

REPUBLIC OF BULGARIA
COMMISSION FOR PERSONAL DATA PROTECTION

A N N U A L R E P O R T

of the Commission for Personal Data Protection
for 2012

pursuant to Art. 7 (6) of the Law for Protection of Personal Data

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I. Introduction

The Annual Report of the Commission for Personal Data Protection (CPDP) is prepared pursuant Art. 7 (6) of the Law for Protection of Personal Data (LPPD) and covers the period from 01.01.2012 to 31.12.2012.

The Report contains analysis of the achievement of CPDP priorities for 2012. Consequently are analysed the Powers of the institution, data controllers' registration and data registers kept by them; statistic on the LPPD complaints and the Commission's supervisory activity is presented and also analysis on the issued opinions and statistics on the requests for personal data transfers authorization. The Commission's administrative capacity and financial status during 2012 are also reported.

Particular attention is paid to the Commission's 10-year institutional building, the initiatives organized in 2012, the information campaign and events celebrating CPDP anniversary, as well as the national representative poll carried out with regard thereto.

In the Report are also addressed the CPDP's public relation activities and protocol, the deployed information and communication technologies, training and new initiatives such as the series of events held in regional centres in the country, public meetings, briefing with regional media representatives, data controllers' training, the Reception desk for citizens and numerous meetings with local authorities officials.

II. 10 years of personal data protection in Bulgaria

In 2012 was celebrated, not only the 10th anniversary of the Commission for Personal Data Protection establishment, but also 10 years active work in protecting the personal data of the citizens of the Republic of Bulgaria. In 2002 with the creation of the CPDP has started the discussion on the personal data protection issues in the country.

Currently, as results of this activity, can be reported high level of awareness on that issue, and the most significant - the Bulgarian society has already evaluated the importance of that matter. The Commission is accepted as a partner of citizens in protecting their rights, as well as of institutions and businesses which regularly seek CPDP consultation and aim at performing lawful “personal data processing” actions.

For the 10 years of its establishment the Commission imposes in its work the following strategic principles, and unambiguously achieves significant results on:

1. Establishing the clear rules and uniform requirements set in the personal data protection field.
2. Protecting the rights and interests of the citizens of the Republic of Bulgaria by the processing of their personal data, and their privacy.
3. Implementing effective control on data controllers' activities, but also providing assistance.
4. Active participation in the coordination of national laws and regulations in this field.
5. Fruitful participation in the development of European and world policies in the data protection sphere, active work with international institutions, and constant communication with other supervisory authorities;
6. Co-ordination and harmonization of the Bulgarian and the international law.
7. Implementation of comprehensive and effective information and training activities for different target groups in the society.
8. Conducting series of specific and useful training courses for data controllers.
9. Encouraging the citizens to be active on personal data protection issues, to require a feedback and to evaluate the Commission activities.
10. Positive and sustainable development of the CPDP institutional publicity, optimization of the institution administrative capacity.

Basic parameters of the Commission' personal data protection activities in figures
5,960 - Total number of inspections
1,752 - Total number of complaints received in CPDP
882,423 - Total number of documents submitted, and provided consultation on data
controllers' registration
203,847 - Total number of data controllers entered in the register
BGN 1,581,450 total penalties imposed

For comparison:

2002-2003 - 33 complaints received in CPDP
2011 - 458 complaints (almost 14 times more)
2003 - 14 inspections carried out by CPDP
2011 - 1,252 inspections (almost 90 times more)

The increase in the complaints submitted to CPDP and the inspections carried out by the Commission outline two very important trends for the institution. On one hand, the level of the Bulgarian citizens' awareness regarding the issue and their activity are significantly higher since the initial years of the Commission activities, and on the other hands the activity effectiveness and efficiency rose repeatedly.

The society is already aware of the fact that personal data protection is of paramount importance, well known are the fundamental rights in this sphere, as well as the institution set to protect their privacy and to which citizens can refer even in case of suspected abuse of their or third parties' personal data. One is also aware that it is in people's interest to contact the Commission even for consultation in their daily activity or for a specific case.

Comparison between figures on key performance indicators for the initial years of CPDP foundation and those for 2012 show the established and approved credibility and confidence in the Commission for Personal Data Protection activity. This a result of the Commission's decisions on complaints, and the big amount of financial penalties imposed, as well as the inspections, carried out as part of CPDP activity, and the daily joint work, numerous training sessions organized, instructions and recommendations issued to personal data controllers. The factors listed, on one hand, prevent future violations and actually encourage companies and organizations to be more careful and to "process personal data" in good faith and in line with the law, and on the other hand are one of the reasons for increasing citizens' activity in lodging complaints and requiring consultation.

Training activity in recent years also seriously assisted the Commission's work and the led to the achieved results. Annually is also updated the Training Plan. Taking into account the national goals and priorities the emphasis in the last two years is placed on improving the professional training of data controllers and data processors from the public authorities with access to the Schengen Information System considering the future accession of Bulgaria to the Schengen area.

In 2011 and 2012, the training conducted by the CPDP was attended by data controllers from three groups - public sector, private business and academic community representatives.

The Commission established an increased training interest from the personal data controllers, who demonstrate willingness and invite the institution. This shows once again that the practice undertaken by the CPDP is assessed as positive and successful. Aimed at reaching the widest possible range of data controllers and data processor, the Commission decided to focus efforts on conducting external training /изнесени обучения/- trainings at specific locations.

Considering the possibility provided by the LPPD for the Commission to participate in negotiations and conclusion of bilateral and multilateral agreements on matters within its competence, in the period 2009-2010, three important agreements for co-operation with the Ministry of Foreign Affairs (MFA), the Ministry of Interior (MoI) and the State Agency for National Security (DANS) have been concluded.

Those agreements specify the manner and the process of interaction between the Commission and the above mentioned state institutions, the organization of the implementation of the commitments arising from the membership of the Republic of Bulgaria in the European Union, the exchange of experience and good practices in the application of the European legal instruments.

The first agreement determines that CPDP provides, and the Ministry of Foreign Affairs is obliged via its representations abroad to submit information to the citizens, concerning the right of access to personal data, as well as information about their right to appeal before CPDP. The information should be accessible to the citizens and be placed prominently in the respective representation abroad in order to provide information to citizens on their rights acc. to LPPD.

The agreement with MoI defines the interaction between both structures on the personal data protection in the field of information technology, police co-operation, and the co-operation in implementing the Schengen legislation.

The agreement with the State Agency for National Security set up the rules for the coordination, exchange, storage and use of data and technical assistance on competency and the establishment of joint working groups.

These agreements build sustainable institutional framework, on the ground of which, in the past years, are systemized and imposed which the specific principles for the protection of privacy of the Bulgarian citizens.

Besides with Bulgarian institutions, in the past 10 years, the Commission for Personal Data Protection built-up fruitful and effective partnerships and contacts with representatives of international institutions.

By the CPDP establishment in 2002, the drafting and adopting legislation in the personal data protection and privacy sphere is demanded by the process of accession of the Republic of Bulgaria to the European Union (EU) and the need arisen for the provision of adequate protection and guarantee for respecting the civil rights of Bulgarian nationals in terms of "processing their personal data" by state bodies and private sector companies. We should note the success of the first composition of the Commission, which, in 2004, joined as a full member to the organization of the European supervisory authorities 3 years prior to the accession of Bulgaria to the European Union.

Exactly in the pre-accession period from 2002 to 2007 the institution built its connections with related data protection authorities, took active part in the process of discussion on current issues and overcoming of the arisen legal and practical obstacles preventing the effective implementation of the European and international data protection legislation, performed in the specialized Working Groups to the European Commission (EC) and the Joint Supervisory Authorities and Groups to the Council of the European Union.

In 2005, CPDP together with the Spanish Data Protection Agency signed a Declaration on cooperation in the field. During the next 2006, in Varna city, the Commission organized and conducted the 8-th Meeting of the Central and Eastern European Personal Data Protection Authorities.

After the full accession of Bulgaria to the European Union in 2007, the Commission continued its effective participation in the specialized groups to the European Commission and the Council of the EU by exercising actively its new powers to vote and discuss important data protection issues, exchanging practical information and experience, and discussing the new data protection and privacy challenges. CPDP also co-operated actively with the European Data Protection Supervisor.

One year after the accession of Bulgaria to the European Union an international seminar "Personal Data Protection in Europe" took place in Sofia. In 2010, again in the capital city was held the 45th Meeting of the International Working Group on Data Protection in Telecommunications. In 2011, declarations were signed in the field of data protection with Macedonia, and in 2012, with Kosovo, Montenegro, and Albania.

With regard to the CPDP's work in the groups and the Council Supervisory Authorities, the discussed issues on which the institution makes comments and gives opinions relate to the personal data processing in the field of police and justice cooperation (Europol and Schengen), customs and border issues, including the processing data in the specialized Customs Information System and the Eurodac, as well as on issues concerning the information exchange in the court proceedings.

In 2010, CPDP became part of the Global Privacy Enforcement Network (GPEN), which members are 13 authorities worldwide. Main goals are exchange of information, trends, and experience in the implementation of privacy right, thematic training, cooperation in the private and public sector and providing the possibility for concluding agreements between the participants in the network or between them and other organizations.

The Commission took active part in the public consultation on security breaches launched by the European Commission. This activity also resulted from the recent amendments to the Law on Electronic Communications which expands CPDP powers regarding data security breaches.

In the field of personal data protection in the Republic of Bulgaria, the country's readiness to join the Schengen Area was positively evaluated in 2009 within the inspection performed by representatives of the European Commission, the Council of the European Union, and the countries of the Schengen Area, and did not lead to a second one as the EC practice in other countries. The inspection performed and prepared report by the inspection team found that the main process of harmonization of the national personal data protection legislation was completed. Currently, all recommendations in the personal data protection field are met. All measures covered by the section "Personal Data Protection" in the National Action Plan for full implementation of the legal provisions of the Schengen Agreement and for the elimination of internal border controls are met.

The Commission for Personal Data Protection meets the expectations of the Schengen Area Member States for co-operation on the exchange of information and can effectively fulfill its personal data protection obligations at national level including exercising control on data processing in the National Schengen Information System.

It is essential, that CPDP acquired new powers with the recent amendments to the Law for Personal Data Protection in 2011 and the most important and distinctive in terms of the international activity is the possibility for the chairperson to separately conclude and sign cooperation agreements in the personal data protection field with other supervisory authorities, which affirms its independence, and encourages the exchange of experience and good practices. The Bulgarian supervisory body is ready and looking for co-operation in all areas related to individual's privacy and personal data protection.

Presenting the successful practices implemented by the Commission for Personal Data Protection in the past 10 years, several specific results within our country must be addressed. They are realized with the assistance of certain state institutions and competent authorities in Bulgaria and are entirely in citizens' interest.

In 2008, the practice of the undertakings providing electronic communications services to copy individuals' personal ID cards was suspended. Given the large-scale number of violations recorded in that area and the number of users of these services the model established is in society's interest.

In 2009, the Commission provided assistance for unification of the courts activity by the implementation of Art. 64 of the Judicial System Act with regard to ensuring publicity and transparency of the court work and publicity of the judicial acts, and to protect the individuals' rights by the processing of their personal data. CPDP expressed an opinion, in which judicial authorities are obliged to anonymize citizens' personal data when publishing judicial acts on the websites.

In the same year, the Commission has approved the Code of Conduct of the Bulgarian Direct Marketing Association (BDMA). It establishes rules and standards for professional ethics for practitioners in this area, which are mandatory for all members of the industry association. Its content covers rules for personal data processing by the performance of BDMA members' activities, standards concerning the protection of individuals' rights in their capacity as consumers of goods and services, as well as the rights with regard to the relations between members in the context of prevention of unfair competition.

After enquiries about the implementation of the Law for Protection for Personal Data and when performing the obligation under Art. 17 (2) of the Conflict of Interest Prevention and Disclosure Act, CPDP assisted the responsible authorities with the right implementation in connection with the declarations of incompatibility, for private interests, including for a specific occasion, and for a change in circumstances via announcing them on its website. Thus,

the rights of declarers have already been protected in the context of the Law for Protection of Personal Data.

In 2010, important legislative changes were implemented resulting in the right to guaranteed free access of any individual to personal data related to him/her, without any restriction in the number of access requests. In 2009, during the Schengen assessment, a recommendation was made for an amendment to the provision of Art. 28 (2) of the LPPD, which at the time allowed the individual to exercise freely their right to information once every 12 months. After the amendment in the legal regulation, the free access of individuals to personal data related to them was settled in a definite way and thus encouraged their activity on exercising this right.

It cancelled the registration under the Value Added Tax Act by entering the personal identification number for identification and a registration with BULSTAT identifier is introduced.

A CPDP's administrative act with compulsory instructions to the National Revenue Agency on providing identification numbers to individuals working as freelancers entered into force. It cancelled the previous registration under the Value Added Text Act by entering the personal identification number for identification and a registration with BULSTAT identifier was introduced.

In 2011, in the course of the elections for president and vice president of the Republic of Bulgaria, and for municipal councillors and mayors, CPDP expressed several opinions in order to ensure the uniform implementation and compliance with the "personal data processing" provisions of LPPD. In connection with these opinions, the Central Election Commission (CEC) and the municipal election commissions are independent data controllers and they are obliged to register in the Commission for Personal Data Protection. Such data controllers are also the electors' initiative committees. With the established new practices, the Commission not only helped for the significant protection of citizens' personal data, but also for the democratic conduct of the election process in 2011.

In the same year, the Commission continued to be approached with requests for the provision of access to the National Population Database, maintained by Directorate General "Civil Registration and Administrative Services" with the Ministry of Regional Development and Public Works (MRDPW). The predominant number of cases for which various data controllers with different activities, requested CPDP opinion are exactly of that type, motivating the need of access with the presence of legal interest. The Commission expressed the general opinion that Directorate General "Civil Registration and Administrative Services"

with the MRDPW is allowed to provide information on requests received by the relevant controllers which contains only specific personal data about specific individuals, but not a direct access to the National Population Database for the purpose of exercising legitimate interest and only after proving its existence following the procedure set in the law.

After receiving a request for an opinion from the Ministry of Interior related to the public register of donations to the Ministry, and the possibility personal data of donors who are individuals to be published therein, CPDP expressed an opinion that the published individuals' personal data must be anonymized or their explicit consent for the publishing should be obtained.

The Commission made a decision and declared the house managers for data controllers and exempted them from the obligation to register. On the issue, CPDP issued mandatory prescription to MRDPW which defines the content of the owners' book in condominium according to the LPPD.

The institution evaluates as paramount the announcement and the promotion of all of these positive and effective practices in the Bulgarian society. Only this way citizens could be informed and exercise the rights and opportunities provided to them, and to neutralize any attempts for violations in personal data protection field. Therefore, the Commission makes efforts to disseminate extensive, regular and up-to-date information on successful practices and results achieved by it.

The Commission constantly publishes up-to-date, correct, and exhaustive information on its website.

CPDP is also aware of the importance of conducting regular information campaigns, on a serious scale.

The Commission prints regularly numerous information leaflets with large-scale distribution. They are distributed through various channels in order to reach and to inform citizens all over the country.

In that respect, of great importance to CPDP are the partnership relations already built with representatives of the national and regional media, and also new contacts which it seeks to establish. Through constant communication with media and numerous appearances valuable and practical information reaches the population in Bulgaria, which is part of the overall policy of the institution for transparency and open dialog with the Bulgarian society.

By fulfilling these goals, since 2012, the Commission launched one more initiative "open" to people - a series of meetings in the regional Bulgarian cities. Few important

elements were added for maximum efficiency - training of data controllers, briefing for regional media representatives, consultations, and reception room for citizens.

The Commission for Personal Data Protection focuses its efforts and key aspects of the future activities on the directions discussed so far in this anniversary presentation arising from its key powers under LPPD and complying with the global and permanent priorities to its activities.

National representative poll: "Personal data protection - awareness, attitudes, evaluations"

96 % of all Bulgarians are convinced of the importance of personal data protection (Fig. 1), and total 71 % are familiar with the supervisory institution in Bulgaria - the Commission for Personal Data Protection, and every fourth adult citizen has confidence therein.

This showed the National representative poll "Personal Data Protection - awareness, attitudes, evaluations", carried out by BBSS Gallup International in the period May 3-10, 2012. 1,000 effective interviews among adult Bulgarian citizens were performed within the study according to the criteria as follows: sex, age, employment, ethnicity, settlement type, and region.

The impressive percentage of those convinced of the importance of personal data protection proves that the Bulgarian society already knows and appreciates the big importance of that process. The fact speaks for the effective CPDP work and the fulfilment of its constant priority – encouraging active citizen position in the country on various issues in that area.

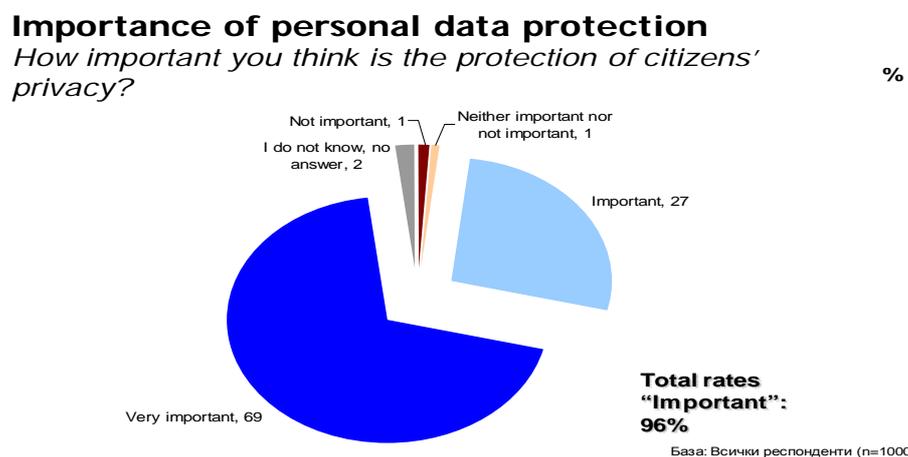


Fig. 1

The study shows that Bulgarian citizens know their fundamental rights in that respect, as well as the institution itself, which protects their privacy and to which they can refer even in case of suspected abuse of their or third parties' personal data.

Answers to the question, do they know what rights/means they have for protection of their personal data, are as follows: 35% know that they have the right to receive information in understandable form about the purposes for which their personal data is collected; 33 % - to know whom their personal data is disclosed to; 26 % - to get information whether data is collected about them; 22 % - to object to the processing of their personal data for commercial purposes; 20 % - to request personal data deletion (if not contrary to the law); 20% of the respondents know that they can approach the Commission for Personal Data Protection; 58 % express readiness to file a complaint if they believe that a personal data infringement is committed (Fig. 2).

Ready to file a complaint upon possible violations of personal data
"Would you file a complaint if you believe there is a violation with respect to your personal data?" %

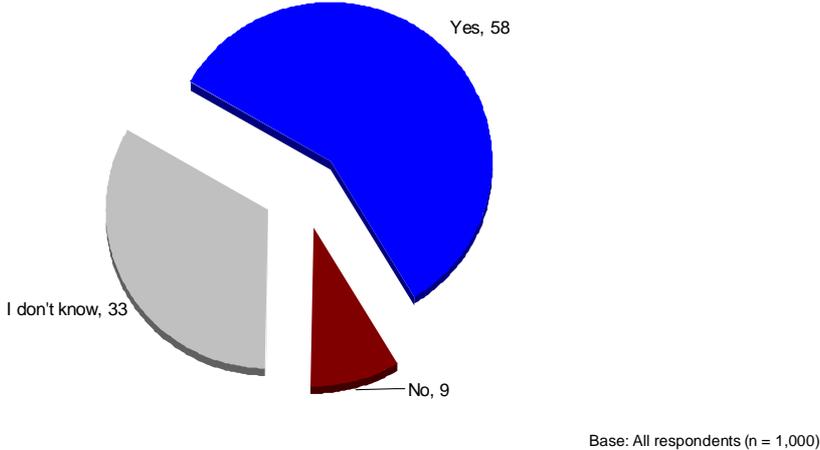


Fig. 2

One of the findings, laid down by the study results is the relatively high degree of general awareness of people on the personal data issue, the correct understanding about the question "what personal data is", and also which activities related to personal data processing are in accordance with the law. 84 % of the respondents know that requesting personal data without providing information on the purposes of that request is not in accordance with the law; 81% are aware that it is illegal to hold an identity card as collateral for a property; 73% are informed about the unlawfulness of the provision of personal data for direct marketing purposes; 68 % - that personal data must be destroyed after achievement of the purpose; 61% -

that video recording is illegal in public places without prior information thereof. 56% know that mobile operators are not allowed to copy personal ID cards of their clients, and 44% - that such a right have banks and insurance companies.

Thus, it can be concluded that one of the main tasks of the Commission - raising of the citizen's awareness of the citizens about their personal data protection rights is also successfully performed. CPDP carries out continuous and active information and education activities among different society groups which contribute decisively to the process of achieving and maintaining the European personal data protection standards at national level. Specialized information campaigns are conducted periodically, audiovisual and printed materials are published, topics are presented in interviews and commentary broadcast and published in national and regional media, and thus target information is disseminated with maximum coverage. The Commission communicates through all the possible communication channels with citizens who send questions, submit complaints and violations reports.

Results of the question "How do you think you are informed about the personal data protection?" also show certain self-criticism among part of the citizens about their knowledge on the issue at the time of survey. 16% believe that they are well-informed, 48% - that they are poorly informed, and 33% - that they are not informed at all. These figures differ among internet users, which clearly show the Internet role in the public awareness - 24% say they are well-informed, 52 % - poorly informed, a 22% - they are not informed at all.

These results highly motivated CPDP to continue it's targeted and constant activity in informing the Bulgarian public on the personal data protection issues, and initiating and carrying out new specialised campaigns, thematic events, and interviews in national and regional print and electronic media. Meeting the need of providing new or more in-depth knowledge in the specific area will be maintained as one of the main priorities in the Commission's activities.

Part of the inquiry questions relate specifically to the public awareness of the CPDP institution and the assessment of its activity. Total 71 % are acquainted with the institution, 23% say they are well acquainted. The percentage of well-informed among internet users is respectively greater - 34 %. Regarding the question on assessment of the Commission's activities with regard to informing citizens of their rights- 43 % of the individuals acquainted with the institution give a positive assessment, 6 % - negative and 33% cannot respond uniformly.

BBSS Gallup International founded that this was a high assessment of the Bulgarian institution. The study showed that CPDP has positive image - every fourth adult citizen has

confidence in it, and the percentage among individuals well informed about its work is 43% (Fig. 3).

Evaluation of the activity of the Commission for Personal Data Protection to inform citizens of their rights %

"How do you evaluate the activity (information campaigns, information materials, etc.) of the Commission for Personal Data Protection to inform citizens of their rights with respect to personal data protection?"

