subject of "Special aspects of personal data protection – personal data protection in direct marketing according to German legislation", and Prof. Canatachi – “From data protection to data reservation: key developments for the European countries in transposition & sectors”. Reports were given by the representative of the Centre for Law of Information and Communication Technologies – Mr. Georgi Dimitrov, and by the representatives of CPDP – Ms. Veneta Shopova, Ms. Maria Krumova and Miss Tanya Pishtyalova.

7.6. International workshop on issues of e-government and personal data protection

The International Workshop on Information Technologies (InfoTech-02007) was held on September 21st and 22nd 2007 in the International Centre of Scientists “Fr. Juliot Curie” (ICS) in the resort St. Constantine and Elena near Varna, which united the joint workshops conducted till then: the 21st international conference on systems of automation of engineering and research and the 3rd international work meeting on e-government and data protection.

The main organizers of the conference were:

- State Agency for Information Technologies and Communications (SAITC)
- Technical University of Sofia (TU-Sofia)
- Union of Scientists in Bulgaria (USB)
- Union of electronics, electrical engineering and communications (UEEEEC)

The whole organization of the conference was carried out by an organizing committee led by Assoc. Prof. Radi Romanski PhD, and honorary chairpersons - Prof. Plamen Vachkov (president of SAITC) and Prof. Kamen Veselinov (rector of TU-Sofia). Besides by the organizers, the Conference was financially supported by Microsoft Research (Redmond, USA), SAP Labs Bulgaria (Sofia, Bulgaria) and Rila Solutions (Sofia, Bulgaria).

The conference was opened with an official session (Picture 1) attended by Prof. Kamen Veselinov (rector of TU-Sofia), Assoc. Prof. Lyubcho Lyubchev (Deputy Rector of the University of Burgas), Mr. Stanimir Tsolov (member of the Commission for Personal Data Protection) and Prof. Franjo Jovich from the University of Osijek (Croatia).

After the opening speech of Assoc. Prof. Radi



Romanski the participants were greeted by Prof. Kamen Veselinov and a welcome letter was read by Mr. Ivan Dimitrov (District Governor of Pernik District). A report related to information and communication technologies was read by Prof. Jovich.

During the two work days of the conference over 45 reports were presented distributed thematically in 4 main sections.

The technological aspects of e-government and data protection were discussed on the first day. Three reports were presented in the plenary session.

- *Technical and organizational measures for security in personal data protection* (presented by Mr. Perez from the Spanish Data Protection Agency);
- *Anonymization with e-government* (presented by Mr. Carmona, IT-Director in the Ministry of State Administration of Spain);
- *Models of e-government* (by R. Trifonov and B. Zhekov from the Coordinative Center of Information, Communication and Management Technologies at the Councils of Ministers of the Republic of Bulgaria).

Ten more reports were presented on the first day, related to the information security and electronic services and to web-technologies and electronic training.



International Conference on Information Technologies InfoTech - 2007

The issues discussed on the second day were related to up-to-date information and communication technologies, systems of processing knowledge and technologies of automated design and research. Four meetings and one poster session were planned for the second day in which 32 more reports were presented.

More than 60 scientists and specialists (Picture 2) from Bulgaria, Greece, Spain, United Kingdom of Great Britain and Northern Ireland, Portugal, Rumania, Russia, Slovakia, Croatia, etc., took part in the conference.

Upon checking in the participants were given a complete set of materials. The reports printed in two volumes (collection of reports on hard copy and on electronic medium) will be put in more than 20 Bulgarian and world libraries and included in two electronic scientific databases of the worldwide organization *EBSCO Publishing Inc.*, CAIII (<http://www.epnet.com/>) - *Academic Search Complete* and *Computers & Applied Sciences Complete*, as well as on the website of *FISITA's On - Line Bookstore for Automotive Technical Publications* London, United Kingdom (www.fisita.com/bookstore). Information on the workshop was published in *Computerworld* newspaper on September 29th 2007.