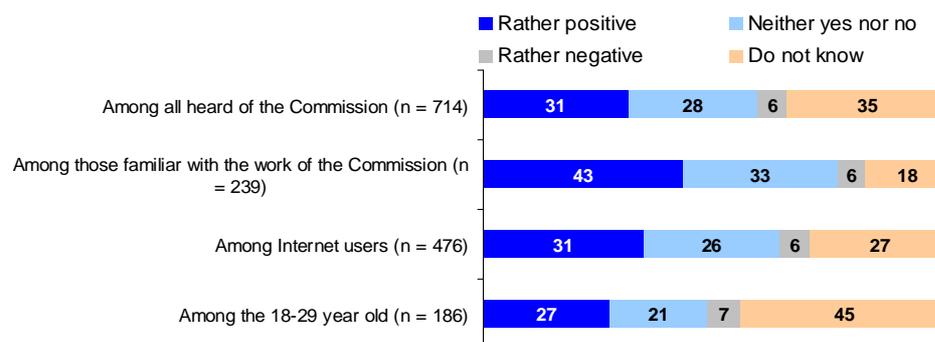


Fig. 3

Results of the national poll were presented by Marchela Abrasheva, General Manager of BBSS Gallup International, during the thematic conference held on May 28, 2012, where CPDP marked its 10-year anniversary.

Information campaigns and events held by CPDP under the slogan: "2012 - 10 years Commission for Personal Data Protection"

I. Intensive Period - January/March 2012.

With regard to the celebration of 28th of January - Personal Data Protection Day, and the 10th anniversary from the establishment of the Commission for Personal Data Protection, CPDP carried out number of events with broad social response accompanied by a massive information campaign.

Main purpose of the information and educational initiative carried out was raising the public awareness on the individuals' rights in the personal data protection field. An important aspect of the campaign also was drawing children and parents' attention on the importance of personal data protection by the use of the Internet and online communication.

The information campaign was organized in three main directions: Events with participation of the CPDP's chairperson and members; information and educational materials with impact all over country or in large regions and such with local impact or orientated toward the separate person.

For the useful information to reach to the largest possible number of people different channels were used:

1. Broadcasting information video on TVs

Shooting and broadcasting an information video with a long version of 2 minutes and short one of 30-second were organized for achieving the main goal of the campaign. The second version was broadcast repeatedly in the prime time on the national and private television channels.

2. Internet advertising campaign

The internet campaign was mainly focused on preparing a special internet edition "10 years Commission for Personal Data Protection", which started in the first days of 2012. Besides the key privacy protection rules, the anniversary website of the Commission also contains useful information on the personal data protection training. Visitors to the dedicated website can learn more about the institution, and the date 28th of January - the Personal Data Protection Day.

Another way for carrying out the internet-based part of the CPDP information campaign was posting banners in leading Bulgarian information websites with mass audience and high attendance. Results of the banner campaign show that in the reported period the total of 2,897,549 clicks were realized.

Various publications containing important information and key advice on personal data protection were promoted by major national news and information websites, which achieved high level of awareness of the wider public. Topics of the materials are: "10 Years Commission for Personal Data Protection", "Internet - a world without parents", "Training in personal data protection", "Personal data online", "Video Surveillance", "Your ID card, please", and "Your personal data in the Schengen Information System".

The recorded information video material of the Commission was successfully included in the CPDP online campaign. Its longest version was published on the dedicated website of the institution, and in the CPDP branded channels in two of the most visited video sharing websites.

As part of the events dedicated to the Personal Data Protection Day and the anniversary of the Commission's establishment, CPDP organized a competition under the slogan "I and

Internet", which was held with the assistance of a leading children's web portal. The initiative aimed at children using Internet to get acquainted with the dangers of the global network, and at increasing the awareness of minors and their parents on the importance of personal data protection when dealing with Internet and online communication. More than 60 children between 4 - 17 years old took part in the competition with their drawing, essay, or poem. Thanks to the success of the competition "I and Internet", CPDP message reached the children and also their parents and the schools where they study.

3. Distribution of information leaflets

In the early 2012, 53,000 information leaflets were printed as part of the information campaign held by CPDP. Five types of information leaflets were prepared and distributed: three thematic - "Who can copy your personal card", "Video Surveillance", and "Personal data in Schengen", which answer the frequently asked questions, and two educational - "Your personal data and the Internet" and "Personal data and the Internet: tips for parents", which contain tips and recommendations to children and parents with regard to the safe behaviour on the Internet.

Information leaflets are available to citizens in the reception room of the Commission, while another part of the materials was presented to the public with the assistance of state institutions and media.

At the end of January 2012, 30,000 leaflets of different types were distributed in Sofia and all over the country as inserts to some of the most popular daily print media in the country.

Information leaflets were also distributed with the assistance of a number of government organizations. 6,600 information leaflets titled "Your personal data and Internet" and "Personal data and Internet: tips for parents" were provided to the Ministry of Education, Youth and Science for the distribution in the reception room of the institution. Information leaflets of the same type were provided to the 28 regional inspectorate of education in the country. 3,700 information leaflets "Your personal data and Internet" and "Personal data and Internet: tips for parents" were provided for distribution to the Social Assistance Agency and were allocated between the reception room and the 147 territorial directorates of the agency. 3,500 information leaflets of the same type were distributed between the reception room and the 5 department of Directorate General "Control over child rights" of the State Agency for Child Protection.

The conduct of CPDP information campaign via the provision of leaflets was considered as successful because the materials were distributed throughout the country and reached the representatives of different social and age groups.

4. Co-operation with state administration structures

For promoting the information and educational content of the new dedicated website of CPDP assistance was sought from a number of central and local government structures and non-governmental organizations. The fruitful co-operation of CPDP with public institutions was evidenced by the placement of many links forwarding to the anniversary website of the Commission on the official websites of the Ombudsman of the Republic of Bulgaria, various ministries, agencies, regional administrations, and regional inspectorates of education.

Foundations "Program access to information" and "Law and Internet" are among CPDP partners from the non-governmental sector, which also posted link to the dedicated website of the Commission on their websites.

As a result of the Commission's co-operation with state structures and non-governmental organizations was recorded that the information and educational content of the anniversary website reached a broader audience, which helped in the promotion of the Commission's activities in the country.

5. Personal Data Protection Week

With regard to the celebration of 28th of January - Personal Data Protection Day and the 10th anniversary of the foundation of the Commission for Personal Data Protection, in the period 23-28 January 2012, CPDP announced Personal Data Protection Week. That was the period when numerous public CPDP events were held and received a substantial public and media interest.

On January 23 was announced the beginning of the Personal Data Protection Week with statements of the Commission's chairperson - Veneta Shopova on the national television, and in the morning broadcast of another popular TV channel.

Official opening of the modernized "CPDP Center for information and contacts" was held in the Commission's premises, which was followed by press conference for the national media representatives.

24th of January was declared Open Doors Day for citizens and data controllers. CPDP experts held consultations and answered questions concerning personal data protection.

Important issues and current trends in CPDP's field of competence were covered in a discussion with participation of Konstantin Penchev - Ombudsman of the Republic of Bulgaria, and representatives of the foundations "Program access to information" and "Law and Internet".

On 26th of January, the Chairperson - Veneta Shopova, and CPDP members - Krassimir Dimitrov, Valentin Enev, Mariya Mateva and Prof. Vesselin Tselkov welcomed all

citizens willing to ask their questions concerning personal data protection directly to the Commission's management.

This Personal Data Protection Week continued with a press conference on January 27 at the National Press Club of the Bulgarian Telegraph Agency, where the institution presented its 2011 Annual Report to media representatives.

On the Personal Data Protection Day - 28th of January, CPDP's Chairperson - Veneta Shopova, the Deputy Minister for Transport, Information Technology and Communications - Valery Borisov, and the CEO of Bulgarian Posts - Dejan Dyneshki, validated illustrated postal envelope and special postal stamp dedicated to the 10th anniversary of the Commission's establishment.

The events organized on 28th of January - the Personal Data Protection Day, and 10 years of Commission for Personal Data Protection received wide media coverage. Numerous electronic and printed media covered the events for the Personal Data Protection Week, and publications dedicated to these events exceed 70.

The campaign attracted media and public attention to the fundamental importance of the personal data protection and provided easy applicable rules for privacy protection.

Thanks to the various initiatives realized more and more citizens are familiar with the basic provisions of the LPPD and recognize the Commission as a body, which supervises the lawful processing of personal data. Thanks to the CPDP information campaign, a wider public received the opportunity to learn more about the numerous factors which endanger personal information safety in the everyday life, as well as to learn where they could seek assistance, in case their personal data has been misused.

II. Intensive Period- May/June 2012.

The second intensive period for realization of the information-educational, events and media campaign of CPDP in 2012 was related to the date 23th of May, on which 10 years ago the Commission for Personal Data Protection was established with a decision of the National Assembly of the Republic of Bulgaria.

In that next stage, the activity was focused on the organization and communication provision of a thematic conference, and on the accompanying media campaign.

The conference was held on May 28, 2012, and CPDP "did not just celebrate the anniversary of its establishment, but also 10 years active work in protecting personal data of the Bulgarian citizens". The chairperson of the Commission - Veneta Shopova, and the members - Krassimir Dimitrov, Valentin Enev, Mariya Mateva and Prof. Vesselin Tselkov

used these introductory words and expressed gratitude for the attention paid, to welcome guests to the event in Sofia Grand Hotel.

The event was honoured by the Deputy Chairman of the 41th National Assembly and Chairman of the Commission for Internal Security and Public Order - Anastas Anastasov, the Deputy Minister for Interior - Dimitar Georgiev, the Ombudsman of the Republic of Bulgaria - Konstantin Penchev, the Chairman of the Files Commission - Evtim Kostadinov, the Chairman of the Communications Regulation Commission - Vesselin Bozhkov, and representatives of a number of Bulgarian institutions and national print and electronic media.

The Deputy Chairman of 41th National Assembly and Chairman of the Commission for Internal Security and Public Order - Anastas Anastasov opened the conference with a special greeting and added more occasions to be celebrated on this day - "10 years of adoption of the Personal Data Protection Act and the beginning of awareness about and the introduction of the European privacy and personal data protection rules".

Mr. Anastasov noted the successful institutional partnership realized by now, and gave positive evaluation and willingness to support the CPDP work in the future.

The Ministry of Interior will continue to be a reliable partner of the Commission in order to be guaranteed the citizens' security and the protection of their personal data in our democratic society" – stated the Deputy Minister of Interior Dimitar Georgiev in his greeting to the conference participants.

The Chairperson Veneta Shopova presented the 10t-year activity of the institution and the success achieved. In her presentation, she paid attention to the serious results and possibilities for CPDP development, and the positive practices currently established, among which are as follows: the acknowledgement of the Commission as a partner of citizens, businesses and institutions, the establishment of sustainable institutional framework and the joint co-operation, the data controllers wish to respect the personal data processing rules.

The Chairperson outlined 10 key practices, among which promotion of the clear rules and uniform requirements established in the personal data protection field, protection of the rights and interest of the Bulgarian citizens while processing their personal data and their privacy, and exercising real control over the activities of data controllers, but also rendering them assistance. The headlines also cover active participation in coordination of national laws and regulations in the field, fruitful participation in the development of European and global data protection policies, work with international institutions, constant communication with other supervisory authorities, co-ordination and harmonisation of the Bulgarian and the international law.

Among CPDP key practices are implementation of comprehensive and effective information and training activities for different target groups in the society, and conduct of a series of useful specific data controllers' training. Last but not least, the priorities cover encouraging citizens' activity on issues in the personal data protection field, searching feedback and evaluation of the Commission's activities, as well as positive and sustainable development of the institutional publicity and administrative capacity optimization.

In order to visualize her words, the chairperson gave several examples in figures for the period between CPDP establishment and the forum date. Several essential conclusions are drawn based on that statistic. The level of general awareness among Bulgarian citizens on the issue and their activity are significantly higher than in the first years of Commission's activity, and its efficiency and effectiveness repeatedly increased over the years. The society is already aware of the fact that personal data protection is of paramount importance, fundamental rights are well known, as well the institution, which protects their privacy and to which citizens can refer even in case of suspected abuse of their or third parties' personal data.

An emphasis was placed in the presentation on the specific successful examples of the CPDP activities over the past 10 years, on the good interaction and cooperation with state institutions in Bulgaria, and on the effective joint activities with international bodies.

During the event program Marchela Abrasheva, General Manager of BBSS Gallup International, presented the results of the national representative poll "Personal Data Protection - awareness, attitudes, evaluations".

Attention was paid to the non-governmental organizations which are active in that area. Gergana Zhuleva, General Manager of "Program access to information" Foundation, took part in the topic "Access to public information and personal data protection - balance between fundamental rights". Fanny Davidova, lawyer in the legal team of "Program access to information" expressed her expert opinion on that issue, and gave specific practical examples.

Interesting discussion emerged about the last topic on the agenda of the event - "The challenges in front of personal data protection in social networks". The Chairman Georgi Dimitrov and the expert Desislava Krasteva of "Law and the Internet" Foundation presented various forms of modern social networks and the participation in them, and linked the topic with the legal framework in that area. Special emphasis was placed on the "consent as the biggest challenge in personal data protection in the social network" and "the right to be forgotten".

The event caused serious interest in terms of presence and reflection by national media representatives. This specific conference has become an information occasion for many

journalists for preparation of more comprehensive and in-depth materials on the personal data protection in the country.

Along with the publications and reports, which announce and reflect the event on May 28, 2012, CPDP also initiated additional events in national print and electronic media with the participation of the institution's Chairperson. They were aimed at presenting basic aspects and results of the Commission's activities and at providing specific and practical advice to citizens how to protect their personal data, and at recommending the citizens to seek CPDP's assistance and expert information when they suspect data protection violations.

Accompanying initiatives to "2012 - 10 years Commission for Personal Data Protection"

The serious interest shown in the information materials prepared and distributed to pupils and their parents with the assistance of the Ministry of Education, Youth, and Science and the regional inspectorates of education in the country in January and February 2012 encouraged the Commission for Personal Data Protection to continue and expand that initiative.

Therefore, at the end of the jubilee for the institution year 2012, another large-scale action in re-printing the leaflet "Your personal data and Internet" in 216,000 pcs. was organized. The ambitious goal which CPDP planed was this information material containing valuable tips for protecting personal data while using the Internet to reach all the secondary school pupils (5. to 8. Class) in state and municipal schools all over the country.

The initiative was realized with the active assistance of the Ministry of Education, Youth, and Science and the 28 regional inspectorate of education.

The leaflet "Your personal data and Internet" was distributed to all events held by the Commission and was available in the CPDP reception room for those who wish to get acquainted with its contents.

As part of the overall information campaign held in 2012 by the Commission for Personal Data Protection on the occasion of the 10th anniversary of its foundation, and in line with the policy of transparency and openness of the institution's activities, a special place was created in the CPDP reception room for receipt of feedback and assessment by citizens and data controllers. Questionnaire forms prepared by the team of the institution are two types - for citizens and for data controllers.

Aside from the possibility to complete the inquiry form on spot, in the special box, was provided the opportunity to submit it online on the institution's website.

The recommendations received from the questionnaires will be taken into account for optimizing the institution's activities in general, and future joint work of CPDP with data controllers and citizens.

Finally, it should be noted that the educational and information campaign of the Commission is of permanent nature. Major CPDP priority is the regular hosting of events in order to increase awareness of citizens, institutions, and data controllers in terms of personal data protection.

Organization of a series of CPDP external meetings

In the early 2012, following the policy of open dialog and interaction with citizens, data controllers, and representatives of the media, it was decided on and adopted a Program for the conduct of a series of CPDP external meetings in the regional cities of the country.

The initiative successfully complemented the overall information campaign held in 2012 by the Commission on the occasion of the 10th anniversary of its establishment. Activities that were different in scope and type were planned and organized with the purpose of raising the awareness of the general public and individual target groups on issues related to the personal data and privacy protection.

In order to achieve higher performance, the program of the ongoing events covered additional consultations and an open reception room for citizens, training of data controllers, and briefing with representatives of regional and correspondents of national media.

In 2012, three CPDP external meetings were held - in Pleven, Silistra, and Kyustendil. The Commission received active support from the regional administrations during their preparation and organization with regard to the necessary conditions and technical support for the conduct of the events.

The first event of that type took place on March 1 and 2, when the Commission was a guest of the Regional Administration of Pleven. The institution was presented in its full composition consisting of the chairperson Veneta Shopova, and the members - Krassimir Dimitrov, Valentin Enev, Maria Mateva and Prof. Vesselin Tselkov. The Regional Governor Ivan Novkirishki, Deputy Mayor Aleksei Zelov, and the General Secretary of Pleven Municipality - Branimir Mirchev were also present.

During the events a short awarding ceremony took place for the four children of Pleven Region distinguished in the national children contest "I and Internet" held by the Commission in January and February.

On March 2, 2012, a regional meeting on topic "Access to traffic data under the Electronic Communications Act - practice and case studies" was held. At the meeting, the institution was represented by the Chairperson - Veneta Shopova, the Commission member - Prof. Vesselin Tselkov, and CPDP experts. At Commission's invitation the meeting was attended by representatives of Pleven District Prosecution Office, Pleven Regional Prosecution Office, Regional Directorate of the Ministry of Interior, State Agency for National Security (DANS), Ministry of Defence, and Bulgarian Telecommunications Company EAD.

The Chairperson of the Commission for Personal Data Protection analysed the previous meetings with all parties involved in the process of retention and access to traffic data held in Sofia in 2011. Problems and case studies related to the provision of traffic data under the Electronic Communications Act were also discussed.

Silistra was the second regional center, in which on May 15, 2012, the Commission organized external meeting, reception room for citizens, training of data controllers, and briefing for media representatives. CPDP was again in its full composition. The Regional Governor Ivan Dimov and the Mayor of Silistra Municipality - Dr. Julian Naidenov were present.

On November 1, 2012, the Commission visited the Regional Administration of Kyustendil. The Chairperson Veneta Shopova and CPDP members - Maria Mateva, Valentin Enev and Prof. Vesselin Tselkov were received by the regional Governor Vladislav Stoykov, Eng. The events organised were attended by the mayor of Kyustendil Municipality - Petar Paunov.

Later the same day, CPDP experts answered to specific questions from citizens and data controllers in the reception room opened for consultation.

It can be clearly pointed out that to any of the held external meeting were shown considerable interest- from representatives of the regional and correspondents of national media toward the pre-announced briefing, and the training organised for data controllers.

The events were attended by journalists from all major media in the relevant regional cities, which showed high activity in asking questions and in their willingness to conduct further individual interviews with the CPDP Chairperson. The announcing and the subsequent coverage of the events were significant, which substantially assisted one of the main objectives - raising public awareness of the rights of individuals in the personal data protection field.

Traditionally, in the presence of numerous journalists at the briefings, the Institution's Chairperson handed officially data controller certificates to the regional and municipal administrations representatives.

The strong interest in the data controllers training, shown from the representatives of the regional administration, municipal administrations, structures of the executive authorities was of key importance. It aimed at preparing the personal data controllers' staff on issues related to the personal data protection legal framework, the data controller registration process and proceedings, which are brought before the Commission.

200 employees of administrations of the local and territorial structures took part in the three seminars in Pleven, Silistra, and Kyustendil. They expressed their satisfaction with the training and willingness for additional specific personal data protection trainings.

III. Analysis and report on the fulfilment of the Commission for Personal Data Protection priorities, set out in the 2011 Annual Report

The Commission adopted that in its work in 2012 as priority activities will remain those related to participation in discussions in the EU working groups in connection with the reform of the European personal data protection legislation, the information and educational activity and the study on the needs of data controllers training, because these activities are constant and substantial.

Following these permanent priorities the Commission representatives took actively part in discussions on the amendments to the personal data protection legal framework within the working party "Data Protection and Exchange of Information" - DAPIX (working group of the Council of Europe). The Commission supports the broad consensus of the Member States with regard to the need of reform of the existing legal system and strengthening the rights of individuals with respect to the protection of their personal data. In connection with the expressed doubts by some countries about the need of ensuring higher level of harmonization and consistency in the implementation of the new EU rules in that area, the Commission is of opinion that the Regulation of the European Parliament and of the Council on personal data protection is the most appropriate legal instrument, which will reduce the legal segmentation and will provide greater legal certainty by the introduction of a harmonized set of basic rules, which will improve the protection of the individuals fundamental rights. Due to the

comprehensive nature of the proposed amendments the work on the proposed legislative package will continue in 2013.

By the application of another principle task - the training, in 2012, CPDP started a campaign for studying the data controllers' needs of training in the personal data protection field. The campaign aims to establish to what extent data controllers are familiar with their obligations and with the individuals' rights, to define the exact content of the data protection training, to outline the officials - employees of data controllers who should be trained. Another aspect of the study is the need for preparation and distribution of information materials related to the personal data protection, and determination of their form. This questionnaire developed for studying the training needs was presented to the controllers, and it is available online on the website of the Commission, as well as at place in the institution. The questionnaire was distributed also during the data controllers' training sessions.

Extremely successful was the campaign for raising citizens' awareness of their rights, held in the Personal Data Protection Week on the occasion of the 10th anniversary of the CPDP establishment and the celebration of 28th of January as the Personal Data Protection Day.

An important priority for the Commission in 2012 was also laying the foundation of the newest directions of activity, in which the supervisory authority has acquired competence - the negotiation and conclusion of agreements for cooperation with related supervisory data protection authorities, change in personal data protection, and issuing compulsory instructions on the retention and access to traffic data according to the Law on Electronic Communications.

With regard to the new functions of the Commission on conducting negotiations and concluding agreements on cooperation in the personal data protection field, CPDP informed the EU Member States data protection authorities about the new responsibilities and powers of the Commission, and expressed willingness and readiness for future cooperation in all areas related to individual privacy and personal data protection. It sent a Model Cooperation Agreement approved by the Council of Ministers of the Republic of Bulgaria to the supervisory authorities of Spain, Germany, Greece, the Czech Republic and Portugal by clearly stressing its willingness to start negotiations for the conclusion of agreements with the institutions of these countries. Some of the states informed the Commission that currently they do not have similar powers to conduct negotiations and sign international agreements, but could consider proposals for deepening the cooperation under another legal form.

In order to optimize the work of the supervisory authority under the proceedings brought before it, the Commission for Personal Data Protection adopted amendments to the

Rules on the activity of CPDP and its administration. Additional functional obligations of the general and specialized administration directorates are laid down through the regulatory amendments while taking account of all Commission's new powers since 2011. The system of providing personal data to third parties also was changed (the so-called Data Transfers) in order to facilitate the requirements for the controllers and to specify the criteria under which the Commission evaluates the personal data protection level in third countries. New administrative proceeding that is brought before Commission is defined - data controllers' deletion. The number of the officials in the organizational structure and the administrative units of CPDP are increased by 6 new permanent positions. Thus, a particular measure in the personal data protection field was carried out under the National Action Plan for full implementation of the legal provisions of the Schengen Agreement and for the elimination of internal border controls.

Considering the latest technological developments and the trends for additional data security guarantees in 2012 were identified the main directions, which require changes to Ordinance No. 1 for the minimum level of technical and organizational measures, and the admissible type of personal data protection.

In this regard, a new Ordinance was adopted covering the latest requirements for an adequate data protection level in the personal data registers kept by data controllers.

In order to create clear and uniform rules for all entities involved in the process of traffic data retention, in 2012, the Commission planned the issuance of compulsory instructions by virtue of Art. 261a (3) (2) of the Law on the Electronic Communications (LEC). After considering the opinions, comments and suggestions submitted by all interested parties, the Commission adopted at its meeting (Minutes No 40) compulsory instructions to all entities obliged by the LEC - enterprises providing electronic communications networks and/or services, competent authorities under Art. 250b of the LEC, courts, prosecution office. The adopted compulsory instructions cover all parameters, which call for uniformity in the practice of all entities involved, which are considered as obligatory as result of the meetings held in 2011 with interested parties at the national level. The European Commission model forms for submitting statistic information by the Member States are taken into account. The Commission fully complied with the European Commission recommendation for presentation of analysis of data usefulness, and encouraged the other involved institutions to provide additional information and analysis.

In accordance with the stated priorities of the Government of the Republic of Bulgaria to build e-Government, the Commission considers the electronic services it provides to citizens to be part of the country's e-Government. For achieving that goal, in 2012, the Commission continued the institutional co-operation with the authorities building the e-Government. Declaring its willingness to be included among the pilot departments building the electronic services, CPDP determined the scope of services, which it wants to use and will provide (the so-called Primary Data Controllers) for the interoperability achievement. The priority realization of inter-administrative services online allows for the actual implementation of the principle of the official inquiry - once received in the administration information shall not to be requested again by the users.

The maintenance of public registers during the reported period and the data controllers' registration is build on the basis of the "One-Stop-Shop" technology. In 2012, another information channel for citizens was created - automatic selection of services by phone. The services provided related to checking the results and the course of registration, as well as request for preparation of certain documents, covered fully the data controllers' registration processes.

By the achievement of the objectives set in 2012, the Commission was approached by over 27,476 requests, alerts, complaints, checks for compliance with the requirements of the law, queries, requests for registration in the data controllers' register, as well as, requests for personal data protection consultation.

IV. Powers of the Commission for Personal Data Protection pursuant to the Law for Protection of Personal Data and the Law on Electronic Communications

1. Pursuant to the LPPD

The Commission for Personal Data Protection exercised full control over the compliance with the personal data protection regulations. For this purpose, it keeps a register of data controllers and personal data registers kept by them, carries out inspections following its personal data protection activities, expresses opinions and grants authorisations in cases provided for in the Law for Protection of Personal Data, issues compulsory instructions to controllers and imposes temporary prohibitions for personal data processing.

An important preventive tool in the Commission's work is the issuing of opinions, via which, it expresses its position on particular question on the LPPD application or on draft regulation, concerning personal data processing, as well as on the lawful personal data processing and the individuals' rights.

The Commission's opinions can be summarized therefore in two major groups:

1.1. At requests of individuals and legal persons on the application of the Law for Protection of Personal Data.

By expressing opinions to entire data controllers group or to unlimited circle of data controllers are resolved fundamental personal data protection issues by creating clear and transparent criteria for a harmonized application of the law by everyone who is obliged to follow it, and clarifying specific regulations.

In 2012, CPDP addressed numerous requests regarding unlawful personal data processing, such as excessive copying of personal ID cards of mobile operators and/or banks customers, irregular processing of citizens' Personal Identification Number, requirements set by some data controller for the provision of more personal information, irrelevant to the purposes which it is required for. The Commission specifies in its opinions the lawful personal data processing conditions and the principles and informs citizens in details on the rights they have under the Law for Protection of Personal Data.

1.2. On coordination of draft legal acts.

Besides the official opinions on matters, relating to the LPPD application, in 2012, the Commission regularly co-ordinated draft legal acts pursuant to Art. 32 (3) of the Statutory Rules of the Council of Ministers and its administration.

The Commission issues compulsory instructions or imposes temporary prohibition for processing for irregularities found by personal data processing. Compulsory instructions are issued when irregular personal data processing is found during inspections carried out by the Commission when considering individual's complaint, a request for personal data transfer authorization, establishment of an unlawful practice of data controllers. The power for imposing a temporary prohibition for personal data processing is a serious and final tool of the data protection supervisory authority and should be applied only in cases when all other mechanisms for the removal of admitted legal violations are exhausted. Non-exercising this power by the Commission is a proof of good knowledge of the rules for lawful data processing and adequate application of the protection measures by controllers and data processors. The fact that again in 2012, there are no cases of imposition of a prohibition for personal data

processing, is indicative of the increased legal knowledge of controllers in the personal data protection field and is a proof of the successful prevention policy pursued by the Commission.

An important power of the Commission is organizing and coordinating data controllers training in the personal data protection field.

In 2012, the Commission for Personal Data Protection continued its active participation in the process of preparation, revision, co-ordination and implementation of European data protection and privacy legislation, as well as, in the bilateral and multilateral information and experience exchange on existing and newly emerged issues.

2. Pursuant to the Law on Electronic Communications

In its capacity of monitoring authority for data security under the Law on Electronic Communications, the Commission supervises the activities of the enterprises providing public electronic communications networks and/or services for the compliance with certain data storage rules for ensuring protection and security.

Following the provision in Art. 261a (4) of the LEC, the enterprises shall not later than 31-th of March each year submit to the Commission for Personal Data Protection statistical information on:

- cases where data have been submitted to the competent authorities under Art. 250b (1), and Art. 250c (4);
- the time elapsed from the date of storage to the date on which the competent authorities have requested the data transfer;
- cases in which one could not respond to the request for data.

Second consecutive year CPDP summarised the information received from the enterprises and submitted it to the National Assembly and the European Commission within the period specified in LEC - 31th of May of the respective year. With its reports to the National Assembly and the European Commission, CPDP presents summarized information about: the total number of liable enterprises which have provided statistical information, the authorities which have requested access to traffic data, the service nature, and the data retention period.

V. Registration of data controllers and data registers kept by them. State of the deployed information and communication systems

1. Registration of data controllers and data registers kept by them

Following the Commission's the legal obligation is maintained a register of data controllers and data registers kept by them (Register). The Register is public and is kept electronically.

The overall maintaining of CPDP's the register is in accordance with the concept of e-Government to provide citizens with highly effective and easy to use online service, built on the "one stop shop" technology. It was implemented based on the data controllers' electronic registration system (eRALD).

eRALD is a web-based application which covers all activities related to the data controllers' registration and tracks out the technological process until approval or denial of their entry in the public register. The system enables the maintenance of public registers for: registered data controllers, data controllers exempted from the registration obligation, and data controllers with refused entry in the CPDP's register. All three registers and the information contained therein are public and available on the web via CPDP's website.

In the past year, a separate system for automated deletion of data controllers from the public registers was built.

There is a trend for wider use of the electronic registration service by data controllers. The Commission associates this with the convenient and accessible working interface of the system and the training held with key data controllers.

In 2012, the processes of registration of data controllers (DCs), exemption from the registration obligation, update of the information on a controller already existing in the register, as well as, DC deletion from the register continued.

Untill December 31, 2012, the total number of eRALD users reached 273,617 with 244,449 submitting application for registration as controllers, and 29,168 submitting a request for exemption from the registration obligation (Fig. 4).

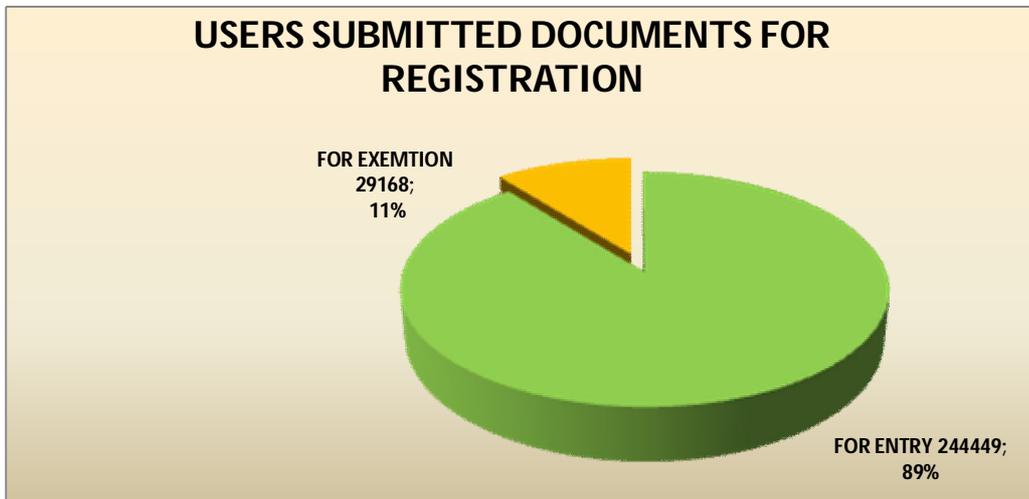


Fig. 4

In 2012, The Commission made decisions for entry of 66,805 controllers in the register. Thus, the total number of controllers in the register is 203,847 (Fig. 5).

Controllers exempted from the registration obligation during the period are 564. Thus, the total of the subjects exempted reached 26,980 (Fig. 6). Compared to 2011, there is a trend of reduction in the number of requests for registration exemption and trend of increasing the number of applications for data controllers' registration.

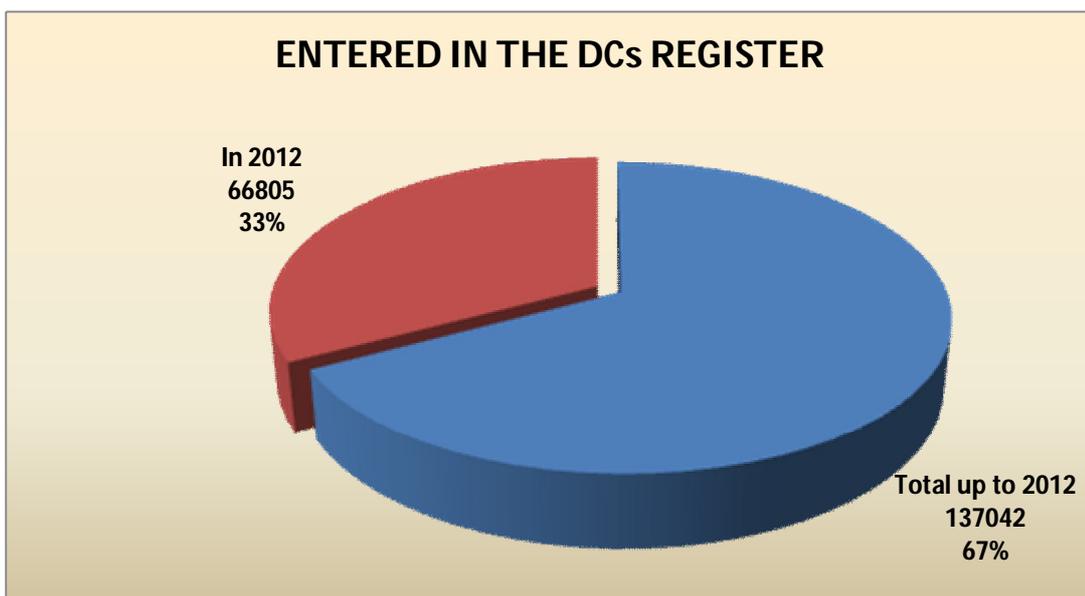


Fig. 5



Fig. 6

With the changes in the Rules on the activity of the Commission for Personal Data Protection and its administration, CPDP also initiated proceedings on data controllers' deletion. In this regard, the Commission received 72 applications for data controllers' deletion for the period 09.03.2012 – 31.12.2012. CPDP decided to delete from the register 57 controllers and for 2 controllers an inspection under Art. 63b (2) of the Rules was started. Subsequently, deletion is refused to three controllers; eight of the applications do not meet the requirements of Art. 63a (2) and (3) of the Rules, and the process of deletion is still not completed for two DCs.

When a data controller applies for data processing under Art. 5 (1) of the LPPD or for data, the processing of which by decision of the Commission threatens the rights and the lawful interests of individuals, the Commission must carry out ex-ante inspection, pursuant to Art. 17b of the LPPD before the registration under Art. 10 (1) (2).

In 2012, 2,709 controllers were subject to inspection under Art. 17b of the LPPD prior their entry in the public register. Thus, the total number of controllers entered in the register after ex-ante inspection reached 8,096. The tendency these data controllers to exercise their activities in the fields of healthcare, brokerage and intermediation for job seeking and employment settlement, as well as, security services was preserved.

The annual distribution of data controllers subject to inspection pursuant to Art.17b of the LPPD is shown in (Fig. 7).

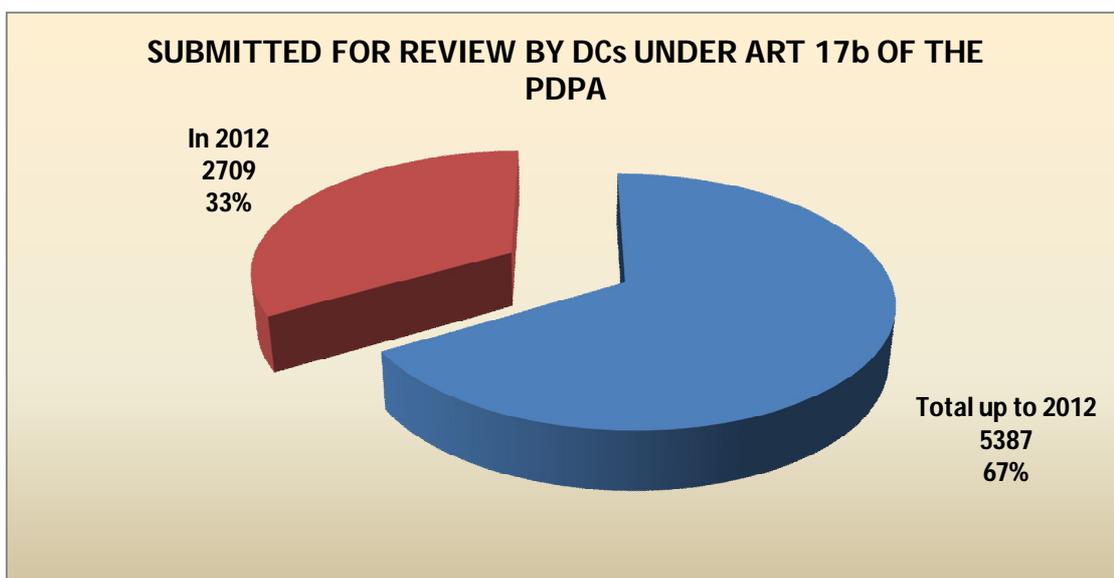


Fig. 7

In 2012, pursuant to Art. 17b (3) (3) of the LPPD, the Commission decided to refuse the entry of 779 controllers in the register.

In the reported period were processed 75,104 documents on the data controllers' the registration. 88,743 electronic messages were sent to controllers via eRALD, and 514 e-mails were received in the electronic system inbox, as result of which actions were undertaken the relevant actions.

2. State of the information and deployed communication systems

For a second year, the Centre for information and contact with citizens continues to work successfully and seamlessly and is further developed, to be convenient for the citizens and data controllers and where updated information can be obtained and inquiries made.

The Commission's website is actively maintained and regularly updated for the wider public. News and valuable information for citizens and data controller are posted on it, CPDP practice is promoted and also the views and opinions expressed on personal data protection issues.

The most important information is synthesized and posted in the electronic newsletter of the Commission for Personal Data Protection issued every two months.

During the reported period the automated system "Labor, salary and personnel" was integrated in the CPDP administration. The practice of maintaining the necessary contacts with

Executive Agency "Electronic Communications Networks and Information Systems", which is responsible for GovCERT Bulgaria (National Center for Action by Information Security Incidents), continued.

In 2012, the Commission took part in the work of the 31 Working Group "Digital Bulgaria 2015" of the Ministry of Transport, Information Technology and Communications.

3. Electronic system for document flow management and control over the tasks performance

The electronic system for the document flow management and control over the tasks performance introduced in 2012 can be described as significant progress in direction of automation of the Commission's administrative processes. Its successful deployment in the organization is a guarantee for the provision of better quality and better regulated services. An additional advantage of the newly deployed electronic system is also the reported significant increase in the employees' performance, and the possibility of faster and more efficient documentation processing. It is important to consider the possibility of permanent and timely control on task performance while complying with the necessary measures for the protection of the documents' confidentiality.

The integration of the document management electronic system allows faster data transmission between the different units and helps for the clear regulation of each stage of the data processing procedure. As a result enhanced level of employees' specialisation was observed.

The efficiency of the electronic system for document flow management and for control over the tasks performance deployed in the Commission is based on the significant improvement of the activity results combined with significant decrease in the administrative services costs. Drastic reduction of the paper-based documents, the time for the tasks performance, and the information flow acceleration are considered long-term advantages of system for electronic document flow adopted by the Commission.

4. Organization of CPDP meetings - electronic form and paperless conduct

The integrated electronic system for document flow management and for control over the tasks performance allows the electronic conduct of the Commission's meetings. The system for paperless meetings is another automation and optimization step in the preparation and holding of CPDP meetings.

Main advantage of the paperless meetings electronic system is the possibility for drastic reduction of the preparation time for the meeting materials. The system provides options for easier search, quick finding, and locating the necessary documents and information. The uniformity in content and form of the documents for each participant in the meeting ensures that during the meetings the latest and most up-to-date information will be reviewed and discussed.

An essential advantage of the meetings electronic form is the opportunity for exercising constant automated control over the implementation of the Commission's decisions. The supervision is possible because of the system specifics and its data base, which allow all available information to be electronically stored. This technology offers the opportunity to generate various reports at any given moment, as well as to follow statuses and deadlines for the performance of the assigned tasks.

Thanks to the paperless meetings, CPDP the costs were substantially reduced. Last but not least, with the use of the electronic form of the meetings valuable energy and natural resources are saved, which contribute to the environment protection.

5. Volume of incoming and outgoing correspondence:

For the period 01.01.2012-31.12.2012.

Incoming correspondence - 7,365 letters;

Outgoing correspondence - 6,493 letters;

Internal correspondence - 2,450 (including letters, opinions, reports, and minutes);

Complaints – 531.

VI. Analysis and statistics of complaints and requests submitted under Art. 38, Para. 1 of the Law for Protection of Personal Data. Case law and practice of the Commission. Analysis of judicial practice

During the year, were received 548 complaints, signals and inquiries, concerning personal data processing and the possibilities for exercising the rights of protection by unlawful personal data processing or concerning the rights of access, information, correction or personal data blocking, as well as complaints of third parties in connection with their rights under the same law in accordance with the Commission for Personal Data Protection power to consider complaints against acts and actions of controllers which violate the individuals' rights under the Law for Protection of Personal Data.

For comparison in 2011 complaints, the number of signals and enquiries, received in the Commission was 458.

On 247 requests for information about the procedures for individuals' protection were prepared and sent detailed answers to the asked questions.

During year the Commission has issued 271 decisions on proceedings following complaints with alleged violations of individuals' rights, as follows:

1. on complaints' admissibility - 134 decisions;
2. for stopping administrative proceedings due to the presence of another started before the authorities of the Ministry of Interior or the Prosecution Office - 56 decisions;
3. on complaints' inadmissibility - 48 decisions;
4. on irregularity of complaints and requests - 33 decisions;
5. on renewed administrative proceedings - 1 decision.

The Commission has considered 101 complaints as ungrounded due to a lack of violation of the personal data processing rules and of the complaints' rights.

From the administrative proceedings ended due to inadmissibility of the complaints, 16 have been withdrawn by the complainant thus the Commission was actually required to decline jurisdiction.

On 33 of the concluded in 2012 administrative proceedings, the Commission has considered the complaints as admissible and as result of its decisions were issued 7 compulsory instructions to personal data controllers with which was instructed personal data protection measures and actions and has established a total of 36 administrative violations of

the Law for Protection of Personal Data and has imposed sanctions and fines in the amount of BGN 323 350.

Violations committed by data controllers may be classified in the following groups:

- personal data processing in violation of the principles of lawfulness, proportionality of the personal data processed, the principle for processing of personal data for specific, precise and legitimate purposes (Art. 2 (2) of the LPPD) - 7 offenses, for which penalties in the amount of BGN 140,000 were imposed.

- personal data processing without a statutory requirement for admissibility of the personal data processing being present (Art. 4 of the LPPD) - 5 offenses, for which penalties in the amount of BGN 95,000 were imposed.

- personal data processing, without data controllers having taken technical and organizational measures to protect data against accidental or unlawful destruction or accidental loss and against unauthorized access, rectification or dissemination, and against other illegal forms of processing (Art. 23 of the LPPD) - 13 offences, for which penalties in the amount of BGN 27,850 were imposed.

- personal data processing, before the controller have submitted an application for registration in the Register of data controllers and the registers kept by them maintained by the Commission (Art. 17 of the LPPD) - 3 offences for which financial penalties and fines in the amount of BGN 6,100 were imposed.

- Failure of the data controller to inform the individual about the purposes of the personal data processing; recipients or categories of recipients to which data may be disclosed; about the compulsory or voluntary nature of data provision and the consequences of refusal of their provision; and also about the right of access and the right of correction of the collected data (art. 19 of the LPPD) - 3 offences for which penalties in the amount of BGN 41,400 were imposed.

- personal data processing for marketing purposes without enabling the individual to object to the processing of their personal data for the specified purposes (article (Art. 34a of the LPPD) - 1 offence, for which a penalty payment in the amount of BGN 1,500 was imposed.

- for data controller's refusal to assist the Commission in the exercise of its supervisory powers (Art. 22 (5) of the LPPD) - 4 offences for which penalties in the amount of BGN 11,500 were imposed.

Legal advisor's remuneration in the amount of BGN 3,804 was adjudicated for CPDP benefit with BGN 1,854 paid voluntarily.

The total BGN 90,604 of the penalties imposed by CPDP with decisions adopted and legal advisor's remunerations adjudicated were paid voluntarily.

The spheres of the data controllers' activities against which most of the complaints have been submitted by individuals in 2012 are as follows:

Telecommunications	274 complaints
Labour and Social Insurance Services	33 complaints
Banks and Banking Institutions	32 complaints
Health Care and Education	13 complaints
Facility Management	11 complaints
Judicial and Executive System	6 complaints
Media	4 complaints

The majority of complaints received in 2012, in which offenses committed by the mobile operator were claimed, were about unlawful provision of individuals' personal data to debt collection companies. This category of complaints can be divided into two sub-categories.

In the first sub-category the appellants do not deny the existence of contractual relations with the mobile operators, irrespective of whether relations are active or terminated. The complaints with which the Commission was alerted were that the personal data of the operator's subscribers were provided to debt collection companies, which, in turn, carried out mental abuse on them in most cases by sending information letters, phone calls, as well as sticking notes for the amounts due on the debtors' entry doors.

In these cases, the Commission for Personal Data Protection required written opinion on the complaint by the mobile operator, and the third person, to which personal data were provided. In the majority of cases it was found that the concluded individual contracts contain a clause with which the individual gave his/her consent the personal data related to them to be processed for the purposes of the contract, and to be provided by the data controller to third parties, with which it has contractual relation. Purposes of the provided personal data were the collection by debt collection companies of amounts due to be paid by the mobile operator subscribers.