8. INTERNATIONAL ACTIVITY

In 2007 the Commission for Personal Data Protection took active part in the preparation of the European legislation and implementation of the practices in the field of personal data protection. The powers and opportunities for direct participation in the process of discussing issues and problems and respectively the responsibilities grew up after the Republic of Bulgaria acquired the statute of full member of the European Union, which completed the process of accession of the country to the large European Community.

8.1. General topics of data protection and trends for development in 2007

A number of main discussion subjects may be differentiated in the field of personal data protection.

8.1.1. The subject of "SWIFT"

The subject of transfer of data belonging to account holders from EU to the authorities involved in fight against terrorism in the USA was the main topic in 2007, and it was widely practiced in a number of international workshops, including the specialized Working Party of data protection under art. 29 of Directive 95/46/EC. It was considerably developed during the reported period, starting with the statement given by the representatives of the central office of SWIFT in Belgium, that they only provide information concerning interbank transactions of those customers who are subject to investigation in the USA. Attention was paid to the necessity of cooperation with the representatives of SWIFT and the bank institutions aiming at achieving better understanding of the problems, occurred in protection of data and their regulation. With regard to this a number of meetings were conducted between financial specialists of SWIFT on the American part and the European Commission, aiming at drawing up the agreement between the EU and the USA related to this issue. A subgroup bearing the same name was set up with the framework of WP under art. 29, having the task to inform the banks and the other financial institutions on the significance of data protection and to prepare a common document, including regulation on data transfer, taking into account the enormous significance of the system for exchange of bank information. The term of retaining the data of the transactions performed was discussed, and the term of 5 years was proposed. A report was drawn up on the preliminary analysis concerning the fulfilment of the obligation of notifying the customer about the commitments entered into in the Member States of EU. The data protection authorities declared their readiness to continue to observe the bank activity, in particular in the points where partial non-fulfilment of the recommendations was ascertained. In Bulgaria a consultation of the Commission with the Bank Association in Bulgaria reported that unified information messages are envisaged to be prepared and provided to the customers. The representatives of SWIFT presented a report of their activity and the measures, concerning the

transparency in work, innovation and all issues related to structuring of the system. A new structure is envisaged to be set up by the end of 2009 and together with it a new operative center will start operating in Switzerland, which will take the processing of the transactions within EU, whereas those, directed from EU to USA will continue to be handled in the operative center in USA. A considerable progress was gained in technological aspect, which helped maintaining a higher level of data protection within the system.

8.1.2. The concept of data protection

In 2007 this issue was greatly discussed with respect to the range of the scope of personal data definition, and there were proposals for narrowing the range of data which should be subject to protection. CPDP took part in the discussion and the following voting on this issue. In June after the voting procedure the Working Party adopted Opinion 4/2007 concerning the concept of the term "personal data" (Opinion № 4/2007 on the concept of personal data).

8.1.3. Binding Corporate Rules

A number of clarifications were made on the issue of data transfer with respect to the interpretation and at the beginning of the year the WP approved a standard application for approval of binding corporate rules, based on its previously issued work documents (Recommendation 1/2007 on the Standard Application for Approval of Binding Corporate Rules for the Transfer of Personal Data). Besides the application form a coordinated procedure was set up among the data protection authorities in the event of data transfer between the member states. The Law on Personal Data Protection provides for free data transfer with regard to member states of the European Union and the European Economic Area.

8.1.4. Standard contract clauses

In 2007 the commercial sector proposed documents to complete the existing standard contract clauses. Any alternation in the clauses already adopted by a decision of EC would involve intensive and long debates, as the transfer to third parties with inadequate level of data protection may give rise to serious problems with respect to personal data protection. The LPDP provides for approval of the standard contract clauses apart from the occasions when clauses adopted by EC are used.

8.1.5. Medical data

In the field of health data the regulation and protection of data included in the electronic health records was particularly significant for the discussion, as the data stored in them are indisputably sensitive and the respective regulation should be applied with respect to the rights of individuals, data protection and mechanisms for assessment of the protection.