In the majority of cases, the inspections carried out by CPDP found that data controllers respected their obligation under Art. 24 (4) of the LPPD, namely to settle their relations with data processors in written by determining the scope of the data processor

obligations. Inspections also found out that the processing of the individual's personal data by both data controller and data processor was admissible, due to which the majority of the complaints in this category were considered as ungrounded.

The second sub-category covered cases where a crime is committed with the individual's personal data, namely signing a contract on behalf of individual, which he/she is not aware of and has not signed. Due to accumulation of bills on these contracts, the personal data of the injured persons were provided to debt collection companies. In these cases, the Commission requested information from the bodies of the Ministry of Interior or the Prosecution Office, which are approached for the majority of signal for committed documentary offense within the meaning of Art. 309 of the Criminal Code. In the presence of proceedings before the competent authorities investigating the crime, and pursuant to Art. 54 (1) (3) and (5) of the Administrative Procedure Code, CPDP stops the administrative proceedings initiated before it until the investigation is completed. This is required by the fact that the results and conclusions of the initiated general crime proceedings are essential both for the development of the administrative proceedings and for protection of the applicant's rights. The establishment whether there is a crime and the identification of the criminal is important for the development of proceedings initiated before the Commission and subsequently for the issuing of CPDP administrative act. Depending on the results of the investigations and the establishment of incriminated action and its perpetrator is established whether processing of personal data associated with the applicant can be undeniably bound with the data controller.

Processing of individuals' personal data via their provision from data controllers to data processors was carried out not only by mobile operators. Personal data were also provided by water supply company, cosmetic company, banks.

Besides contract signed by mobile operators for assignment of debt collection company, there were cases in which operators sign cession contracts with these companies and transfer their liabilities to them. The administrative authority performs inspections for compliance with the provisions of the LLPD also in these cases.

Besides the main specified group of complaints with which CPDP is approached in 2012, specific complaints which are interesting in their subject should also be mentioned.

In one of these complaints the applicant indicates that he/she visited the Regional Health Insurance Fund (RHIF) in Sliven to submit documents for issuance of European Health Insurance Card (EHIC), but there he/she was forwarded to the Bulgarian Posts EAD, where this type of service is provided. After visiting a branch of the Bulgarian Posts EAD, the applicant was notified that by the submission of the application he/she should provide a copy

of his/her Personal ID card. In a phone conversation held by the applicant RHIF specified that the issuance of the cards is assigned to "some third company", which accepts the documents and then forwards them to the RHIF. In this case the applicant was worried that the European health card is valid one year and should provide a copy of his/her Personal ID card each time by the issuing of a new one. CPDP leaved the complaint without respect. The reasons for the decision were that pursuant to Art. 4 (1) of the LLPD, the admissibility requirements for personal data processing are comprehensively determined. The legislature has adopted that individuals' personal data processing should be carried out in the presence of at least one of these conditions, which is the prerequisite for the lawfulness of the processing. The explicit consent of the individual, owner of the personal data is one of the conditions of admissibility for personal data processing, which corresponds to Art. 1 (1) (2) of the Law. In this specific case the applicant has provided to RHIF voluntarily his/her personal data, hence the conclusion that there is consent, within the meaning of Art. 4 (1) (2) of the LPPD, the National Health Insurance Fund (NHIF) to process personal data related to him/her. From the written evidence collected to the complaint was undoubtedly established that under § 1 of the Additional Provisions of the Law for Protection of Personal Data, the National Health Insurance Fund process personal data of the applicant in connection with the issuance of the European Health Insurance Card. This fact was not contested by the applicant. The reason for approaching the CPDP was the complainant concern that at the time of the application a copy of the Personal ID card was requested. In the second place he/she was concerned about the security of his/her personal data with regard to the established procedure, under which documents are submitted in the relevant postal branch, are provided to RHIF for approval, the card is prepared by another company, after that is handed to the person in the postal branch, where requested.

European Health Insurance Card (EHIC) is a document that provides its owner with the right to obtain emergency medical care during temporary residence in a European Union Member State and in the other European Economic Area Member States. The period of validity is 1 year. In Art. 80b of Section XI of the Health Insurance Act "Issuance of documents necessary for exercising health insurance rights according to the rules for coordination of the social security systems" contains text according to which issuance of EHIC is part of the NHIF's competences. In Regulation 14/19.04.2007 for the procedure for issuance of documents for exercising health insurance rights according to the rules for coordination of the social security systems issued by the Minister of Health, has been determined the rules for the EHIC issuance. Pursuant to Art. 5 (3) of the Regulation, the application shall be submitted personally or by authorized representative (with notary certified power of attorney) by

providing and applying a copy of Personal ID card. Under the Public Procurement Act, NHIF assigns preparation and delivery of EHIC to G Point Ltd with contract signed WC-14-88/09.11.2011 (a copy of the contract is attached to Statement of Findings with Oncoming No 906/12/24.02.2012). Under the contract mentioned above G Point Ltd undertakes to prepare and send finished EHIC to the distribution points, in which applications are submitted for their issuance, and is obliged to provide archiving and preservation of the applications of health insured persons in the distribution points. In order to fulfil its contractual obligations G Point Ltd. concluded contract No 2721/14.11.2011 with Bulgarian Posts EAD with subject "EHIC delivery", which covers: Acceptance and processing of applications for EHIC, delivery to RHIF, delivery of applications to the print facility in Sofia, supply of ready printed EHICs from the print facility in Sofia to the postal stations defined for accepting documents for EHIC, and transmission of the cards to their applicants after their signature.

Another specific case was a complaint, in which the applicant claims that he/she was accused of unlawfully receiving unemployment benefits because of employment contract with Cheque de France EOOD. The applicant stated that he/she has never worked in that company, nor has signed employment contract with it. He/she claimed that he/she is unemployed and is lawfully registered with the Labor Office. Upon reference in the National Revenue Agency (NRA) he/she was informed that for the specified period Cheque de France EOOD has filed social security statement for him/her for May, June, and August. CPDP stopped the administrative proceedings because of the presence of another proceedings initiated on the same case for commission of crime.

For another similar case CPDP imposed administrative penalty – property sanction. In the complaint, with which the Commission was alerted, was argued that the applicant has received letters from the NRA territorial division - Burgas, as well as from the NRA territorial division - Sofia, with inquiry whether he/she has signed employment contracts with Dynamic Trade EOOD for the period 01.05.2011 - 31.05.2012. The person stated explicitly that he/she has never been in employment relationship with the company. On the contrary, during the period said he/she has been registered with Labour Office and has received unemployment allowance. With the issued decision, CPDP considered that the applicant has not agreed on and nor signed employment contract with Dynamic Trade EOOD. A copy of his/her labour experience book was attached to the complaint and also notice with Outgoing No 2060/15.03.2011, issued by the Employment Agency which showed that during the period the individual was registered as a job seeker. The results of the check in the National Revenue Agency information system showed that a notice of contract signed and terminated with

Dynamic Trade EOOD was submitted for the person. On the grounds of the collected evidence the Commission accepted that Dynamic Trade EOOD processed unlawfully the applicant personal data as there was no contract of employment signed between them and no employment relationship has arisen. There was a breach of a mandatory provision covered by Art. 4 (1) (2) of the LPPD. As a result of the improper individual's personal data processing was also the submission of notifications to the NRA for concluded and terminated employment contract on behalf of the applicant. The inspections carried out by the CPDP also found that the data controller didn't fulfill its obligation under Art. 17 of the LPPD to submit an application for data controller registration prior to the personal data processing, and thus another breach of the Law for Protection of Personal Data was committed.

In another case the applicant claimed that the bodies of the Ministry of Interior unlawfully processed his/her personal data. The complainant reported that there was police registration regarding an offense under the Criminal Code. With a judgement in a criminal case the person was exempted from criminal liability with fine imposed. The applicant asked the Commission to oblige the bodies of the Ministry of Interior to terminate his/her police registration. The person was aware of the presence of the registration during a routine check by the bodies of the Ministry of Interior.

CPDP considered the complaint as ungrounded because of the following: The Law for Protection of Personal Data provides for protection of the individuals' rights by the processing of their data as far as processing is not performed for the purposes of defense, national security, and public order, and for the needs of the criminal proceedings. Pursuant to Art. 1 (5) of the Law for Protection of Personal Data, the control of processing in these cases is assigned to the relevant state authority. In this case, the Ministry of Interior Act is special legal act with respect to the general Law for Protection of Personal Data, when data is processed for the purposes of national security and public order, and the Minister for Interior should exercise control over the personal data processing. On the other hand, in Art. 165 of the Ministry of Interior Act, the legislator provides control for the protection of the individuals' rights with regard to processing of their personal data and for accessing this data by the Commission for Personal Data Protection under the rules and procedures as provided by the Law for Protection of Personal Data. The Commission's right to analyze and take full control over compliance with regulations in the personal data protection field is provided also in Art. 10 (1) of the LPPD.

By the personal data processing, the data controller is obliged to respect the main principles which are regulated in Art. 2 (2) of the LPPD. The provision of Art. 2 (2) (4)

requires data to be kept accurate and up-to-date. In the provided notice by the automated information system "Central Police Register" was contained information on the individual in terms of application material, according to which he/she has a status of "claimant", as well as data about conducted criminal proceedings, completed with a decision for exemption from criminal liability and the imposition of administrative penalty "fine".

Following the actions taken by the Commission toward the Ministry of Interior on similar complaints in the past years, in 2011, changes are made to Instruction No I3-2843/2010 for the organization of the work of the Ministry of Interior under application materials for general crimes, which determine the method of deletion of personal data processed in connection with the application materials. In Art. 32a (3) (3) of this Instruction is provided personal data deletion if there are two cumulative conditions: Exemption from responsibility and imposition of administrative penalty, on the one hand, and expiry of the absolute limitation under Art. 81 (3) in conjunction with Art. 80 of the Criminal Code for the crime, for which the person is exempted from criminal liability, on the other hand. In that specific case, CPDP concluded that the criminal proceedings was considered criminal offense for which is provided a penalty of imprisonment of up to three years. The absolute prescription is determined by the rules of Art. 81 (3) in conjunction with Art. 80 (1) (4) of the Criminal Code and in this case was equal to seven years and a half, and at the time of filing the complaint, resp. the issuance of the decision thereon, it has not yet expired.

In 2012, before the Administrative Court- Sofia city were brought 38 lawsuits on litigating decisions of the Commission for Personal Data Protection pursuant to Art. 38 (6) of the Law for Protection of Personal Data. In addition on 8 appeals are expected to be initiated lawsuits and accordingly consideration by a court. For 2013, 11 lawsuits are scheduled for hearing in open court. For the lawsuits initiated in first instance during the calendar year, 5 judgements are expected to be declared.

16 decisions of the Commission on the lawsuits closed with judgements decreed were confirmed in full as correct and legitimate. 5 decisions of the Commission were repealed with judgements objected with cassation complaints before the Supreme Administrative Court. On 2 of the lawsuits initiated the Administrative court - Sofia city considered Sofia Regional Court competent to rule, and on 2 of the objected judgements, with which administrative sanctions were imposed, are partially repealed to the amount of the penalties imposed by the administrative authority.

In 2012, before the Administrative Court - Sofia city 16 lawsuits initiated in 2011 have finished with judgement. 11 decisions of the Commission are confirmed as correct and

legitimate, 4 decisions are cancelled as incorrect, and one decision is partially amended in terms of the amount of the imposed administrative penalty.

Although in 2011 amendments to APC have been adopted, which change the jurisdiction of the decisions of the Commission, from Supreme Administrative Court to Administrative Court - Sofia city, during the year panels of the Supreme Administrative Court considered lawsuits initiated prior the amendments as first and cassation instance.

Proceedings on 17 appeals of Commission's decisions ended at two instances of the Supreme Administrative Court. 14 decisions of the Commission were confirmed by final decisions, and one was repealed due to lack of grounds in the administrative act, concerning the adoption of compulsory instruction instead of the possibility envisaged in Art. 38 (2) of the Law for Protection of Personal Data to be imposed administrative sanction. In 2 of the judgements it was assumed that there was no violation of the Law for Protection of Personal Data contrary to that established in the relevant administrative proceedings, and the decisions of the Commission were repealed, and in one of the cases the complainant has requested withdrawal of his/her complaint and declined the Supreme Administrative Court jurisdiction.

VII. Control and administrative penal activities of the Commission

1. Control activity

The procedure and methods for carrying out the overall control activity is governed by the provisions of the Law for Protection of Personal Data (LPPD), the Rules on the activity of the CPDP and its administration (RACPD), Ordinance No 1 dated 7 February 2007 on the minimal level of technical and organizational measures and the admissible type of personal data protection (the Ordinance), the Instruction on the control activities and the Administrative Violations and Penalties Act (AVPA).

During the reported period, the Commission exercised supervisory activities in the following areas:

- analysing the current data controllers activities with regard to the compliance with the personal data protection regulations;
- assisting data controllers with consultations and guidance on the compliance with the regulations, and on measures taken for the processed personal data protection;

- exercising direct control on the personal data controllers in the public and private sector;
- imposing sanctions under the Administrative Violations and Sanctions Act for violation of the LPPD.

The supervision is exercised directly by the Chairperson and by the members of the Commission who are assisted by the specialized administration. According to Art. 26 of RACPDP, the Legal Procedures and Supervision Directorate (LPSD) through its structural unit – Control and Administrative-Penal Proceedings Department supports the Commission’s control activity. This activity includes inspections of data controllers to clarify the facts and circumstances and collect evidence.

The inspections comprise of a set of actions and measures designed to ensure legitimate and effective treatment and personal data protection.

The purpose of inspections is to establish:

- the personal data processing grounds;
- the procedures for keeping the personal data register;
- the purposes for which the personal data is processed;
- the proportionality, accuracy and update of the data;
- the conformity of the processed data protection level with the Ordinance.

The control is exercised by carrying out ex-ante, on-going and ex-post inspections. Each inspection ends in the preparation of a statement of findings and in the event that an administrative violation of the provisions of LPPD is ascertained, the Commission initiates administrative penal proceedings pursuant to the LAOS.

Total number of inspections carried out in 2012 – 1718, of which:

- ex-ante – 1616;
- on-going – 71;
- ex-post – 32.

This data shows that most ex-ante inspections were carried out pursuant to Art. 12 (2) of the LPPD. 1718 inspections were carried out in 2012, resulting in 1673 statements of findings and 45 inspections ended only in drafting statements for ascertaining administrative violations.

For comparison: in 2011 total 1252 inspections were completed (Fig. 8)

Total number of inspections

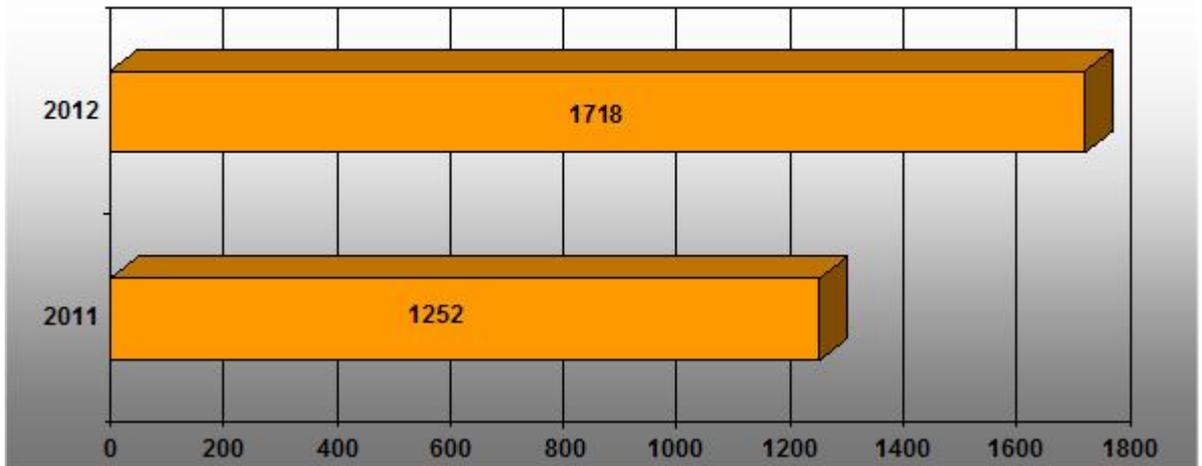


Fig. 8

1.1. Ex-ante inspections

According to Art.17b of the LPPD, these inspections are required prior to the data controller (DC) entry in the register as per Art. 10 (1) (2) of the LPPD in the cases where the controller has declared processing of specially protected data under Art. 5 (1) of the LPPD or according to a Commission decision, the data, the processing of which endangers the individuals' rights and lawful interests.

The ex-ante inspections aim to establish the technical and organizational measures by the personal data processing and the admissible type of protection provided by data controllers and their compliance with the Ordinance's requirements.

In 2012 a total of 1616 ex-ante inspections were carried out compared to 1151 in 2011 (Fig. 10).

Of all ex-ante inspections carried out in 2012, 1553 ended in proposals for registration in the register under Art. 10 (1) (2) of the LPPD, and 63 ended in termination of the registration procedure and deletion from the register under Art. 10 (1) (2) of the LPPD due to termination of the respective data controllers operation, etc. 4 compulsory instructions (CI) were issued, three of them are implemented and personal data controllers were entered in the register under Art. 10 (1) (2) of the LPPD, and fourth is in the process of implementation.

Main problem in carrying out this type of inspections remains the communications with DCs in order to request the necessary documents to complete the inspection. The most common reasons include unclaimed mail, changed addresses, errors in the applications and failure to send the required documents after the proper notification receipt. Due to the

impossibility of completion of these inspections, in 2012, the CPDP issued a decision and pursuant to Article 17b (3) (3) of the LPPD rejected the registration of 782 data controllers in the Register of data controllers and the registers kept by them. After the publication of CPDP's decision, 31 of them sent the required documents for ex-ante inspections, and 30 of them were entered in the register under Art. 10 (1) (2) of the LPPD, and for 1 DC the procedure was terminated.

1.2. On-going inspections

Although considerably fewer in number, the on-going inspections carried out pursuant to Art. 12 (3) of the LPPD are more complex in legal aspect. In 2012 a total of 71 such inspections were carried out compared to 74 in 2011 (Fig. 10).

According to the law these inspections are carried out at the request of interested persons and at the initiative of the Commission on the basis of a monthly plan for execution of control activity adopted by the Commission.

In the beginning of 2011, the CPDP adopted a Plan for carrying out on-going inspections at the initiative of CPDP for 2012 (the Plan). The Plan aims at enhancing the efficiency of the Commission's control activity through its further administrative strengthening, improving the supervision organization, elaborating the methods for consulting personal data controllers and individuals.

According to the Plan the checklist criteria for selecting DCs are as follows:

1. DCs of structures and areas with priority significance/ of priority areas and structures in the CPDP activity:

- DCs, which activity is of public and social significance;
- DCs, which underwent significant structural changes resulting from a change in the law and the internal regulations.

2. DCs depending on the categories and the volume of personal data processed:

- DCs processing personal data pursuant to Art. 5 (1) of the LPPD;
- DCs which activity endangers the individuals' rights and lawful interests;

3. DCs which have not been subject to inspection.

Main tasks of the scheduled inspections are related to the performance of data controllers' obligations under Art. 17 (1), Art. 19 (1), Art. 23, Art. 25 of the LPPD, as well as the determination of the technical and organizational measures undertaken to protect personal data and assessment of their compliance with the protection levels set in the Ordinance. The inspections mainly involve registers containing personal data of individuals, customers

(contractors) of data controllers, according to their main business in the areas as follows: government, judicial, education, banking and credit activity, trade and services, etc., mostly with national scope of operations.

In accordance with the criteria adopted in the Plan, the Commission appointed inspections of 15 DCs operating in different sectors of the social and economic life. After adoption of the Plan and prior to the inspection planned for October at the Directorate "Public Order and Traffic Police" to Directorate General "Public Order" to the Ministry of Interior (MOI) structural changes were carried out in the ministry that result in closing the directorate. By CPDP decision of 25.07.2012 update of the plan was adopted, and instead of the inspection planned at the Directorate "Public Order" to the Ministry of Interior inspections of two other DCs are carried out.

Inspections of 8 DCs in the public administration field were carried out- Bulgarian National Bank, Ministry of Health, Administrative court - Montana, Regional Court - Vidin, National Health Insurance Fund, Directorate General "Implementation of Penalties" to the Minister of Justice, Employment Agency to the Ministry of Labor and Social Policy, and State Fund "Agriculture", 2 DCs in the financial sector (BNP Paribas Personal Finance EAD and Easy Asset Management EAD), education (University of Veliko Tarnovo "St. St. Cyril and Metodii", and National Sports Academy "Vassil Levski"), trade and services (Billa Bulgaria EOOD and Metro Cash and Carry Bulgaria EOOD), and 1 DC in the field of tourist services - Rila Tours 2001 Ltd.

As a result of the completed planned inspection 11 statements of findings were drawn up and 5 CP issued. The rest 4 inspections in the Plan were carried out and are yet to be completed.

In 2012, CPDP continued the practice of carrying out on-going inspections of data controllers acting in the hotel industry. The purpose of these inspections was to check the compliance with the LPPD of this data controllers' category, processing individuals' personal data- staff and customers. As a result of the 36 completed planned inspections, 5 statements of findings were drawn up and 31 statements on ascertainment of administrative violations were prepared.

1.3. Ex-post inspections

The third type of inspections is performed under Art. 12 (4) of the LPPD, namely ex-post inspections carried out with regard to the application of CPDP's decision or compulsory instructions and at its own initiative after receiving a signal.

In 2012, a total of 32 such inspections were carried out compared to 27 in 2011 (Fig. 9).

As a result of the completed planned inspections 19 statements of findings were drawn up, 5 compulsory instructions were issued and 13 statements on ascertainment of administrative violations were prepared.

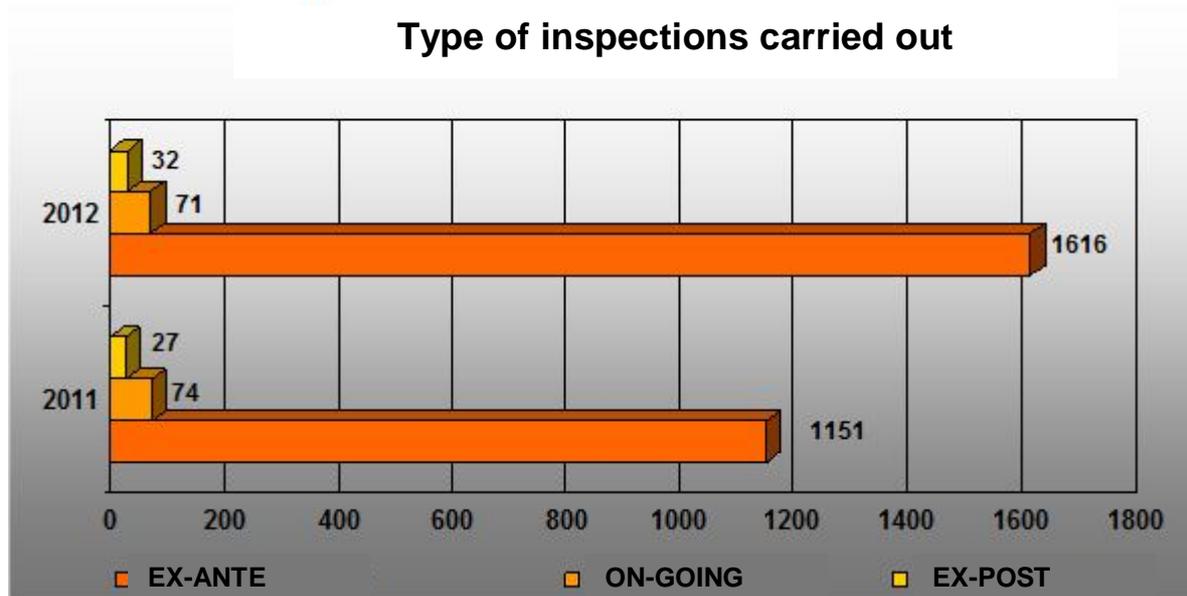


Fig. 9

A differentiation by sectors was made following the specific personal data processing conditions. When performing its activity in 2012, the Commission carried out the following inspections by sectors:

No	SECTOR	NUMBER
1	Healthcare	996
2	Trade and services	109
3	Education and Training	106
4	Tourism	58
5	Legal and consultancy services	54
6	Extraction, production, and recycling of materials	44
7	Social Activities	43
8	Transport	38
9	Construction	35
10	State Administration	30
11	Financial and accounting services	28

12	Telecommunication and information technology and services	23
13	Insurance and Social Security	16
14	Forestry and Agriculture	15
15	Justice	14
15	Security services	14
16	Regional and municipal administration	13
16	Sport Activities	13
17	Finance	9
17	Media and advertising	9
17	Human resources	9
18	Real estates	8
18	Not Profit Legal Entities	8
19	Other	26

The attention was drawn on the inspections of data controllers processing personal data relating to health, sexual life or human genome, revealing racial or ethnic origin, political, religious, philosophical, political opinion and membership in such organizations or data the processing of which endangers rights and lawful interests of individuals according to the Commission's decision.

1.4. Handling requests

Pursuant to Art. 36 (2) of RACPD when a request does not contain data of violated rights of the applicant, action can be taken under Art. 10 (1), (3), (5), and (6) and Art. 43 of the LPPD.

In 2012, in Control and Administrative- Penal Proceedings Department were considered 92 requests from individuals and various inquiries on issues concerning CPDP powers.

Most of the requests received by the CPDP concern rights violated under the LPPD in the following sectors: Internet (27), trade and services (8), telecommunications (5), postal services (5), elections (5), public administration (4), etc. They are significantly less in tourism, education, judiciary, gambling, etc.

In 2012, was observed an increase in the signals of infringement of individual's rights through dissemination of their personal information without their consent, intrusion into their

personal profiles on social networks and/or electronic mail, as well as by implementation of video surveillance.

As a result of consideration of the requests, 8 statements on ascertainment of administrative violations were drawn up, 3 requests were sent acc. to competence of other authorities, and 1 request was terminated due to failure to submit the supplementary information. According to the law relevant answers were sent to the senders.

2. Administrative penal activity

2.1. Compulsory instructions

Pursuant to Art. 10 (1) (5) of the LPPD, the Commission issues compulsory instructions (CI) to DCs about the personal data protection by its processing following the relevant subject matter.

These instructions aim at ensuring the adequate personal data protection level in the kept personal data registers by providing the required minimal technical and organizational means and protection measures pursuant to the LPPD and the Ordinance.

In 2012, CIs were issued to 16 DCs, compared to 30 for 2011. The most instructions were issued in the public administration field, followed by the financial sector, and the healthcare. The least instructions were issued in the sectors as follows: judicial power, education and training, transport, and trade and services.

The percentage of the CIs issued depending on the offense type is specified in the chart below (Fig. 10)

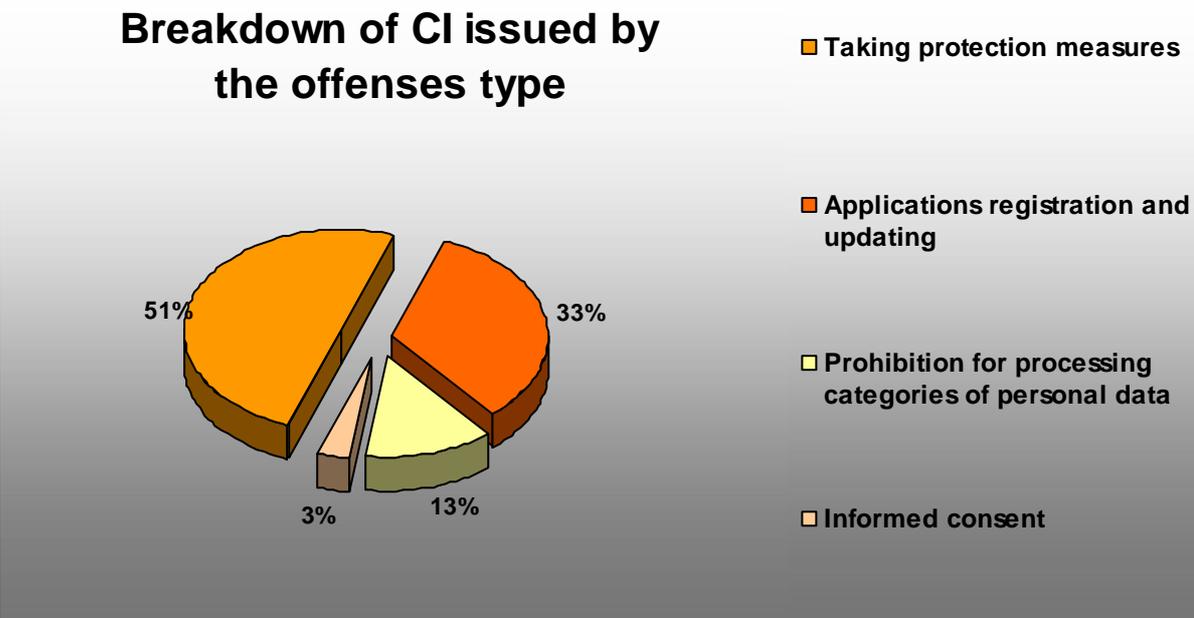


Fig. 10

The issued instructions are most often related to findings on non-compliance with the obligation for taking measures for updating the instruction under Art. 23 (4) of the LPPD in connection with occurred changes and the determination of specific measures for ensuring the necessary personal data protection level. Important part of the technical and organizational measures which the DC should undertake is its obligation, stemming from the last amendment to the LPPD, prom. in SG, issue 81 of 2011, to set deadlines for conducting periodic reviews of the data processing need, as well as for its deletion.

Another recurring offence was related to the breach of the provisions of Chapter Third of the LPPD related to the duties of DC under Art. 17, Art. 17b, and Art. 18 (3) for registration and/or update in the register under Art. 10 (1) (2) of the LPPD.

In 2012, the issued CIs were related to a prohibition for processing of certain personal data categories and to the breach of the provisions of Art. 19 and Art. 20 of the LPPD on notifying the individuals for the processing of their personal data.

From all issued compulsory instructions 7 were executed within the terms set by the Commission, and the remaining 9 are in process of execution.

2.2. Administrative penal proceedings

By exercising its obligation to perform full supervision over the compliance with personal data protection regulations, in 2012, 58 violations were established with statements on ascertainment of administrative violations (SAAV) on the basis of which the CPDP chairman has issued 52 penal decrees (PDs).

According to the provisions of Art. 43 of the LPPD, the ascertainment of violations, the issuing, appealing and execution of the penal decrees shall be applied in accordance with the procedure, established in the Administrative Violations and Penalties Act (AVPA).

SAAV on LPPD's provisions shall be drawn up by a Commission's member or by officials authorized by the Commission according to the requirements of Art. 43 (1) of the LPPD. PDs are issued by the Commission's Chairperson (Art. 43 (2) of the LPPD).

Most violations of the LPPD were failure to update the information submitted on the personal data registers kept by DCs. Under violation is meant that the data controller processed personal data for the purposes of a new register, which was not stated in CPDP and which is not entered in the register under Art. 10 (1) of the LPPD.

Substantial number of established violations were the lack of instruction under Art. 23 (4) of the LPPD, where the controller has to identify technical and organizational measures to

protect data against accidental or unlawful destruction or accidental loss, against unauthorized access, rectification or distribution, as well as from other illegal forms of processing.

Next was the failure to register following the provisions of Art. 17, as well as Art. 17b of LPPD.

The violations under Art. 23 (4) of the LPPD were also recurring, i.e. DC has not undertaken the technical and organizational measures necessary to protect data against accidental or unlawful destruction or accidental loss, against unauthorized access, rectification or distribution, as well as from other illegal forms of processing.

52 penal decrees (PD) were issued compared to 232 in 2011, as 9 PD were issued on the basis of the statements for violations drawn up in 2011 (Fig. 11).

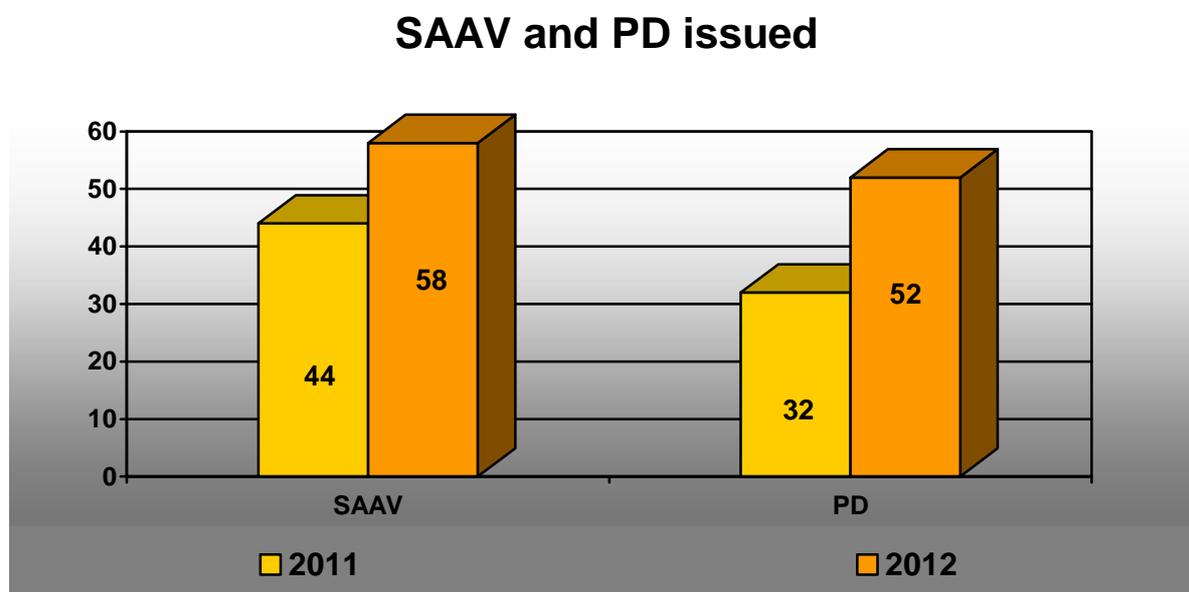


Fig. 11

Along with the penal decrees (PD) issued in 2012, fines and property sanctions were imposed in the total amount of BGN 161 600 compared to BGN 198 500 in 2011.

In 2011 the total amount of BGN 67 000 was paid compared to BGN 57 000 in 2011. There is a permanent tendency of increase in PD in force and the amounts received.

In 2012, by motivated resolutions of the CPDP Chairperson pursuant to Art. 34 (3) and Art. 54 of the AVPA was terminated only 1 administrative penal proceeding (compared to 2 for 2011). As reason for termination, the administrative penal authority has accepted that there was not sufficient evidence that the DC to which SAAV was draw up has committed an offense.

In 2012 similarly to 2011, were experienced difficulties by delivering the prepared SAAVs through the municipalities in the country according to the provisions of Art. 43 (4) of the AVPA. In some cases SAAVs were delivered to persons without representative power, in other cases the receipt was signed with which the DC certifies that it is informed of its right to submit objections to the act within 3-day period, which leads to their return for a new duly delivery. In order to perform thorough search and delivery of SAAVs and PDs, although not established as practice, we have asked for and received assistance from the authorities of the Ministry of Interior in the country.

1 of the PD issued in 2012 was revoked by the court, 3 were confirmed by the court, and on 2 of them was ordered reduce in the amount of the penalty. 4 of the lawsuits judged in 2012 in judicial phase on PD issued 2010 and 2011, were fully repealed, 13 were confirmed and on 8 of them reduction in the amount of the penalty was ruled. 32 appealed PDs are subject to judicial review.

8 PDs have entered into force in 2012 without being appealed.

From the analysis of judicial practice on the amended PDs can be concluded that almost all courts in the country reduced to the minimum the amount of the imposed penalties for the respective violation, foreseen in LPPD. Most often, the reasons of the court when making the decisions to reduce the imposed property sanctions include “lack of aggravating circumstances”, such as first violation of the data controller, relevant evidences submitted after violation ascertainment, and “lack of harmful consequences of the act”.

For revocation of the decrees, the court has given the reasons that the absolute repayment limitation period for the violation has expired, for which administrative penal liability is involved (PD No 5/2011 against the Central Election Commission for local elections appointed with Decree No. 250/05.08.1999). In another case, by provision of personal data to a third person, the court accepted that the person to whom PD was issued cannot be charged with the personal data transfer bearing in mind his/her lack of knowledge of that circumstance (PD No 2/2012. Against Denyo Denev, the Mayor of Karanovo village).

As most significant in the 2012 judicial practice, can be determined the case under PD No 14/2011 against the Customs Agency confirmed in full by Administrative court - Varna, after District court - Varna has fully revoked the PD at first instance. The decree imposed property sanction to the Agency in the amount of BGN 22,000 for two violations - of Art. 2 (2) (2) of the LPPD and Art. 2 (2) (3) of the LPPD, committed with the collection and storage of copies of identity documents of individuals, to which EORI number was issued in the Republic of Bulgaria, as personal data processed in that way is irrelevant and exceeding the purposes for

which it was collected, on the one hand, and on the other hand the data was stored further in a way that is incompatible with the purposes for which it was collected.

There is a positive case law regarding the appeal of decisions of district courts before the respective administrative court in connection with confirmation of penal decrees of the CPDP Chairperson (cessation administrative penal case No. 391/2012 of Administrative court - Pazardzhik).

There is also a positive trend in the case law by the confirmation of PDs issued against legal entities engaged in the hotel business, regarding their registration as controllers in the register under Art. 10 (1) (2) of the LPPD, prior to the processing of personal data of an unlimited number of individuals, updating information before making changes in the data of already registered data controllers (Art. 18 (3) of the LPPD) or failure to take the required minimal technical and organizational measures to protect personal data with the rules implemented by personal data controllers (Art. 23 (4) in conjunction with (1) of the LPPD).

The statistical data mentioned indicates increase in the performance of the administrative penal activity in terms of its efficiency and legality. The number of the PD repealed by the court on procedural grounds was reduced to a minimum. All judgements and particularly their grounds were analyzed in depth, in order to be legitimately implemented in the course of the control activity and most of all for removal of weaknesses and gaps admitted in the activity on ascertainment of violations of the LPPD and their recording in accordance with the AVPA's provisions.

VIII. Analysis of the opinions expressed by the Commission under Art. 10 (1) (4) of the Law for Protection of Personal Data acc. to the Civil Registration Act and the Law on Electronic Communications

In 2012, pursuant to Art. 10(1) (4) of the LPPD, the Commission expressed opinions on 77 data controllers' requests. Opinions on the case studies raised are expressed by the Commission after analysis of facts and circumstances set in the requests, and their relevance to the scope of the Law for Protection of Personal Data.

1. Opinions on the LPPD's application

According to the subject and issues raised the opinions on the application of the Law for Protection of Personal Data can be grouped as follows:

1.1. CPDP opinions regarding requests for providing access to the National Population Database

Same as in 2011, the most often submitted requests are related to the provision of access to the National Population Database maintained by Directorate General “Civil Registration and Administrative Services” (CRAS) with the Ministry of Regional Development and Public Works or to the civil status registers; In the majority of cases data controllers requested the provision of direct access to the National Population Database. Requests were motivated with the presence of legal interest. The constant CPDP practice on the raised issues related to the request for direct access to the National Population Database is that a distinction should be made between providing information (data) of NPD by proven legal interest and granting direct access to NPD. CPDP opinions are motive with the fact that in certain legal acts such as the Notaries and Notarial Practice Act (NNPA) and the Judicial System Act (JSA) the provision of access to that database is legally regulated. In the rest of the private cases, except the examples of legal regulation of the NPD access, processing of personal data through their provision by the data controller (MRDPW - Directorate General “Civil Registration and Administrative Services”) should be carried out in accordance with the principles of data lawfulness, expediency, and proportionality. Requests for the provision of information by NPD are to be submitted after proving the existence of the admissibility conditions for personal data processing set in Art. 4 (1) of the LPPD, which proof shall be born by the controller requesting the personal data. The Commission expressed opinion, that there was no legal obstacle for the MRDPW- Directorate General “Civil Registration and Administrative Services” to submit information, i.e. personal data (not direct access) for exercising of legitimate interest of the applicants concerned when the purpose for submitting the information is proven following the legally established procedure.

As examples of the CPDP practice in 2012, can be given the received requests by private companies with subject "credit activity" in accordance with the provisions of the Consumer Credit Act. Requests by the above companies for direct access to NPD are motive with the credit activity performed by them and their obligations for customers' identification under the Measures against Money Launder Act.

The information related to the credit provision was collected in form of references containing data as follows: Personal Identification Number, full name, changes in the names, personal ID card, permanent and current address, marital status, date of death. To evaluate the creditworthiness of a borrower additional data are required such as: date, number of the civil marriage entry and place solemnizing the civil marriage, full name and personal identification

number to the spouse in the presence of civil marriage, history of the registered permanent addresses of the borrower, children under 18 years.

In its opinions on the above requests, CPDP stated the reasons that the legal prerequisites for the provision of data from NPD are reproduced in the text of Art. 106 (1) (1) of the Civil Registration Act, where it is stated that the controller shall provide data for civil registration of third persons, provided that such data is important for the occurrence, existence, modification or termination of their legitimate rights and interests. The controller's decision (MRDPW - Directorate General "Civil Registration and Administrative Services") of the occurrence, existence, modification or termination of legitimate rights and interests of third parties, in the presence of which civil registration data can be provided, shall be made on the basis of relevant documents such as contracts with the specific persons covering also individual's consent that companies for credit provision require and receive personal data from another data controllers' information systems. In this case, the regulatory grounds are covered by the provisions of Art. 4 (1) (2) and (3) of the LPPD. Pursuant to Art. 4 (1) (2) of the LPPD personal data processing (in that specific case the provision of civil registration data) shall be permitted, if the person, to whom the data relate, has given his/her explicit consent. Also companies with subject of activity "credit provision" can further refer to provision of Art. 4 (1) (3) of the LPPD, under which processing is allowed, if it is required for fulfilling obligations under a contract, in which the person to whom the data relate is a party thereto, because as evident from the requests of the companies concerned the use the NPD information is required with respect to signing contracts for credit provision.

Likewise in 2012, CPDP also expressed opinion on private banks requests for the provision of NPD information. Requests are for the provision of personal data (Certificate of Succession and permanent addresses of the successors) covered by the Local Population Database, which is maintained at municipal level by the municipalities in the Republic of Bulgaria. It is stated in the requests that due to the fact that specific individuals - borrowers are deceased, their loans are periodically unattended and are declared judicial. In view of the fact that banks do not have data for the successors of deceased persons, and pursuant to Art. 106 (1) (3) of the Civil Registration Act they refer to the municipalities with a request for issuing Certificate of Succession of the persons deceased and pointing the successors permanent addresses. In its opinions the Commission stated that due to the fact that in the letters of the banks, the loans are specified as periodically unattended and, therefore, declared judicial, it can be assumed that that there is a legal proceeding. Pursuant to Art. 186 of the Civil Procedure Code official documents and certificates shall be submitted by the parties. The Court may

require them from the relevant institution or to provide the party concerned with a court certificate, on the basis of which it can provide them. Therefore, there is no legal obstacle for the banks to receive a court certificate, on the basis of which pursuant to Art. 106 (1) (3) of the Civil Registration Act, the relevant municipality should issue the Certificate of Succession, and point the successors permanent addresses.

CPDP expresses an identical opinion on the request for provision to hospital of information about the current civil status of specifically listed individuals, as well as information for their successors in the event that they have died. The requested information requested was full name, personal identification number and current addresses in connection with carrying out procedures for collection of amounts due for medical services provided by the hospital to the that persons. In its opinion CPDP assumed that personal data (information about the current civil status of a specifically listed individuals and information for their successors), covered by NPD maintained by MRDPW - Directorate General "Civil Registration and Administrative Services" could be provided in compliance with the provisions of Art. 4 (1) (1) of the LPPD and in the presence of the conditions referred to in Art. 106 (1) (3) of the Civil Registration Act, namely: after presentation of a court certificate by the hospital.

Another request for opinion received from a hospital was regarding the receipt of personal data of persons over 65 years of age from Municipal Civil Registry Office from district of Sofia Municipality. In the request for opinion was stated that with respect to future study in an Ophthalmology Clinic with topic "Frequency and the nature of macular degeneration associated with the age in Bulgaria" population cross-sectional epidemiological study will be carried out aimed at establishing the frequency and nature of macular degeneration associated with the age among individuals over 65 years of age living in the region of Sofia municipality. To the Commission was submitted a request for opinion on the provision of personal data of persons over 65 years of age from Municipal Civil Registry Office for the needs of the scientific medical study. It was indicated that 1,000 individual of the age group will be randomly chosen to participate in the study. It was indicated that a letter will be sent to the permanent address of each one of them. It was indicated that the letter will contain a brief description of the disease and invitation for participation in the study, as well as day and time for visits in the clinic. It was also indicated that individuals suffering from the disease will be further examined and directed for treatment, if necessary.

The Commission for Personal Data Protection was of the opinion that lawful personal data processing by the data controller was carried out in the presence of an admissibility

condition in accordance with the provision of Art. 4 (1) of the LPPD and by complying with the principles pursuant to Art. 2 (2) of the LPPD. Data controller is obliged to process personal data only for specific, precise and legitimate purposes, and not to further process them in a manner incompatible with those purposes. The Commission assumed that there was no legal ground within the meaning of Art. 4 (1) of the LPPD in conjunction to Art. 106 of the Civil Registration Act, the hospital to receive information from the civil status registers.

1.2. CPDP opinions with respect to access to public information applications

Other issues of public interest on which the Commission ruled in 2012 are requests for opinions by bodies of the central and local authorities in connection with access to public information applications.

One of the requests for opinion stated that the requested information with an application for access acc. to the Access to Public Information Act was the following:

- total amount of remunerations distributed beyond the salaries in the relevant public authority in 2011;
- methodology or internal rules for determination of such remunerations;
- without specifying names or other personal data what remunerations were distributed to job positions.