8.1.6. Transfer of audit documents to third countries – 8th Directive on Statutory Audits

It was accepted in this field that the requirements for personal data protection should be mandatory observed, as set out in Directive 95/46/EC, including proportionality of the collected data, expedience, ensuring the adequate level of protection, observance of the rights of access, alternation and deletion of data, etc. In November the Opinion 10/2007 was adopted concerning the 8th Directive on statutory audits (8-th Directive on Statutory Audits, Opinion 10/2007 by the Article 29 Working Party).

8.1.7. Transfer of data belonging to passengers in air-transport (PNR)

The issue of transfer of passenger name records retained its high level of sensitivity at the discussions between EU and USA for executing an agreement. No direct flights to UA are present in Bulgaria yet, however CPDP took part in the preparation of the opinion of the working party on this issue. The discussions include the idea of informing the passengers travelling from EU to USA about the processing of their personal data. After executing the agreement the WP sent a letter to the European Commission (EC) with a request for clarification of a number of controversial issues, including the following: improvement of the technologies of enhancing personal data protection in the process of data re-transfer; passengers' rights protection; the obligation of air-freighters on informing the passengers about the transfer of their personal data to the US Department of Homeland Security. The provided information was required to be precise and timely. The EC gave information on the plans for setting up European regime with regard to passenger data and at this stage it concerns draft document, and as the WP considers that that it should take into consideration the legal interest of both parties and to establish the appropriate balance between the protection of privacy inviolability of passengers and ensuring the safety by the air carriers. All interested parties should be listened to and informed, whereas the WP expressed its willingness to continue to assist in conducting the discussions by means of providing competent opinions and sharing its experience. In August Opinion 5/2007 was adopted by the delegates of the personal data protection authorities, which opinion concerns the follow-up agreement between the European Union and the United States of America on the processing and transfer of passenger name record (PNR data) by air carriers to the United States Department of Homeland Security concluded in July 2007. (Opinion 5/2007 on the follow-up agreement between the European Union and the United States of America on the processing and transfer of passenger name record (PNR) data by air carriers to the United States Department of Homeland Security concluded in July 2007).

8.1.8. Procedure on assessment of the adequate level of data protection (the island of Jersey and the Faroe Islands)

In 2007 the applications of two more countries were examined in order to be added to the group of the countries providing adequate data protection: the island of Jersey – under British, and the Faroe Islands – under Dutch jurisdiction. The assessment began with reading reports on the condition of personal data protection including specific remarks and additional requirements to the

applicants, which were thoroughly discussed. WP adopted two opinions on adequacy of data protection which would help EC take decisions on this aspect: Opinion 8/2007 on the level of protection of personal data in Jersey and Opinion 9/2007 on the level of protection of personal data in the Faroe Islands.

8.1.9. Data protection day

Information related to this day was sent to the Council of Europe and the European Commission concerning the events planned, the purpose of which was to enhance the awareness of individuals to the field of personal data protection. The effect of the organized events on the Data protection Day within EC is going to be reported. A resolution was adopted in December with respect to the second celebration of Data Protection Day (Resolution by the Article 29 Working Party on the Second European Data Protection Day).

8.1.10. Application of the right of data protection

Work program was prepared on this issue aiming at better application of Directive 95/46/EC, which implementation ended in June with Report 1/2007 on the first joint enforcement actions on its application: Evaluation and future steps (Report 1/2007 on the first joint enforcement action: evaluation and future steps).

8.1.11. Biometric data

This issue was thoroughly discussed, in particular the part concerning the issuance of passports in EU. The discussions covered not only the adequate personal data protection, but also the high costs of the provided service, as at present it differs in the different member states and is determined depending on the costs incurred by the company in the preparation of the document. The high level of protection, achieved by means of ID Code chip. The possibility of publishing biometric data on internet was also discussed. A document was adopted in this respect - Opinion 3/2007 on the Proposal for a Regulation of the European Parliament and of the Council amending the Common Consular Instructions on visas for diplomatic missions and consular posts in relation to the introduction of biometrics, including provisions on the organization of the reception and processing of visa applications (COM 2006) 269 final.