With respect to the above, the state body contacted the Commission for opinion concerning whether and which part of the requested information is "personal data" within the meaning of the LPPD, given the fact that the same applies to data of individuals who can be identified directly or indirectly through one or more specific signs, and whether any possible provision of the requested information is allowed, lawful and meets the objectives of the LPPD.

CPDP expressed opinion on the submitted questions stating that the information for a specific job position and remuneration obtained in 2011 falls within the definition of 'personal data' of the economic identity category within the meaning of Art. 2 of the LPPD, only if the person could be individualized through that information in a definite way. Processing of that information is allowed and lawful only in cases where there is at least one of the conditions specified in the provision of Art. 4 (1) (1-7) of the LPPD. A possible admissibility condition for processing in the form of data dissemination and provision is the performance of a task in public interest (Art. 4 (1) (5) of the LPPD). In the absence of any of the conditions under Art. 4 (1) (1) and (3-7) of the LPPD, the only possible ground for admissibility of data processing is the presence of explicit consent of the person concerned within the meaning of (13) of § 1 of

the AP of the LPPD which is a condition of admissible personal data processing under Art. 4 (1) (2) of the LPPD.

On a similar request by the Sofia Municipality, an opinion is requested on whether it is possible to provide information to a Municipal Councillor of the Sofia Municipal Council on issues as follows: How much is the total amount paid in 2011 to members of management and supervisory authorities in municipal companies and enterprises under a contract on management and control with detailed reference applied for each separate municipal enterprise or company and names of the members of these bodies, average monthly remuneration for the year 2011 under a contract on management and control; are additional amounts in the form of additional material incentives (AMI), bonus or any other form paid to these members of the supervisory, management and control bodies, and in what size with detailed reference applied with names, size, and AMI, bonuses or other funds received.

The opinion expressed by the Commission was that the information on the average monthly remuneration for 2011 of the members of management and supervisory authorities in municipal companies, together with the names of the members of these bodies, as well as detailed reference with the names and size of amounts received extra in the form of AMI or bonuses falls within the definition of 'personal data' in the economic identity category within the meaning of Art. 2 (1) and § 1 (16) of the Additional Provisions of the LPPD only if a person could be individualized through that information in a definite way. Processing that information in form of "dissemination" and "provision" within the meaning of LPPD is allowed and lawful only in cases where exists at least one of the conditions specified in the provision of Art. 4 (1) of the LPPD. A possible condition for admissibility of the processing is the performance of a task in public interest (Art. 4 (1) (5) of the LPPD).

The Commission considered also a request for opinion from the Commission for Protection of Competition stating that CPC has received an access to public information application from parliamentary represented political party requesting information on issues as follows:

- what is the total amount of remunerations distributed beyond salaries in CPC in 2011;
- what methodology or internal rules are used for determination of those remunerations;
- without specifying names or other personal data on what remunerations are distributed in CPC to job positions.

CPC submitted a request also for instructions on how access to the requested information should be granted in order not to violate the LPPD's provisions. The Commission

expressed the opinion that the information for a specific job position and remuneration obtained in 2011 in CPC falls within the definition of 'personal data' of the economic identity category within the meaning of Art. 2 of the LPPD only if the person could be individualized through that information in a definite way. Processing of that information is allowed and lawful only in cases where there is at least one of the conditions specified in the provision of Art. 4 (1) (1-7) of the LPPD.

Another request for opinion submitted by Sofia Municipality concerned information required by a Municipal Councillor of the Sofia Municipal Council (SMC) with respect to call for tenders opened by Sofia Municipality for rental of parts of properties - public municipal property, for placing movable sites and entertainment facilities. The requested information was the following: Full list of companies applied for the sites, list of successful tenderers, rents, which they will pay, and reasons for their approval. CPDP opinion was requested on whether these records contain personal data within the meaning of the LPPD and whether announcement of amounts in the contracts will not constitute a disclosure of personal data concerning the economic identity of individuals given the fact that among successful tenderers there are also sole traders. In Commission's motives for the opinion were analyzed the scope of the LPPD application and the entities falling under the protection of the law. Regardless of the fact that sole traders are individuals, the Commission assumed that in the cases in which these individuals exercise commercial activity as merchants within the meaning of the Commercial Act (CA), their data does not fall under the protection of the LPPD. The legislator has provided for freedom of choice on the legal form, through which merchants exercise their commercial activity and participate in the civil legal turnover. If the protective mechanisms of the LPPD have been applied to the sole traders, who professionally carry out one of the transactions referred to under Art. 1 of the CA, this would have led to a significant impediment to relations with their counterparts, as well as blocking their overall commercial activity. With respect to the above CPDP opinion stated that the LPPD is not applied in cases in which sole traders exercise commercial activity as traders within the meaning of the Commercial Act. In such cases sole traders participate in the private legal turnover on a general basis, along with other types of traders referred to in Part Two of the Commercial Act.

1.3. Opinion on companies' activities with subject "Debt Collection"

In 2012, CPDP expressed an opinion also with respect to the increasing number of signals and complaints of citizens against the so-called debt collection companies. Municipal Councillor of the Sofia Municipal Council approached the Commission that problems arise

related to the use and storage of personal data by those companies. The Municipal Councillor contacted CPDP for an opinion on the following issues:

- are companies with activities under the National Classification of Economic Activities (NCEA) "debt collection" registered and accordingly controlled with regard to their activities as data controllers;

- is a free transfer of personal data between creditors and commercial companies with activities under NCEA "debt collection" allowed without the knowledge and consent of the relevant individuals;

- is it allowed the individuals' personal data to be used by different merchants for collection of different debts without the consent and knowledge of the individuals;

- is the reference to information by other merchants for individuals' identification allowed without the knowledge and consent of these individuals;

- have administrative penalties been imposed to traders and individuals for breach of the above circumstances.

In the opinion was analyzed the CPDP practice in the resolution of similar complaints with which individuals have approached the Commission for infringement of their rights under the LPPD. With respect to the objective assessment of the situation the court practice is taken into account in the cases in which CPDP decisions were appealed in the courts. Statistics of the current practice showed that all of the companies with subject "debt collection", which have been parties to the administrative proceedings before CPDP concerning complaints submitted by citizens, have fulfilled their obligation for registration in the Data Controllers' Register.

In recent years (2011 and 2012) the Commission's practice showed that more and more people submit requests about whether it is legal personal data of users / subscribers to be provided to third parties for the purpose of debt collection. There is an increase also in complaints of individuals who have approached the Commission about the fact that the creditors have provided their personal data to debt collection companies.

The main focus of the question is "knowledge and consent" of the relevant individual his/her personal data to be provided by the relevant creditor (mobile operator, the electricity distribution, heating and water supply company, bank, etc.) to a debt collection company." Persons' consent regarding the processing of their personal data by a relevant controller is one of the most important aspects of the personal data protection and ensuring the proper data processing.

Currently, when assessing the fact whether there is a consent granted CPDP investigates whether valid legal mechanisms have been used, namely: presence of written evidence signed by the person - contracts or written declarations.

Issues which CPDP investigates while handling the complaints against creditors which have provided data for their debtors to debt collection companies, are several:

- First is the question of whether assignment of processing and the use of personal data of irregular debtors from creditors to debt collection companies is based on a valid legal ground, e.g. written contract;

- Has the provision of personal data of debtors happened with their knowledge and prior consent;

- Does the specific person fall in the group of creditor's customers for which there is reason personal data to be provided to a debt collection company, i.e. are there any outstanding obligations to the creditor;

- Does the provision of individual's personal data exceed the purposes for which they are collected and processed by the creditor company in its capacity as data controller.

In all decisions of the Commission were examined the specific issues, for which relevant evidences are required from the parties on the complaints. General conclusions can be drawn as follows:

Pursuant to Art. 24 (1) (1) of the LPPD "The controller can process data independently or by assigning that to a data processor". In Art. 24 (4) of the LPPD is determined that "Relationships between the controller and the data processor shall be governed by a regulation, written contract or by another act of the controller, which determines the volume of the obligations assigned by the controller to the data processor". In the cases considered before the Commission creditor companies in their capacity as data controllers provide evidence for written contracts with debt collection companies. In the case above, debt collection companies act in the capacity as "data processor" for the debtors of the creditor companies. The scope of the obligations of debt collection companies assigned to them by the creditor companies was determined in the written contracts submitted to the Commission.

Creditor companies provide personal data of debtor customers to debt collection companies after prior knowledge and written consent of the clients - individuals. This was done by the inclusion of texts in the general terms and conditions of the companies, which should be presented to the customers at signing the individual contracts with them in order to be acquainted with them. The general terms and conditions are an integral part of the individual contracts and a copy of them is presented to the customer at signing the contract.

Also, the specific individual contracts include texts where is specified the purpose for which customer's data could be provided to third parties, namely collection of debts to the contract.

An important issue investigated by CPDP before issuing its decisions was whether through uncontested evidence it could be assumed that individuals whose data is provided to debt collection companies fall within the group of subscribers owing outstanding amounts to creditor companies. This was established via the written documents- invoices issued for amounts.

With regard to the question whether the provision of personal data of debtor customers exceeded the purposes for which they were collected and processed by creditor companies in their capacity as data controller, in the proceedings before the Commission this should be unambiguously identified. From evidences related to complaints was found that debtor clients besides giving their consent for the provision of their personal data to third parties, also agreed on the provision for a specific purpose - collection of debts on contracts with creditor companies. This condition was set in the general terms and conditions of the companies, against which were filed the complaints before CPDP, and also in the texts of the individual contracts with customers. In these specific cases, the Commission has established that personal data of debtor customers was provided by the creditor companies to debt collection companies. This was done with respect to amounts due under individual contracts signed with creditor companies, i.e. processing the personal data of debtor customers by the debt collection companies does not exceed the purposes laid down in the individual contracts, as well as the contracts between creditor companies and debt collection companies.

By the complaints handling the Commission is obliged to ensure that personal data are processed in compliance with the principles laid down in Art. 2 (2) of the LPPD, namely: whether it is processed legally, whether it is collected for specific, precise and legitimate purposes and not further processed in a manner inconsistent with the purposes. No evidences are collected to the files that data was used disproportionately to the purposes for which it was collected, namely gratuitous provision of services, for which certain amounts are due.

CPDP also is obliged to establish whether the provisions of Art. 4 (1) of the LPPD are observed, where alternative prerequisites for lawful personal data processing are foreseen. The text regulates the cases of admissibility of processing personal data of another person. Relevant for the case above are the provisions of Art. 4(1) (2) and (3) of the LPPD, i.e. presence of prior written consent of customers for processing their personal data by a third person for a specific purpose - collection of debts due under contract.

CPDP practice referred to herein was confirmed also by the decisions of the Supreme Administrative Court and Administrative court - Sofia, in the cases in which Commission's decisions were appealed before the court.

1.4. Opinions on the issues of pardon

During the reporting period the Commission for Personal Data Protection reviewed two requests for opinion on the issues of pardon. First one of them was at the request of the Ministry of Justice with respect to a request from a MP for the provision of a list of persons pardoned in the last two terms of office of the President of the Republic of Bulgaria, including full names of the persons pardoned. An opinion was expressed that the provision of the full names of persons pardoned would be personal data processing that is inadmissible within the meaning of the LPPD, without any purposes being present according to the law requiring the provision of such data. The Commission has expressed its position that pursuant to Art. 2 (1) of the LPPD the information on the names of pardoned persons enabling individualization of persons constitutes personal data. The provision of the requested information falling within the category of personal data to third parties is allowed only in cases where there is at least one of the conditions specified in the provision of Art. 4 (1) (1-7) of the LPPD. In the absence of any of the conditions under Art. 4 (1) (1) and (3-7) of the LPPD the only opportunity for admissibility of the processing in the form of the provision of data is the presence of consent of the relevant individuals.

The Commission has pronounced on the same issue regarding a request of the Secretary General of the President of the Republic of Bulgaria: In the request was stated that the Administration of the President of the Republic of Bulgaria has received an application from a journalist with a request for the provision of access to public information within the meaning of Art. 3 (1) of the Access to Public Information Act (APIA). It was indicated that part of the request for access to information is for the provision of a list of imprisoned persons who have been pardoned by virtue of Art. 98 (11) of the Constitution of the Republic of Bulgaria and the names of the members of the Commission of Pardons. CPDP opinion was requested with regard to whether the information - the names of the persons pardoned and of the members of the Commission of Pardons represents personal data within the meaning of Art. 2 of the LPPD and are there legal grounds for the provision of this information.

The opinion expressed by CPDP is that pursuant to Art. 2 (1) of the LPPD, the information on the names of persons pardoned and the names of the members of the Commission of Pardons enabling their individualization represents personal data for the

purposes of the LPPD. The provision of the information requested to third parties is allowed only in cases where there is at least one of the conditions specified in the provision of Art. 4 of the LPPD. In respect of the names of the persons pardoned such condition for admissibility of processing in the form of the provision of data, is the presence of consent of the relevant individuals. In respect of the names of the members of the Commission of Pardons such possible legal ground is performing a task in public interest, as well as processing only for the purposes of journalism, as far as this processing does not affect the right of privacy of the individual to which data refer.

1.5. CPDP opinion on the new service provided by Sofia Municipality - „Electronic reference for taxes and fees due"

Another interesting case with which CPDP was approached in 2012, was related to the new service provided by Sofia Municipality - "Electronic reference for taxes and fees due", processing of personal data related with it, and the measures taken for its security. The Commission has ruled that Sofia Municipality, in its capacity as data controller, has taken the minimum required technical and organizational measures for the protection of individuals' data by and regarding access to and use of the service "Electronic reference for taxes and fees due" and in compliance with the principles of data legality, advisability and proportionality according to the provision of Art. 2 (2) of the LPPD. In its opinion the Commission noted that in all cases the measures taken by the data controller - Sofia Municipality should be in accordance with the state-of-the-art technologies and ensure a constant level of protection, corresponding to the risks associated with the processing and nature of the data.

1.6. Request for opinion from Mr. Konstantin Penchev - Ombudsman of the Republic of Bulgaria, on issues concerning Sofiyska voda AD and Toplofikatsia Sofia EAD

The Ombudsman of the Republic of Bulgaria has asked the Commission's opinion on the following issues having regard to the work of the data controllers Sofiyska voda AD and Toplofikatsia Sofia EAD:

- Which data from the property deeds should be processed by Sofiyska voda AD and Toplofikatsia Sofia EAD;
- Is it correct that the heating company stores the property deeds in file;
- Are the texts of the general terms and conditions of the companies mentioned in the request lawful.

In this case, after a detailed analysis of the regulatory framework regulating the public relations on the raised issues, the Commission expressed the following opinion:

Data controllers Sofiyska voda AD and Toplofikatsia Sofia EAD should process only data from the deeds, which identify the specific heating supplied property for the purpose of consumption of heat energy for domestic needs and the use of water supply and sewerage services. This means that by indicating exact address and owner as per deed, the specific property can be identified, without the need to provide additional data such as: Deed No, Volume, Reg. No, Case No, and year.

In Art. 31 (3) (1) of Regulation No. 16-334 of April 6, 2007 for heat supply to the Connection Contract are attached and become an integral part the property documents certifying the right to use the heating supplied site. Pursuant to Art. 59 (1) (2b) of the General Terms and Conditions of Toplofikatsia Sofia EAD the heating company stores copies of deeds and other documents certifying the property right. The General Terms and Conditions are approved by the State Energy and Water Regulatory Commission (SEWRC) pursuant to Art. 150 (1) of the Energy Act (EA).

Despite the legal grounds, the requirement for storage of copies of notarial deeds by the heating company contradicts to the personal data protection principles set in the LPPD.

The information referred to in Art. 3 (2) and Art. 6 (2) of the General Terms and Conditions for the sale of heat energy for domestic needs by Toplofikatsia Sofia EAD, and the procedure posted on the website of Sofiyska voda AD for opening individual accounts in buildings in property management mode concerns the physical and economic identity of the persons and is in volume and type incompatible with the purpose for which it is required. With respect thereto there was no condition of admissibility for its processing, as foreseen in Art. 4 (1) of the LPPD.

1.7. CPDP opinion under the Conflict of Interest Prevention and Disclosure Act (CIPDA)

In 2012, The Commission considered a request by the Conflict of Interest Prevention and Disclosure Commission for opinion whether it is allowed in view of complying with the provisions of the LPPD, when informing about this Commission decision of that Commission to be indicated on the Internet:

- titles of persons holding public office, in the cases where it could be an identification feature of the person - e.g.: President and Vice President of the Republic of Bulgaria, the Prime Minister, the Ombudsman, the President of the Supreme Court of Cassation, etc.;

- title and the full name of the settlement where it is carried out, as far as that settlement represents an identification feature - e.g.: I. P. T. - Mayor of Vidin Municipality.

When considering the request for opinion, CPDP took into account the fact that the Conflict of Interest Prevention and Disclosure Commission has a legally established obligation to publish its decisions on its website (Art. 22e (1) (2) of the CIPDA). Thus, publicity of the work of the Commission is provided, and also the transparency and publicity of its decisions. The Commission also has an obligation not to disclose the identity of the person who submitted the signal - Art. 32 (2) (1) of the CIPDA.

CPDP expressed the opinion that when the decisions of the Conflict of Interest Prevention and Disclosure Commission are published on its website, measures should be taken for ensuring the inability for identification of individuals submitted a signal, and against who a signal has been submitted. In this regard besides initialization of names and addresses should be deleted the features related to physical, physiological, genetic, psychic, psychological, economic, cultural, social or other individuals' identity. Following the purpose of the Conflict of Interest Prevention and Disclosure Act and the obligation of persons holding public posts to fulfill their obligations in public interest, honestly, fairly, responsibly and objectively, and to be liable before the citizens and to the authorities, which have chosen or appointed them (Art. 4 of the CIPDA), CPDP assumed that in the decisions published on the Commission's website, data for their profession and/or job position, as well as for the settlement, in which it is exercised, could be published. In the event that the decision contains personal data of third persons the latter should be anonymised.

1.8. CPDP opinion on the Direct Participation of Citizens in National Government and Local Self-government Act

Also interesting was a request for opinion from the National Assembly on the possibility that a copy of a subscription list under the Direct Participation of Citizens in National Government and Local Self-government Act (DPCNGLSGA) with a request for prohibiting the exploration and production of shale gas in Bulgaria by the method of hydraulic fracturing, to be provided to a member of the Initiative Committee, which has lodged it to the National Assembly.

CPDP opinion on that case was that the provision of a copy of the subscription list to a member of the Initiative Committee represents "personal data processing", which is carried out through the provision of data in accordance with the legal definition referred to in § 1 (1) of the Additional Provisions of the LPPD. Personal data are collected for the national civil

initiative, subscription list is submitted to the National Assembly, as evident of the copy attached the obligatory text which indicates that personal data will not be used for purposes other than for the purposes of the Citizens' Initiative for prohibiting the exploration and production of shale gas in Bulgaria by the method of hydraulic fracturing. The request for the provision of a copy of the subscription list from the National Citizens' Initiative for prohibiting the exploration and production of shale gas in Bulgaria by the method of hydraulic fracturing prepared under the Direct Participation of Citizens in National Government and Local Self-government Act, to a member of the Initiative Committee represents an additional processing of personal data for purposes other than those for which they data is collected and by means incompatible with those purposes, wherefore a copy of the subscription list should not be submitted.

2. Practices pursuant to the Law on Electronic Communications

Directive 2006/24/EC of the European Parliament and the Council on the retention of data generated or processed in connection with the provision of publicly available electronic communications services or of public communications networks and amending Directive 2002/58/EC (Data Retention Directive) is transposed into the Bulgarian legislation via amendments to the Law on Electronic Communications in 2010. Currently the Directive is in the process of reform. Discussions are held at EU Member States level, and in the form of public consultations. The results outline several problem areas, which according to the EC require better common regulation in the future:

- need for clear definition of the data retention purposes;
- the authorities having right of access to the retained data;
- scope of the retained data;
- possibilities for widening the scope of the Directive for prevention purpose;
- overcoming the inconsistencies in the retention periods, established in the different Member States;
- need for general society awareness on the data retention purposes and the categories of retained data.

The overall process of maintaining the need for data retention resp. its use rests on the provision of convincing statistics proving the usefulness of its use. In this context the European Commission appealed to the Member States to submit besides statistical information also convincing evidence for the usefulness of data retention for the purposes of security and criminal proceedings. Taking into account the consequences and risks for the

internal market and for respecting the right of privacy and personal data protection, our country must continue to guarantee through general rules that high standards for the storage, retrieval and use of traffic data are maintained consistently and lawful.

Considering this and after analysis of the statistical information provided in 2012 by the enterprises providing electronic communications networks and/or services, the Commission for Personal Data Protection analysed the problems and trends in the process of traffic data retention at national level. The Commission found the following areas of concern:

- Legal grounds, for which access to traffic data may be requested does not correspond to entities empowered to submit these requests and the range of bodies foreseen in the LEC as competent to request references, but is wider than that which actually has the right to do that (the National Intelligence Service is among the authorities mandated to request access, but does not have competence to disclose and investigate serious crimes).

- Classification of the requests for access and the disposition of the court lead to the inability for provision of reference by internet service providers which do not have registry for classified information;

- Companies providing electronic communications networks and/or services express their concerns that control on requests for access from investigating police is missing and that category of persons uses an extremely easy way to obtain traffic data references. The Prosecution Office of the Republic of Bulgaria supports the approach the request for access for the needs of the pre-trial proceedings to be submitted by an investigating body with an explicit written authorization from the monitoring prosecutor.

- There is a trend for reducing the number of enterprises fulfilled their legal obligation to provide statistical information (for comparison, in 2011, 33 enterprises have provided statistical data, and in 2012 - 22 enterprises). It is evident, however, that large enterprises in this market are immaculate and the information from them can to a large extent outline the trends and is a strong basis for statistical analysis.

Despite CPDP position that the requirement of the LEC for submission of information on "cases under which data have been provided to the competent authorities" involve the provision of a specific and detailed statistics on all separate cases, the enterprises are not able to submit such information, and therefore provide only summary data on the total number of cases for access requests.

- There is almost double increase in the cases in which the competent authorities have asked for traffic data provision (for comparison, in 2011, requests for access to the retained traffic data were 39,781, and in 2012 - 75,672).

- Almost double increased the number of cases in which data has been provided to the competent authorities under LEC (for comparison, in 2011, total of 38,861 have been provided, and in 2012 - 74,296); the number of cases in which no respond to the request for data could be given has also increased (for comparison, in 2011, they are 920, and for 2012 - 1376).

- Statistical information received in CPDP from the enterprises is summarized and is based on different criteria and parameters, and does not fully comply with the types of information, which the European Commission expects to receive.

In order to meet the expectations of the European Commission and to take measures for unification of the practice at national level, the Commission for Personal Data Protection issued mandatory instructions to the entities liable under the LEC. The Commission provided the opportunity to all stakeholders in the process of retention, and traffic data access to express their opinion and give their proposals, and, therefore, constituted as stakeholders in the administrative proceedings for issuing mandatory instructions the following authorities and institutions: the authorities under Art. 250b (1) of the LEC; enterprises providing public electronic communications networks and/or services; the Chief Prosecutor of the Republic of Bulgaria; the President of the Sofia City Court, the chairmen of the regional courts throughout the country; the Communications Regulation Commission and the Electronic Communications Association.

The mandatory instructions regulated all parameters discussed at the meetings held with the institutions involved in the data retention process. Furthermore, by preparing the mandatory instructions the forms of the European Commission are taken into consideration, in which the individual Member States are obliged to provide statistical information, as currently there is a "gap" between parameters of the statistical information submitted by the enterprises, respectively by CPDP, and that required by the European Commission. The instructions specify the requirements on the content of the registers maintained by the authorities under Art. 250b of the LEC, the courts and the enterprises providing publicly available electronic communications networks and/or services, as it is explicitly stated that these requirements represent the minimum required content. Any of the liable persons may also at its own discretion require the entry of additional information in the registers. It is indicated that the registration, storage and destruction of documents related to the requests for access, permits issued and refusals, orders for access and references, is determined by internal rules of the authority under Art. 250b (1) from the LEC, a court or enterprise, for working

with opened and classified documents subject to the applicable legal acts. The requirements for destruction of stored data are drawn up.

In order to respond to the recommendation of the European Commission each EU Member State to submit an analyses of the usefulness of the use of traffic data, while respecting the judiciary independence, following the inter-institutional exchange and complying with the PPC principles, the Commission for Personal Data Protection has recommended that each year not later than 31st of March, the authorities under Art. 250b (1), the court and the Prosecution Office of the Republic of Bulgaria to provide a summary analysis of its practice related to access to data retained under Art. 250a (1) with regard to the usefulness of the received data. It was recommended that the analysis should include information on: number of cases (number of lawsuits), in which access to traffic data stored under Art. 250a (1) of the LEC has been considered necessary; grounds for the access need; if possible, information on individual case studies, in which data received were essential for the separate criminal proceedings; if possible, reference for the number condemnation/acquittals under lawsuits, where references for access to traffic data under Art. 250a (1) of the LEC have been applied.

After receipt of the analysis of the separate authorities and institutions, CPDP will summarize the information received and will submit it to the attention of the National Assembly and the European Commission along with the information under Art. 261a (4) of the LEC.

The mandatory instructions issued are subject to immediate execution and the requirement for the enterprises to submit statistical information according to the new forms will be implemented for the reporting year 2013.

IX. Requests for personal data transfers authorization

In 2012, amendments to the Rules on the Activity of the Commission for Personal Data Protection and its administration (RACPD) - amd. SG, issue 12 of February 10, 2012, entered into force.

The data transfers rules and procedures have changed substantially. According to Art. 53a of RACPD, the Commission does not make a decision and the controller cannot provide personal data to a third country, where there is a decision of the European Commission ruling that:

- the third country, in which personal data is provided ensures adequate protection level,
or

- certain standard contractual clauses ensure an adequate protection level.

Obligation for the controller providing the data, in the presence of the above conditions, is set forth in Art. 53b, as in all cases of third countries personal data provision the controller is obliged to notify the data provision in the register kept by CPDP under Art. 42 (1) of the RACPD .

In the event that there are conditions referred to in Art. 53A of the RACPD regarding personal data transfer to third country data controller/processor, the Commission does not make a decision, and in those cases the transfer of data could occur on the basis of the Standard Contractual Clauses, which provide an adequate protection level. Standard Contractual Clauses provide an adequate protection level for the transferred data, which are subject of the relevant contract. Standard Contractual Clauses are applicable for transfers to all countries outside the European Union. They provide for relevant obligations for the controller, which submits the data and also for the third country individual/entity, who/which receives them. Joint liability for violation of the clauses is established for the persons transferring and receiving data. In the Standard Contractual Clauses should be indicated the main transfer aspects (data type, transfer purpose, processing period, etc.). Standard Contractual Clauses may be supplemented by the parties signing the relevant transfer contract, but only as far as the additions do not contradict it.

Currently, there are three decisions of the European Commission, which determine alternative Standard Contractual Clauses for the third country transfer from data controller to data controller, as well as, from data controller to data processor:

- Commission Decision of 15 June 2001 on standard contractual clauses for the transfer of personal data to third countries under Directive 95/46/EC (2001/497/EC);

- Commission Decision of 27 December 2004 amending Decision 2001/497/EC as regards the introduction of an alternative set of standard contractual clauses for the transfer of personal data to third countries (2004/915/EC);

- Commission Decision of 5 February 2010 on standard contractual clauses for the transfer of personal data to processors established in third countries under Directive 95/46/EC of the European Parliament and of the Council (2010/87/EU).

In the event that data will be transferred to a third country which provides an adequate protection level pursuant to a EC decision, then conclusion of standard contractual clauses is not necessary. Currently, the European Commission has ruled on the presence of such a level

for the following countries: Canada, Argentina, Switzerland, Israel, Isle of Man, Guernsey, Jersey, Faroe Islands, and Andorra. Recent decision of the European Commission on an adequate level of protection is Implementing Decision No 2012/484/EC concerning the adequate level of protection in Uruguay. Due to the fact that personal data transfer represents "Personal data processing" within the meaning of the LPPD, the processing by providing the data is carried out in accordance with the principles of data legality, advisability and proportionality, and in the presence of the admissibility conditions for personal data processing (Art. 4 (1) of the LPPD). For each particular case, the volume of the provided data should always be consistent with the purpose for which it is transferred, i.e. with the principle of advisability. Provision of information concerning individuals personal data should also be lawful, and the information itself - proportional.

Data transfers in the case of Art. 53a of the RACDPD should be carried out after the data provision is notified in the register kept by CPDP under Art. 42 (1) of the RACDPD (in the case that such notification is not yet submitted in the register, in which the transfer is planned).

According to the new third countries data transfer procedure, the Commission for Personal Data Protection allows such provision only in the cases under Art. 36a (7) and Art. 36b (1) of the Law for Protection of Personal Data.

It should be noted, however, that until the entry into force of the amendments to the RACDPD, the Commission for Personal Data Protection has received requests for personal data transfer authorization by a number of administrators. In this regard, in 2012, CPDP considered these requests for transfers under the old rules and procedures and made 8 decisions. It can be concluded that the requests relate to the provision of personal data on employees and customers of the relevant controllers in third countries - United States, India, China, etc. When considering these transfers, unless signed standard contractual clauses were present, the Commission has also required the submission of additional evidence and information on the undertaken technical and organizational measures on data security. It was found that major part of the need for these transfers stems from outsourcing contracts signed between the data controller on the territory of the Republic of Bulgaria and other controller in third country. Considering the fact, that the outsourcing contract is usually signed for a long term, and in this regard the warrantor sets the activity or process, which has been inherent and has been generally carried out within its company, and transfers that activity or process to a subcontractor, the Commission performs strict inspection whether all the requirements of the law are present and whether they are observed.

X. Training

In 2012, CPDP continued and expanded its work on the data controllers' training launched in previous years. After the 2010 amendments to the LPPD were promulgated, which legally established the Commission's power to conduct and develop training activity in the personal data protection field, in 2011, the institution organized a large-scale training campaign. This process continued also in 2012 as the training strategy focuses on the conduct of "on spot" data controllers training outside the capital city. This was due to the fact that the majority of trainings conducted in previous years were held in Sofia. By outsourcing the training seminars in the country's regional centres was sought a dual effect- reaching up the controllers, which do not have the possibility to nominate their representatives for training courses in the capital city, and promoting the work of the institution throughout the country. The tradition of holding joint workshops with the Diplomatic Institute of the Ministry of Foreign Affairs also continued. Two data controllers' groups - representatives of the public and private sector, participated in the training courses held by CPDP in the country. 10 workshops were organized, 5 of which with bodies of the local self-government and the local administration, 1 training for the judiciary, 1 training for the Diplomatic Institute, 3 training courses for representatives of commercial companies (commercial banks). The total number of persons trained in 2012 was 462 data controllers and processors.

1. Training initiated by CPDP for data controllers from state institutions

In 2012, an emphasis was placed on the cooperation of the Commission for Personal Data Protection with representatives of the local self-government and the local administration. 5 training courses were conducted- in the regions of Pleven, Silistra, Kyustendil, Montana and Troyan Municipality, which are attended by total of 199 people.

- **Pleven Region**

On March 01, 2012, the Commission for Personal Data Protection held training for regional and municipal administration staff, mayors and municipal secretaries of Pleven Region. Trainees were introduced to current issues related to the personal data protection in the global and national scale, to the data protection legal framework, and the CPDP's activities. Participants received materials containing main documents from the Bulgarian and international personal data protection legal framework, the CPDP's reports to the National

Assembly, the Commission's newsletters, and information on frequently asked questions, and their answers.

- Silistra Region

On May 15, 2012, training was held in the Regional Administration of Silistra. The training was attended by mayors and secretaries of the municipalities in Silistra Region, as well as by officials from the regional and municipal administration. The training focused on the individuals' rights and the data controllers and processors' obligations, the powers of the Commission for Personal Data Protection, proceedings before CPDP, and other current topics in that area. Particular attention was paid to the institution's information for clarifying citizens' rights.

- Kyustendil Region

On November 01, 2012, training was held in the Regional Administration of Kyustendil. The training was attended by 59 representatives of the municipalities in Kyustendil Region, of the regional administration, as well as, of the 10 territorial divisions of central administrations. The national and international personal data protection framework, the data controllers' registration process and practical case studies related to personal data were presented to the trainees. Participants demonstrated strong interest in the interpretation of the LPPD and in particular in the personal data definition, personal data register, and the term public interest.

- Troyan Municipality

On July 26, 2012, a team of the Commission for Personal Data Protection held data controllers' training in Troyan Municipality. Training was welcomed with great interest by managers and officials of the local self-government and the structural units of the municipal administration. The Deputy Mayor, the secretary of the municipality, and more than 50 municipal officials were present.

Main issues on the application of the Law for Protection of Personal Data with regard to the specifics of the data controllers' activity and their obligations under the LPPD were considered. The emphasis was put on the problems of municipalities, schools, and kindergartens in the territory of the municipality. Attendants have received materials and leaflets on the basic personal data protection rights and obligations of individuals and legal persons, as well as on current issues on processing personal data in the Schengen Information System.

Simultaneously, training of data controllers providing comprehensive tourist services to Bulgarian and foreign citizens in the municipality was conducted. Problems and difficulties

they meet when performing their activities in the context of personal data protection were discussed.

2. Training initiated by data controllers from state institutions

Again in 2012, data controllers from the public sector were interested and expressed their willingness for training their employees. The Commission for Personal Data Protection was invited by the administration of Burgas Regional Court to conduct training and to continue the successful practice from previous years of participation in training courses of the Diplomatic Institute at the Ministry of Foreign Affairs.

- Training for the administration of Burgas Regional and District Court

At invitation of the President of Regional Court Burgas on spot training intended for the administration of Burgas Regional and District Court was held. The training was conducted to acquaint officials with the national and European data protection legislation, to explain the basic concepts, to emphasize on the individuals' rights and data controllers' obligations, the main powers of the Commission as an independent data protection authority, the methods of exercising these rights, and the required minimal organizational and technical data protection measures, which must be undertaken by each data controller to protect the processed data from unauthorized access or accidental destruction.

The trainees asked questions closely related to personal data processing in court proceedings and the admissibility of disclosure of personal data to third persons.

- Training in the Diplomatic Institute at the Ministry of Foreign Affairs - special course on "Consular Diplomacy"

In 2012, the traditional co-operation between the Commission for Personal Data Protection and the Ministry of Foreign Affairs continued and developed in line with the special course on "Consular diplomacy" organized by the Diplomatic Institute. In the course held in 2012, CPDP experts introduced participants in the training to the main activities of the Commission, the national and the European personal data protection legal framework. The participants were introduced to the basic personal data processing rules and regulations. The training focused on the regime for personal data transfer to third countries as well as on issues related to their provision from one data controller to another or to data processor. Many cases were discussed concerning the requests of citizens for submission of information for individuals - Bulgarian citizens, situated in third country, the possibilities and procedure for its provision by the consulates.

3. Training of data controllers from the private sector

In 2012, a joint initiative with training organization "Training and Development Center" was held, in which CPDP experts have trained 90 officers of commercial banks distributed in 3 training workshops. The trainees got acquainted with the basic personal data processing principles and rules, as well as, with banking specific case studies related to personal data of customers and employees of commercial banks. Besides the questions directly related to personal data processing for the performance of their duties, bank employees were interested in the data protection problems also as citizens, and asked questions related to the collection, processing and storage of personal data by state authorities and property managers.

4. Statistics and trends

In 2012, 462 employees of data controllers participated in training courses carried out by CPDP. Due to the lack of financial resources for the training, technical materials, which participants received, are only CDs with recorded information on personal data protection issues. The tradition to receive feedback from the participants in the workshops continued, as 267 people were willing to fill in the training evaluation questionnaires. On the basis of the results summarized training evaluation was made (Fig. 12)

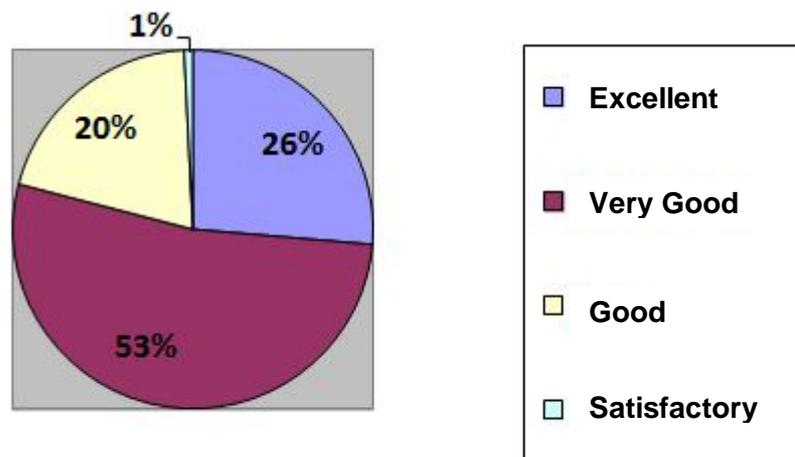


Fig. 12

By the comparative analysis of the results of the 2011 and 2012 trainings, it may be concluded that CPDP training courses maintained a high level of efficiency. In 2012, the number of trainers received a grade "very good" has increased by 5%, and the number of trainers received a grade "satisfactory" has reduced by 2%.

The feedback from trainees is very important for the Commission. It is a clear indicator of the trainees' wishes and needs and sets course for changes in the training courses. In its training activity CPDP seeks to meet at maximum extent the needs of trainees and the recommendations made by them. Among the major of them, directed to the training teams during the training were presentation of the subject in accessible and comprehensible manner and exemplification of the theory through practical examples and case studies. This is highly appreciated by the participants in the training: 20 % of them answer the question "What did you liked in the training at most?" with "Practical examples and case studies", another 12.4 % - "Trainers competence and intelligible presentation of matter".

5. Conclusions

By the analysis of the questionnaires submitted for the CPDP survey of the data controllers' training needs was established that data controllers have a rough idea about the personal data protection problems. The majority of the respondents stated explicitly that the employees in their organization need personal data protection training and the most common preference was it to be held in the form of a workshop with lectures and presentations due to the possibility for dialog and personal contact. Respondents also were aware of the fact that knowledge acquired during the training have real application in their work. The majority express willingness for receipt of information materials related to personal data protection and the preferred form is the online dissemination. Controllers indicated various issues which should be subject of the institution's information materials - specific explanations of the data controllers' obligations and the individual's rights, of Ordinance 1 for the technical and organizational protection measures, information on the national data protection, further information on the administration services provided by mayors and mayor substitutes, and more intensive coverage of the issues relating to civil registration and administrative service, and personal data protection.

XI. Personal data protection reform

In the early 2012, the legislative proposal for a new personal data protection legal framework in the European Union became reality. The reform which covers the social, economic, and technological developments accumulated over the past 17 years is responsible for creating legal order and, therefore, trust in all the processes протичали outside the scope of the current of the 1995 Data Protection Directive. The proposed new rules and areas of protection are very complex in nature, introduce significant changes compared to the Directive in force, and are subject to in-depth discussions within the competent European Union authorities.

Achieving political consensus at EU level implies high level of coordination at national level, with regard to the proposed legal instruments, given the direct applicability of the proposal for a general Personal Data Protection Regulation and preparation of specific Directive, which will regulate the data processing and protection in the police and justice sectors.

The key elements of the Commission for Personal Data Protection position on the proposed legislative package are set forth in a framework document adopted by the Commission in the first half of 2012. The suggested legislative package was announced during the initiatives with which Bulgaria has celebrated the European Personal Data Protection Day in 2012, and is available on CPDP website.

Within the terms of office established in the document and taking into account the priority of the matter in the CPDP activity in 2012, representatives of the Commission for Personal Data Protection participated in the Working Party on Data Protection and Exchange of Information (DAPIX), within which basic technical discussions of the Member States on the proposed legislative package are conducted prior submitting the results to the attention of the Ministers in the Justice and Home Affairs Council.

At national level, the work on the proposed legislative reform is carried out in a good institutional coordination and openness to all participants in the process. In the discussions held in the Council of the European Union, Bulgaria's position on the draft Regulation is consistent and taking into account the problems that could arise as a result of its application in the public and the private sector. The Commission expressed its support the personal data protection to be regulated in Regulation, since that instrument will introduce a single set of rules which direct application will lead to better compatibility between the different laws of

the Member States and will eliminate any contradictions in the practice and application of different data protection standards.

In addition to the expressed support on the legal form of the proposed general Data Protection Regulation, the main message in the expressed positions of the Commission for Personal Data Protection is finding the right balance between the rights and obligations referred to in the new legislative package. At horizontal level, the concept of balance is applicable in a number of aspects of the proposed regulation, which generally can be defined as follows:

- preserving the technology-neutral nature of the proposed regulation while ensuring the maximum legal certainty through the introduction of clear rules;
- ensuring maximum protection of individuals without unnecessarily burdening controllers and obstructing free data movement;
- careful consideration of the cases and the procedures for responses by national data protection authorities considering the impact, which the new legal framework will have on their resources and budget;
- accurate and balanced formulation of criteria for personal data protection officer's appointment and his/her tasks, and of the effect which determination of such a person will have on small, medium and large data controllers;
- careful formulation of criteria for locating the "one stop shop service" of the various multinational controllers;
- conformity of the planned financial sanctions with the different economic conditions in the EU;
- ensuring more flexibility for public authorities, falling within the scope of the regulation, given the fact that conducting the state policy and the implementation of international commitments fall within their official functions; last but not least;
- finding balance with regard to the right to data protection and the right to free expression and access to information.

Regarding the proposal for a specific directive in the police and justice area, the Commission for Personal Data Protection shares the need of legal regulation of the personal data processing for the needs of the law enforcement bodies, and believes that this legal instrument will achieve the best balance between ensuring a high data protection level and the protection of public security. The selection of Directive allows the Member States to be more flexible in the process of transposition into national law taking into account the specific nature of the police and justice area.

An essential element of the proposed general Personal Data Protection Regulation are the envisaged new cooperation mechanisms and the requirements for institutional and resource provision of the national data protection authorities. The pursuit of harmonized application of the personal data protection legislation, the introduction of "the one-stop-shop" principle for multinational data controller, and the large volume of work needed for the effective implementation of this new procedure will lead to burdening of the national supervisory authorities. Following the supervisory authorities concerns, expressed in a common position of the Article 29 Working Party, the European Commission analysed the resource provision of the national data protection authorities.

In its individual contribution to the prepared analysis, the Commission for Personal Data Protection outlined the need for adequate provision with financial, administrative and human resources, considering the expected strengthening of the supervisory powers after entry into force of the proposed regulation. The new legal framework significantly expands the scope of the current Directive 95/46/EC. The reform provides for extending the individuals' rights and enhancing the data controllers' responsibility, which will inevitably lead to an increase in the number of complaints handled by the Commission and requests for opinions and decisions on the performance of privacy policies (codes of conduct, policies on accessibility, etc.).

Additional resources should be invested also taking into account the development of the information technology. As an example can be given with the procedures and short deadlines for reaction with regard to the notification of data breaches, envisaged in regulation.

Besides the effective exercise of supervisory functions, additional resources will be necessary for introductory training in the proposed new legal instruments and the conduct of a large-scale educational activity. Not only the national supervisory authority should be a subject of a specialized training, but also the data controllers and data protection officers (main contact between data controllers and data protection authority). In accordance with its legal powers, the Commission is the competent national institution for conducting personal data protection training.

Considering the comprehensive nature of the personal data protection reform, which covers all the existing regimes, efforts, should be made also for the good interaction and compatibility of the different European and international regulatory instruments. The new European legislation must be open to global personal data protection trends and developments.

In this regard, the Commission for Personal Data Protection is also involved in the process of Modernization of Convention 108/81/CE for the protection of individuals with regard to automatic processing of personal data, following the common European understanding that the legislative reform at Council of Europe and the European Union level must be carried out through maximum coordination.

CPDP presented its opinions and comments on the proposed changes to the text of the Convention concerning the provisions about the scope and legitimacy of data processing, the processing of special categories of data, data security, transparency of the processing, the individuals' rights, additional data controllers' obligations, the envisaged exceptions and limitations, supervisory authorities functions, and cross-border data flows.

Changes in the Convention are subject to discussion within Consultative Committee of the Convention 108 (T-PD), where the Commission for Personal Data Protection is represented by its Chairperson. As a member of the Council of Europe, and a party to Convention 108/81/CE, CPDP approved the participation of the personal data protection authority of South Korea and the Information Society in the meetings of the Consultative Committee and supported the opinion about the willingness of Macau to accede to the Council of Europe.

XII. CPDP's co-operation with other government bodies at national level and international co-operation with similar supervisory authorities, Working Parties, and Joint Supervisory Authorities. Regional co-operation. Institutional interaction. Public Relations and publicity and transparency policy

The current comprehensive personal data protection reform took central place in the agenda of all European and international conferences in which the Commission for Personal Data Protection took part during the year.

Within the Spring Conference of the European Personal Data Protection Authorities held in Luxembourg in May 2012, the heads of the European supervisory data protection authorities adopted a resolution on the European personal data protection system reform.

The regular annual meeting of the Central and Eastern European Personal Data Protection Authorities, which this year was held in May in Kiev, Ukraine, welcomed the

modernization of the European legislation in force, along with discussion on specific issues related to personal data processing and protection in mass events like the European Football Championship in 2012. CPDP delegation presented on the personal data protection legal framework in Bulgaria, the powers and the priorities of the Commission for Personal Data Protection.

Modernisation of the European personal data protection legislation was the main topic also at the international conference held in May 2012 in Skopje. Within the conference the Commission's representatives had the opportunity to get acquainted with the status of personal data protection in the EU-candidate countries and the possibilities for cooperation on EU funded projects.

The development of information technologies for data transmission and processing for different purposes and the related personal data protection risks also takes central place in current legislative reform, and is thoroughly discussed at a number of international forums. At the meeting of the International Working Group on Data Protection in Telecommunication held in September 2012 in Berlin, CPDP presented the progress in building-up the Bulgarian e-Government, the introduction of the Internet Protocol version 6 (IPv6) in Bulgaria, and the held discussions with the information society representatives. Major topics of the conference were the new technological processes as cloud technologies, user profiling for the purposes of direct marketing, and innovative rights and supervision procedures as the "right to be forgotten" concerning the personal data on the web and the obligation for notification (of persons and data protection authorities) for personal data breach.