8.1.12. Protection of inviolability of personal data and children

In 2007 a draft opinion was drawn up by the Portuguese Commission for Data Protection, which was commented and discussed by all members of the Working Party under art. 29. The opinion to be adopted finally in 2008.

8.1.13. Third Pillar

This was one of the most discussed topic in 2007. A number of consultations and meetings were held. The establishing of specialized authorities dealing with examining the issued in this field should be noted down, which authorities discussed on their meetings the issues of data protection with respect to issuing permits for permanent residence to citizens of third countries; transferring data of immigrants to authorities of third countries; setting up work frame for inspections on police files; Decision of the Commission on international cooperation and counteraction against terrorism and transborder crime; cooperation between police and judicial authorities, etc.

8.1.14. Internal market information system

A number of discussions were carried out on this issue and information was exchanged, and after the discussion and voting the Opinion 7/2007 was adopted on the data protection issues related to the Internal Market Information System (IMI).

8.1.15. Consumer protection information system

Information was exchanged on this issue with respect to the mechanisms of data protection between the national authorities, responsible for the implementation of the legislation in this field. In September Opinion 6/2007 was published on issues related to data protection with respect to the cooperation system in the field of consumer protection (Opinion 6/2007 on the data protection issues related to the Consumer Protection Cooperation System (CPCS)).

8.1.16. Right of inviolability of privacy

Issues related with privacy are extremely important, as this right is considered equally significant to data protection and its inviolability is of high importance. In 2007 the discussion on right of privacy inviolability with respect to providing telecommunication services, data access, safe-keeping of personal and sensitive data, investigations carried out by law enforcement authorities, etc., were carried on. Work has been done on improvement of the technology with respect to ensuring higher level of inviolability of personal data of individuals.

8.1.17. Information campaign of SIS II

This issue was particularly topical in 2007 due to the forthcoming introduction and implementation of the Schengen Information System of second generation (SIS II). A special Common Supervisory Authority on Schengen was set up within the European Commission, including also delegates of CPDP, and which discussed all issues and problems incurred with respect to the operation of the system. A special regulation on management was drawn up and titled SIRENE, which not only included the parameters of the collected information, but also provided for establishing offices under the same name within the member states of EU, which had signed the convention introducing the Schengen Agreement, which offices should act as mediators between the separate law enforcement authorities. In this connection information campaign was launched aiming at introducing the mechanisms of operation of SIS II by means of working out information materials to be distributed by the interested authorities, organizations and individuals.

8.1.18. Telecommunications

In 2007 the following issues related to this area were discussed:

- digital television- the main tendencies with respect to data protection are as follows:
anonymization in order to provide full protection of personal data;
- introduction of unified policy; data should only be collected and processed based on legal provisions; proportionality of the purposes of data collection;
- informing in advance the consumers on the type of data, purposes of their collection and the period of retention;
- the profile of the consumer should only be processed if explicit consent was given;
- provision of necessary measures for ensuring information protection;
- introduction of electronic flight tickets – the deadline for turning entirely into such type of tickets is June 2008;
- checking in should be only performed against presenting ID document;

8.1.19. Collecting data from internet browsers

With respect to this issue EC imposed certain limitation to the period of data retention to be up to 3 years, and urgent measures were taken to ensure the users' inviolability due to their relation to IP address or other information, as well as initiatives for higher level of anonymity, new policies were under discussion related to data retention, proposing the term to be reduced to 18 months. Microsoft prepared practices on retention of users' data for purposeful advertising. As a result of the debates on data retention, Yahoo declared that they would make a step forward to introducing a period of data retention not exceeding 13 months.

8.1.20. The subject of "WHOIS"

The discussions on this type of data base, proposed as an opportunity for contact with individuals and companies within it, continued during the year. The problem of providing better protection level of the personal data kept in it is still current.

8.1.21. Direct marketing

With respect to the marketing in 2007 the issue of setting up an ethic code of behaviour in the field of direct marketing was raised again as a result of the high number of complaints submitted by individuals related to electronically received unwanted messages. Therefore, the Federation of European Direct Marketing proposed a draft code to data protection authorities, including such obligations of the companies using direct marketing, that ensure proportionality of data collecting procedures, observance of the rights of consumers with respect to their personal data, option for refusal to receive messages, as well as a special part concerning children in their role as consumers, including limitations on the advertising messages and information received electronically, aiming at preventing misleading advertising and offering of products not suitable for children. The document submitted for review is still under discussion and is to be voted during the following year.

8.2. Participation in international events

In 2007 the Commission participated actively in the international events discussing the current issues and problems occurred in the field of data protection. The arranging of participation was dealt with by Sector “Protocol and public relations”, which is newly established unit, operating for a couple of months.

Representatives of CPDP took part in the meetings of the Working Party under art.29 of Directive 95/46/EC, discussing the current issues related to protection of personal data, problems occurred, possibilities for their solution and preparation of documents in this field aiming at achieving harmonization of actions ensuring data protection.

The Commission participated in two meetings of the International Working Party on Data Protection in Telecommunications, which were held in April on the island of Guernsey, United Kingdom, and in September in Berlin, Germany, discussing issues related to marketing and telecommunication services. The representatives of the Commission presented two reports concerning the development of data protection in the field of telecommunications in the Republic of Bulgaria. They examine the development of the legal frame, reporting the following: the amendment of LPDP concerning the notification of data controllers and the requirements on data processing, in particular with the introduction of the Ordinance on minimum technical and organizational requirements for data protection; the process of setting up the system of on-line registration in the Commission; the increased number of complaints regarding video surveillance and web-services; the arrangement of Data Protection Day; the development of electronic services, as well as the development with respect to the new legislation in the field of e-government; the amendments in the legislation; the implementation of the new LPDP, and a number of interesting cases were presented with respect to unlawful provision (trade) of personal data, mobile and bank services, digital television and web-services.

In 2007 CPDO participated actively in the meetings of the Working Party on examining different cases related to personal data protection.

In April the 15th working meeting was held in Helsinki, Finland. It discussed issues related to internet, direct marketing, financial/bank sector, healthcare data and some sensitive issues (video surveillance, international transfer of data, relations employer-employee and financial sector), in which the Bulgarian representatives took part too.

The 16th working meeting was held in November 2007 in Lisbon, Portugal. The issues discussed were related to financial sector, competence of authorities for personal data protection, etc. The Bulgarian delegation took part in the discussions on the risk assessment, data exchange between the authorities and biometric data.

Representatives of CPDP took part in the Annual Conference of the European Data Protection Commissioners, which this year was held in May in the town of Larnaca, Cyprus. It discussed issues related to electronic healthcare records, various aspects of data protection, the activity of the Working Party on issues related to police, media and personal data, etc. A questionnaire was filled in with respect to the activity of the European data protection authorities. Two documents were adopted by the conference – a declaration (Declaration adopted by the European Data Protection Authorities) and a document of the common position of the European

Data Protection Authorities on the use of the concept of availability in law enforcement (Common position of the European Data Protection Authorities on the use of the concept of availability in law enforcement).

Representatives of CPDO took part in the 9th meeting of personal data protection authorities for Central and Eastern Europe, which this year was held in July in the town of Zadar, Croatia. The discussions on the meeting concerned the use and access to the information, personal data, kept in different institutions; electronic healthcare cards; national archives; access of the secret services to police databases, data protection in the Third pillar and national security; information security; surveillance of public and private areas; creation of databases containing biological samples, etc.

Besides the abovementioned events the Commission took part in some more important workshops.

The participation in the Working Party on police and judicial issues was of special importance. Two of the meetings in January in The Hague, The Netherlands, and in October in Brussels, Belgium, were attended by representatives of the Commission. Issues which were discussed included the Third pillar and the cooperation in the fight against terrorism and transborder crime.

In June 2007 in Lion (France) a symposium was held at the invitation of Interpol with respect to the challenges to the adequate data protection in the cooperation on implementation of the international legislation, and delegates of CPDP took part in it as well. The main aspects of the discussion concerned human rights and responsibilities of international organizations and maintenance of files containing police information, as well as the access to them and their processing.

Due to the importance of the issue of the period of data retention in telecommunication area in March in Brussels, Belgium, a special meeting on the issues related to the introduction of the Directive on data retention (2006/24/EC). It discussed the aspects, related to inviolability right, internet providers, specification of data which could be retained, and application of the directive to data, related to the access, telephone calls and e-mails on internet.

In June 2007 in Berlin, Germany a symposium on data protection in Europe was held, which discussed the protection of personal data in the area of police and judicial cooperation, and which was attended by representatives of CPDP.

In October within the discussions in the Third Pillar, an expert meeting was held related to drawing up a legislative proposal on providing the police and other law enforcement authorities of the member states of EU with access to EURODAK, where together with the other participants the representatives of CPDP discussed the legal frame and the particular cases of provision of information, as well as the preferred methods for providing access to police and other law enforcement authorities.

In October in Warsaw, Poland, a conference was held on the subject of "Right of privacy inviolability in the community of surveillance", which discussed the issues of information systems and video surveillance and the right of privacy inviolability of public figures on Internet.

In November on the initiative of the European Commission a Conference on Public Security, Right of Privacy Inviolability and Technology was held, which was divided into two main parts:

public security and technology and technology and right of privacy inviolability and technology, whereas the discussions included the aspects of data protection with respect to publicity and privacy, data controllers, data subjects and consumers.

In 2007 CPDP continued to develop its cooperation with the other data protection authorities.

In July 2007 at the invitation of the Polish General Inspector on Data Protection representatives of CPDP arranged a visit in order to carry out a work meeting between these two authorities. The meeting was held in Warsaw (Poland) and it was of great importance for enhancing the contacts with the Polish partners, as willingness for joint actions and common behaviour within EU was expressed, and the Polish party expressed their willingness for future joint actions on development of common projects. The Bulgarian representatives gave an interview to the leading newspaper "Republic" on issues related to personal data protection and disclosure of the information contained in the files of the former State Security Services.

8.3. Cooperation in respect to drawing up responses on Working Party (WP) 3 and Working Party 23

In 2007 CPDP continued to maintain their cooperation with the intradepartmental groups set up in under Chapter 3 and Chapter 23 of the Treaty of Accession of the Republic of Bulgaria to the European Union. The Commission took part in the harmonization of documents in the following fields:

- Action plan for 2007 with the measures, ensuing from the membership of the Republic of Bulgaria in EU and the Work Plan for action in 2007 concerning the fulfilment of the assumed engagements;
- Draft law on amendment and addition of the Code of Insurance, table for conformity with Directive 2005/68/EC and reasons of the draft;
- Coordination of the directions to positions, belonging to documents on the agenda of the meeting of WP "Visas", held on July 11th and 12th 2007 in Brussels, Belgium.
- Information on the regular reporting on the plans of Action Plan for 2007;
- Draft law on amendment and addition of the Code of Insurance, table for conformity with Directive 2005/68/EC and reasons of the draft;
- Draft law on amendment and addition to the Law on Asylum and Refugees;
- Opinion of Working Party 24 "Cooperation in the field of justice and home affairs" on the draft of Decree of the Council of Ministers on amendment and addition to the Rules for implementation of the Ministry of Interior Act, adopted by Decree of the Council of Ministers No.126 dated June 2nd 2006, promulgated in SG, issue 47 of June 9th 2006;
- Coordination of draft declaration according to Council Framework Decision 2006/960/JHA of December 18th 2006 on simplifying the exchange of information and intelligence between the law enforcement authorities of the member states of the European Union;
- Coordination of draft position on a proposal for Directive on general standards and procedures in member countries concerning the return of illegally residing third country nationals, which was reviewed at the meeting of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA), held on November 21st and 22nd 2007 in Brussels, Belgium.
- Coordination of draft position on a proposal for Directive on imposing sanctions to employers of illegally residing third country nationals, which was reviewed at the meeting of Working Party in the area of justice and home affairs, subsection "Migration and Expulsion" (November 28-29 2007, Brussels, Belgium);
- Coordination of draft position on a proposal for Directive of the Council, amending Directive 2003/109/EC aiming at expanding the scope and including individuals, acquired international protection, reviewed at a meeting of Working Party "Asylum" (November 30th 2007, Brussels, Belgium).

8.4. International requests

The international demands, received by CPDP in 2007, may be reviewed with respect to:

1. The international demands, submitted to CPDP are issued by EU institutions, other authorities, organizations and individuals. During the period in question 149 demands were submitted, and the highest number belongs to those sent by the authorities of the European Union (see Table 8.1).

Table 8.1.

Direction for receiving international demands	Number
European Union	85
Other data protection authorities	43
Other organizations or individuals	21

CPDP sent responses to 55 requests, and again the highest number of responses was sent to the institutions of the European Union (see Table 8.2).

Table 8.2.

Direction of the opinions sent	Number
European Union	28
Other data protection authorities	17
Other organizations or individuals	10

2. With respect to the types of the requests submitted in the Commission, the highest number belongs to the applications for comments on documents, followed by the applications for information on particular issues or cases and the third position is for the applications for response. 12 types of requests were distinguished, the number of which may be seen in Table 8.3.

Table 8.3.

Type of request	Number
Application for information	36
Application for comments	46
Application for approval of document	2
Application for response	28
Application for proposal	7
Application for document provision	1
Application for contribution	5
Application for replenishment	10
Application for opinion	2
Application for notification	1
Inquiry	5
Written procedure of voting	6

Following the accession of the Republic of Bulgaria to the European Union the representatives of CPDP in Working Party of Art. 29 acquired voting right and the authority was sent documents, subject to the written procedure of voting, prior to their final adoption.

It should also be noted that this year a number of questionnaires were received concerning specific questions related to data protection, aiming at getting the best possible notion of the development of the situation.

3. With respect to the fields of data protection, the highest number of requests were related to specifying organizational issues, concerning the activity of the authorities and working parties establishes with the specific purposes. Following is the number of requests, related to data transfer, and the third position is for the issues related to the Third Pillar. The distinguished fields of data protection, on which requests were sent, were 35 and their detailed distribution may be seen in Table 8.4.

Table 8.4.

Field of data protection	Number
<i>Financial/bank field</i>	8
SWIFT	4
Consumer credit and identification of the applicant	1
Retention of data concerning debtors, bank clients and for statistical purposes	1
Data protection and financial field	1
Rights and obligations for registration of dealers in the context of data protection	1
<i>Data transfer</i>	15
- Standard contract clauses	8
Binding Corporative Rules	4
- Transfer of audit documents to third countries	3
<i>Period of data retention</i>	5
Introduction of Directive 2002/58/EC	1
Introduction of Directive 2006/24/EC	4
<i>PNR (transfer of passenger name records in air-transport)</i>	6
<i>Personal data concept</i>	3
<i>Copyrights</i>	4
- Issues concerning copyrights and data protection	2
Introduction of Directive 2004/48/EC – intellectual property rights	1
Publishing a link to the website of CPDP	1
<i>Right of inviolability of children</i>	4
<i>Video surveillance</i>	1
<i>Internet</i>	7
WHOIS	3
Access to data kept by internet providers	1
- Google and other browsers	3
<i>Implementation of Directive 95/45/EC</i>	3
<i>Biometric data</i>	3

<i>Balance between the employer and employee with respect to data protection</i>	<i>1</i>
<i>Medical data</i>	<i>3</i>
Inquiries concerning the duration of the medical files safe-keeping	1
Right of inviolability of medical data (genetic information)	1
Electronic healthcare files	1
<i>Third Pillar</i>	<i>13</i>
Data protection in Third Pillar	9
Residence permits of third country nationals	1
SIRENE directions – Schengen Information System of the second generation	1
Information campaign of the Schengen Information System of the second generation	1
Competence with respect to data access and processing in SIS II	1
<i>Internal market information system</i>	<i>3</i>
<i>Consumer protection information system</i>	<i>3</i>
<i>Insurance companies in the private sector</i>	<i>1</i>
<i>Human resources</i>	<i>1</i>
<i>Marketing</i>	<i>6</i>
Transborder telemarketing	1
- Direct marketing	5
<i>Central database for providing electrical distribution services</i>	<i>1</i>
<i>Visas</i>	<i>3</i>
Visa Waiver Program	1
AIDS tests with respect to visa issuance	1
DNA tests with respect to visa issuance	1
<i>Freedom of information</i>	<i>2</i>
Freedom of information and data protection	1
Publicity of the decisions of the President with respect to amnesty	1
<i>Processing commercial information</i>	<i>1</i>
<i>Right of inviolability of privacy</i>	<i>4</i>
<i>Magnet cards in hotels</i>	<i>1</i>
<i>Legal regulation of data protection</i>	<i>6</i>
Data protection related to summons issued by American authorities in the course of preliminary proceedings	2
Cession	1
Consent on disclosure of data concerning religion	1
Data of homosexual blood donors	1
- Legal provisions of CPDP	
<i>Data protection day organization</i>	<i>4</i>
<i>Anonymous television</i>	<i>1</i>
<i>Data protection officer</i>	<i>1</i>
<i>ID documents copying</i>	<i>1</i>
<i>Activity of CPDP</i>	<i>2</i>

Audits performed by CPDP	1
Public relations of CPDP	1
<i>Population census and data protection</i>	<i>1</i>
<i>Data protection and database in the Unified System of Civil Registration and Administrative Services to Population</i>	<i>1</i>
<i>Assessment of the adequacy level of data protection</i>	<i>1</i>
<i>Organizational issues</i>	<i>30</i>

9. SUMMARIZED ANALYSIS AND GENERAL DIRECTIONS FOR THE ACTIVITIES OF CPDP IN 2008

In 2007 the Commission for Personal Data Protection solved all tasks, resulting from the amendments in the Law on Personal Data Protection of 2006, which is evidenced by the facts set out in this report. However, despite the endeavour made a number of unsolved problems remained, which are of considerable significance for our activity.

- No building was provided - public state property;
- The administrative capacity is not sufficiently developed;
- There is no training centre for training of personal data controllers and enhancing the qualification of officers;
- Insufficiently developed activity in the field of public relations;
- Comparatively small number of examined complaints and alerts submitted by individuals;

With respect to the abovementioned the main priorities of CPDP in implementing its activity shall be directed to:

- Making endeavours together with the Ministry of Regional Development and Public Works and the District Governor of the city of Sofia aiming at providing a suitable building for the Commission, public state property;
- Enhancing the administrative capacity of the Commission aiming at its full value functioning;
- Together with the Ministry of Justice an analysis shall be made concerning the current legislation, contradicting to CPDP, as well as the necessary legislative harmonization in the area of data protection shall be done;
- Inspection activity – besides the ex-ante inspections (based on complaints, alerts and self-approach) of the Commission, increase in the number of planned inspection on data controllers has been envisaged;
- Expanding the information activity;
- Enhancing the training of data controllers and raising the qualification of the officers.

In conclusion, we can state that the year that passed was very dynamic and useful for the development of CPDP as a European authority for personal data protection.

The Annual Report accounts for the activity of the previous members of CPDP and was adopted by a decision of the Commission at a meeting held on January 22nd 2008 by a commission with the following members:

Chairperson: Veneta Lyubenova Shopova

/ signed /

Members:	Krasimir Lyubenov Dimitrov	/ signed /
	Valentin Valchev Enev	/ signed /
	Maria Georgieva Mateva	/ signed /
	Veselin Tsenov Tselkov	/ signed /