The possibilities of the modern information technologies with regard to the automated personal data collection and large scale processing for profiling purposes, very often without individuals' knowledge, was also among the highlights of the 34th International Conference of the Data Protection and Privacy Commissioners held in October in Uruguay under the slogan "Privacy and technology - in balance". Recommendation CM/Rec (2010) 13 of the Council of Europe to the member states on the protection of individuals with regard to automatic processing of personal data in the context of profiling also should be noted. Within the conference, along with specific issues concerning data protection in the information society, the possibilities for connecting the currently separate functioning systems for personal data protection (under the Council of Europe and the European Union, the Organization for Economic Co-operation and Development, and the Organization for Asia-Pacific Economic Cooperation) in a global network were also considered.

In the context of personal data protection in telecommunications, the Commission also participated in a meeting of the Technology Subgroup of the Article 29 Working Party organised by the European Network and Information Security Agency (ENISA). The main goal of the meeting organised in October in Athens was discussing the methodology for assessing the data breaches severity.

The protection of the information on the web, the international co-operation in preventing cyber crimes related to the data breaches, and the cross-border nature of the personal data protection were part of the issues, discussed during the International Conference on Personal Data Protection held in November in Moscow. At invitation of the Federal Service on Supervision over Telecommunications, Information Technology and Mass Communications of the Russian Federation (РОСКОМНАДЗОР), the Chairperson of the Commission for Personal Data Protection was a lecturer in the first session of the conference - a meeting of data protection authorities from 13 countries from European Union, Eastern Europe, Central Asia, and South America, which presented their national experience in exercising the international cooperation. CPDP shared its views on the common problems faced by national supervisory authorities in protecting the individuals and the benefits of the introduction of universal standards. The Chairperson of the Commission for Personal Data Protection highlighted the personal data protection legislative and the educational policy of the institution as current and future priorities of international relations.

Taking into account the current personal data protection challenges, during the reporting year 2012, the Commission was open for contacts with international business representatives, which contributed to the development of the modern information society. At the Commission premises were organized meetings with Facebook and Microsoft representatives on issues related to the introduction of cloud technologies and the envisaged new principles for web protection. With regard to the cloud technologies the Commission for Personal Data Protection stressed the need for control over the subsequent data transmission and the increase in consumers' confidence with the implementation of transparency policies and risk assessment mechanisms. During the meetings, CPDP had the opportunity to get acquainted with the privacy policy of the both companies and to express the EU position on the aspects and mechanisms, which require further improvement. Facebook and Microsoft representatives shared their positions on the current personal data protection reform.

In 2012, a major part of the coordination of the Commission for Personal Data Protection with the EU Member States supervisory authorities took place within the Article

29 Working Party. The Working Party is the main forum for coordination of common policies on privacy and personal data protection issues.

In 2012, the Working Party considered issues requiring common approach with regard to modernizing the existing European personal data protection legal framework, the international personal data protection standards, the principles laid down in the Safe Harbor Program and their practical implementation by certified companies, the personal data protection related to the web (cloud technologies), the measures which apply for data breaches notification, the development of biometric technologies and processing biometric data, profiling individuals in the private and public sector, etc.

During the reported period, CPDP sent summarized information on the Commission's structure and activities, the CPDP practice (compulsory instructions and penal decrees issued, and opinions expressed on requests and signals), personal data transfers, introduction of Directive 2006/24/EC, training of data controllers on the application of the Personal Data Protection Act, and specific case studies of the CPDP practice for the Article 29 Working Party Annual Report.

At the meeting of the Article 31 Committee was discussed the organizational structure and the future functioning of the Committee and was adopted the draft opinion on the adequate level of data protection in New Zealand.

In 2012, the Commission for Personal Data Protection participated in the regular meetings of the Joint Supervisory Authorities of Europol, Schengen and Customs, the Working Party on Police and Justice, as well as the specialized Supervision Co-ordination Groups on Eurodac and the Customs Information System.

Emphasis in the work of the Europol Joint Supervisory Body during the year was the future strategy for the Europol activities. The issues on the agenda of the meetings, held during the year were related to harmonizing the policies for system access, inspection of the units processing personal data, the link of Europol to the rest of the European databases following the police and international cooperation and the interoperability between the different information systems, the work on the Agreement with the USA on the Terrorist Finance Tracking Program, as well as, the recent actions on the establishment of EU Cybercrime Centre. With regard to the research of the activities of the national Europol units, CPDP presented the Bulgarian experience and information on the applicable national legislation.

The discussions within the Schengen Joint Supervisory Authority were focused on the interaction between law enforcement authorities and the access to Schengen Information

System (SIS), processing and deletion of information related to the European Arrest Warrant, difficulties arising in the team selection and the organization of checks in Schengen, problems in the application of the requirements on the provision and receipt of systems information, the status of the migration from SIS I+ to SIS II. Besides operational matters related with the work and control on the Schengen Information System, were also discussed issues on the individuals' right of access to personal information in SIS.

With regard to the supervisory activity on the processed personal data in the Customs Information System (CIS), the Supervisory Authority focused its efforts on the creation of a working framework for data protection in CIS and drawing up a guide on databases containing customs identification files. The various types of personal data processing in the system (storage, retention, and other operations) and the users of the system were discussed. The issue on the individuals' rights with regard to the personal data contained in CIS was also in the focus of the Supervisory Authority which emphasized on issuing of information leaflet. CPDP presented detailed information on the situation in Bulgaria in connection with studying the introduction in the national legislation of the EU Member States Council Decision 2009/917/JHA on the use of information technology for customs purposes, and Framework Decision 2008/977/JHA on the protection of personal data processed in the framework of the police and judicial cooperation in criminal matters.

In 2012, the work of the Working Group on Police and Justice covered the preparation of a catalogue for joint activities with other groups in the field with a focus on international and political aspects.

With regard to the Customs Information System Supervisory Coordination Group, which is chaired by the European Data Protection Supervisor were discussed once again the issue on the data subjects right and the impact assessment on CIS operation.

Following the competences of the European Data Protection Supervisor are also held the meetings of the Eurodac Supervisory Coordination Group. In 2012, major topics discussed in the Supervisory Group were the principle of proportionality in the collection and transfer of refugees' data and the processing of illegible fingerprints. In 2012, a check of "Eurodac" was carried out and was drawn up a draft questionnaire on security audit. The changes to the Eurodac Regulation were also discussed.

In November, CPDP participated in the first meeting of the Visa Information System Supervisory Coordination Group. At the first meeting of the Group were discussed organizational and structural issues. Within the meeting representatives of the European Commission presented recent developments and a number of good practices of international

and institutional coordination related to the Visa information system. Information was also provided on the upcoming launch of the European Agency for the operational management of large-scale IT systems (based in Strasbourg and Tallinn) which will perform the operational management of the SIS, VIS, and Eurodac systems and will include data protection provisions.

Regional co-operation

In 2012, The Commission for Personal Data Protection continued to develop dynamic regional cooperation through exchanging visits and signing joint documents.

In connection with sent request for strengthening the mutual co-operation in the personal data protection field by the National Data Protection Agency of Kosovo, the Personal Data Protection Commissioner of the Republic of Albania, and the National Personal Data Protection Agency of Montenegro, Declaration and Memorandum on mutual cooperation were signed in September at an official ceremony in Pristina, the Republic of Kosovo between the four supervisors, and for strengthening the relationship in the following areas:

- exchange of experience, information, and experts with respect to drafting and implementing European personal data protection standards.

- carrying out joint actions including bilateral or multilateral working meetings with regard to the work of the data protection authorities and some specific procedures requiring exchange of experience.

At regional level, CPDP expressed its willingness to contribute to the institutional strengthening of partner authorities, strengthening their role and the way they are considered by the society and - general enhancing the position and the data subjects' rights.

Successful projects with international participation

Through the development of project proposals and applications for funding under European programs and funds, the Commission seeks to improve its work, to improve its efficiency, and to offer advanced services to citizens and business. In this regard, CPDP project proposals aim to increase administrative capacity of the institution with funds outside the state budget.

The implementation of projects with international participation is of particular importance to the institution considering the increasing need for partnership and cooperation between the Commission for Personal Data Protection and its related institutions within the

European Union. Therefore, in 2012, CPDP prepared and submitted 2 proposals under Sectoral Programme "Leonardo da Vinci", which were approved for funding by the National Agency responsible for the management of the above program in Bulgaria - Human Resource Development Centre. Both proposals included international co-operation with related supervisory authorities in the personal data protection field, but had separate target groups and provided for the achievement of different results. Besides improving the Commission's efficiency and the administrative capacity, the successful completion of both projects will lead to deepening the cooperation and contacts of the institution with its European partners.

Leonardo da Vinci Programme

Funding for CPDP approved projects was provided by the European Commission within the Lifelong Learning Programme, which allows people in different stages of their lifetime to receive incentive opportunities for training throughout Europe. It consists of four sectoral sub-programmes: Comenius (for primary and secondary education), Erasmus (for higher education), Leonardo da Vinci (for vocational education and training), and Grundtvig (for education of adults).

CPDP projects were developed under sectoral programme "Leonardo da Vinci". It supports and carries out the policy on professional education and training of the EU member states by complying with the content and organization of the relevant national policy. The programme is aimed at enhancing the quality of vocational education and training, encouraging innovation, and disseminating good professional practices and systems in Europe through transnational cooperation and gained experience.

The sectoral programme develops 3 activities:

- Activity "Transfer of innovation";
- Activity "Partnerships";
- Activity "Mobility";

The proposals of the Commission for Personal Data Protection approved for funding were for activities "Mobility" and "Partnerships".

Approved CPDP projects

1. "Exchange of experience in the conduct of training in personal data protection field" Project, "Leonardo da Vinci" Programme, Activity: "Mobility"

CPDP is the only personal data protection supervisory authority in the Republic of Bulgaria and being such, it seeks to apply uniform rules in this area. Basic tool for achieving

uniform data protection standards is to conduct training. As already mentioned, in 2011, the institution carried out a large-scale training campaign, which led to the accumulation of a serious experience of the officials, who conducted the training. Despite the reported positive results from the organized seminars, in 2012, it was found that it is necessary to improve their efficiency. The opportunities for introducing new forms were discussed, such as online training or development of joint training with partner institutions. In this regard it was found as necessary to study the training process in related European data protection authorities, which carried out similar activity in a previous period, and have accumulated significant experience in that field.

1.1. Summary of the project proposal

The project proposal titled "Exchange of experience in the conduct of training in the personal data protection field" was submitted under sectoral programme "Leonardo da Vinci", Activity: "Mobility", and has a total budget of € 13,720. The deadline for carrying out the activity is by the end of July 2013. Completion of the project will lead to introduction of the CPDP members and officials to the training process in the partner European institutions, as well as identification and implementation of good training practices, conducted by the Commission, which will be summarised in a catalogue. In this regard, the project covered 2 one-week visits to related foreign organizations. Partners of CPDP in this project are the Bureau to the Inspector General for Personal Data Protection of the Republic of Poland and the Office of the Federal Data Protection and Freedom of Information Commissioner of the Federal Republic of Germany. These foreign partners were selected by the Commission due to their considerable experience in personal data protection training.

The shared experiences and the identified good practices during the two visits should be summarized in a catalogue, which will be used in the preparation of future CPDP training courses.

1.2. Objectives of the project proposal

The project is aimed at increasing qualification of the Commission for Personal Data Protection's officials involved in the process of carrying out training via the exchange of experience with the similar partner institutions from EU member states.

Along with the main goal, in the project proposal are laid down specific objectives. Among them should be noted the study of the personal data protection online training carried out by the European supervisory data protection authorities. Introducing online training would significantly reduce costs for conducting workshops and would allow reaching a wider range of trainees, considering that such training covers the whole country. Thus, effectiveness of the

ongoing seminars would be increased, since online training would also save human resources allocated for the conduct of traditional on-site training workshops for data controllers. Furthermore, online learning creates the opportunity for reaching young people in age group 15-26 years, which widely use the Internet and are exposed to the risks associated with the protection of their privacy and personal data, especially in the virtual space.

Another specific objective is the exchange of experience in the conduct of data protection training while working with the Schengen Information System. CPDP already held a series of such training in 2011, but due to the limited financial and human resources of the Commission they covered less than 5 % of the employees with access to the Schengen Information System (SIS). This requires upgrade and continuation of the training on the operation of personal data in SIS. One of the main recommendations made by trainees in 2011 was the provision of more practical examples and case studies from signals submitted in the Schengen information system. Such practical experiences have the partner authorities of the countries, which are already part of the Schengen area. Sharing this experience with the CPDP staff participating in personal data protection training significantly increases their qualification and would contribute to the practical focus and relevance of the conducted training.

The third specific objective of the project proposal is to identify appropriate institutional partners at national level, which should be included in the process of carrying out training. This form of cooperation is seriously exercised in some European countries, where data protection authorities are partnering with other authorities of central and local authority by carrying out training.

1.3. Events held

The first CPDP visit to foreign partners was conducted in the period November 5-9, 2012, in Warsaw, Poland. Five experts from the Commission had the opportunity to be acquainted in detail with the whole process of personal data protection training. Meetings were held with representatives of all directorates of the Bureau to the Inspector General for Personal Data Protection of the Republic of Poland, at which the hosts presented their training practice. Particular attention was given to the development and operation of the online training portal of the Polish institution, which was launched in 2008. This portal contains 2 types of materials - information and training. The educational information of the portal is divided into 3 specialized multimedia modules and each of them ends with a self-assessment test. The portal is available online 24 hours a day and provides a wide range of trainees with quick, easy, and effective transmission of personal data protection knowledge while investing

minimum human and financial resources. At the meetings with the Polish representatives emphasis was placed on the interaction with other national institutions and the possibilities for transfer of best practices in that direction - among them the Ministry of Education, bodies of local self-government, the Catholic Church, etc.

Following the second part of the project in the period November 26-30, 2012, five CPDP representatives attended the institution of the German Federal Data Protection and Freedom of Information Commissioner in Bonn. The program of the visit covered exchange of experience and good practices on the training and education policy of the two supervisors. The German partners presented the current national mechanisms for training and raising citizens' awareness in the personal data protection field. The data protection officer's functions were presented in details, as well as the overall system of certification and training of these persons. In order to receive information about the practical aspects of the data protection officers' work was organized a meeting with the head of the data protection officers' team of the Federal Financial Supervision Office in Germany, who shared his experience in the public sector training and the challenges which he and his colleagues face in their daily work. The training and the comprehensive system for certification of data protection officers in the private sector were presented by the German Data Protection and Security Association. The Commission for Personal Data Protection also shared its experience in the data controllers' training and its information policy by stressing that at national level the Commission is empowered to conduct trainings for both public and private sector. The educational activity is carried out with its own resources and is free for the public and for data controllers.

1.4. Expected results

Besides the two visits to related partner organizations, as a result of the project a catalogue with good practices on the data protection training should be drawn up. It should contain comparative analysis of the training activities of the three data protection supervisors and clearly highlighted and identified best practices of the CPDP partners, which may be introduced to the training activity of the Bulgarian Commission in order to increase the effectiveness of its work.

2. "Raising awareness of the persons working on the EU labour market on personal data protection issues" Project, Activity: "Partnerships"

One of the main CPDP objectives is raising awareness of the citizens on the personal data protection issues. Essentially, this matter is relatively new for Bulgaria and is

continuously undergoing dynamic development. All this requires continuous commitment to public education on major issues and trends related to data protection.

One of the main issues is connected to data of the persons on the labour market. This group includes both persons seeking employment, and those already working within the European Union. A large part of these persons are not sufficiently aware of their rights with regard to their personal data and the right of privacy, as well as of the data controllers' obligations.

This motivated the CPDP to participate in an international project aimed precisely at solving this problem - raising awareness of the persons participating on the labour market.

2.1. Summary of the project proposal

The project proposal "Raising awareness of the persons working on the EU labour market on personal data protection issues", Activity: "Partnerships", has been developed and submitted by the Commission for Personal Data Protection and its foreign partners in 2012. Total amount of funding granted to CPDP is ^ 11,000, and the deadline for completion of the project is July 2014. Partners of CPDP in this project are the Bureau to the Inspector General for Personal Data Protection of the Republic of Poland, the Personal Data Protection Office of the Czech Republic, and the Agency for Personal Data Protection of the Republic of Croatia. Project implementation covers 6 working meetings in the partner countries under the project, which should lead to the development of a Handbook for personal data protection for persons on the labour market.

2.2. Objectives of the project proposal

The project aims to develop educational materials for the persons who begin work or are working in one of the partner countries under the project. Studies show that there is a lack of easily accessible and understandable information on the practical implementation of the personal data protection legislation in certain areas of the citizens' daily life. The lack of systematized information is reported both by data controllers of the public and the private sector, and by employees and persons on the labour market. This necessitates taking measures for dissemination of information on the individual's privacy and personal data protection, which should reach different target groups.

2.3. Events held

On November 16, 2012, the first working meeting under the project was held in Warsaw. It was attended by representatives from all partner countries. The meeting was organizational in nature and were discussed issues on the obligations of the parties, and the structure of the future project result - the Handbook for personal data protection intended for

persons on the labour market. The methods of communication between the teams involved in the management of each party, and procedural issues related to the future collaboration were specified.

2.4. Expected results

As a result of the project Handbook for personal data protection intended for persons on the labour market should be prepared and compiled. The Handbook should contain comprehensive information on the individuals' rights and the data controllers' obligations in connection with the process of personal data collection, storage, and processing. By the determination of the Handbook structure, the project partners took into account the need for clarification and submission of information for the whole process of processing data of persons on the labour market - from the process of searching and applying for work, the data processing for the performance of duties, up to the personal data retention after labour contract termination. The main objective of the team working on the handbook is to present the information as understandable and accessible as possible to a wide range of people. The Handbook should be available online in English and in the languages of the partner countries. National organizations of the partner countries working in that field should also join the distribution of the Handbook.

Co-operation with public authorities at national level

The successful co-operation of CPDP with other state institutions on personal data processing and protection issues at national level continued.

Representatives of the institution participated actively in working groups to the Directorate for Coordination of EU Affairs to the Council of Ministers. Representatives of the Commission participate in Working group 23 "Cooperation in the field of home affairs", which deals with issues related to organised crime, fight against terrorism, asylum, migration, fight against drugs, fight against corruption, and police cooperation.

The Commission takes part in Working group 3 "Right of settlement and freedom to provide services", which deals with matters relating to the application of non-discriminatory regime with regard to the right of settlement and the free provision of services with the exception of financial services, services of the information society, services in the energy, transport, health care and other areas, for which are established specific working groups and the introduction and implementation of the Services Directive in the EU internal market.

In 2012, the anticipated changes in the European data protection legal framework encouraged the good institutional cooperation of the Commission with Archives State

Agency. The draft general Personal Data Protection Regulation discussed the EU level envisages serious changes to the current regime of processing personal data for historical purposes, and enhanced responsibilities for the competent national authorities in that area. In this context, Archives State Agency presented to the attention of the Commission comments and proposals. After a serious analysis of the problems, CPDP took into account the recommendations made and reflected them in its position during the discussions on the new legal framework. The institution expressed the opinion that by processing for historical, statistical, and scientific purposes, more flexibility is required, in order to find a balance between data protection and the right of access to information.

In the reporting period, business contacts and cooperation were established with representatives of the Council for Administrative Reform with the Council of Ministers of the Republic of Bulgaria, the Institute of Public Administration to the Administration of the Council of Ministers, and representatives of the State Commission on Information Security, the Ministry of Finance, the Court of Auditors, the Ministry of Defense, the Ministry of Labor and Social Policy, General Labour Inspectorate to the MLSP, National Revenue Agency, and the National Security Institute.

In 2012, CPDP representatives took part in a project "Development of the system for planning and mobility in the public administration" No K11-21-2/16.08.2012. Beneficiary of the project was the Administration of the Council of Ministers of the Republic of Bulgaria.

The project aims to improve the policies on human resources management in the public administration, to carry out training on the implementation of new methodologies and models for selection and mobility in the public administration. The activities under the project end in February 2013. The Commission actively participated in the presentation of new methodologies and training by the Council for Administrative Reform to the Council of Ministers considering their future practical application.

Institutional interaction. Public Relations and publicity and transparency policy

In 2012, CPDP placed emphasis on the public relations development as a key element of its activity and as a successfully proven method of expanding the partnership with public institutions, non-governmental organization, and media in Bulgaria.

The effective communication of the Commission with other state bodies is a guarantee for fruitful co-operation and coordination of the efforts of the institutions related to personal data protection.

The initiatives on the privacy protection are supported via building and maintaining sustainable and fruitful relations with national media representatives. Electronic, print, and internet information channels are providing the CPDP messages to the public allowing the maximum number of people to raise their awareness on the issues affecting their personal data.

In order to optimize the communication with the public and to achieve full transparency and publicity of its activity CPDP reorganised and updated its media policy.

Since the very beginning of the year personal contact was established with representatives of dozens of television programs and radio stations, print media (national and regional newspapers and magazines), and internet information agencies. Following the prepared list the journalists were informed of all news, events, and initiatives related to the Commission's activities. As a result there was a serious increase in the number of publications announcing and covering the Commission's activities.

In 2012, thanks to the facilitated and more personalized contact between the Commission and the media representatives 115 interviews and materials with the participation of the Chairperson, members and experts of CPDP became possible. The continuous cooperation of the institution with the reporters led to the publication of a significant number of information materials and journalistic investigations, which affect various personal data protection aspects. Last but not least, relations established and successfully maintained with the media not only made possible the large-scale coverage of the information educational campaign of CPDP, but provided a reliable channel for dissemination of useful news and initiatives, which will continue to mark the Commission's work in the future.

The public relations activity of the institution Activity underwent substantial development also with regard to the organization of all public meetings, discussion, plenary, hosts, and visits of CPDP. The Commission successfully initiated and held a number of events where personal data protection was discussed, in which participated representatives of a number of Bulgarian governmental and non-governmental organizations.

In 2012 was also organized numerous working visits of foreign delegations in order to intensify the co-operation between the Commission and the similar European authorities. The overall organization of international visits, as well as the ensuring of the favourable conditions for work and recreation of guests testifies for the successful selection of new priorities and strategies of the institution for building and maintaining effective public relations and implementation of the protocol at national, regional, and pan-European level.

During the reported period a number of steps were taken to provide transparency and facilitated public access to information about the Commission's activity.

The CPDP publicity policy is supported by the changes and additions made to the content of the Commission's official website. The information in the electronic business cards of the Chairperson and the members of CPDP is updated as biographies were enlarged by new, professionally shot photographs. The edited version significantly assisted officials, citizens, and media representatives, who are looking for personal information on the institution's management. As a result of the change, improvement in the daily communication and correspondence with state structures, data controllers, and private persons was achieved.

Effective innovation in CPDP website was also the addition to the "Contacts" section of the direct phone numbers of experts for the Commission's communication with the public and media. As a result, the institution's press centre work was optimized, and the bilateral flow of information and communication with reporters was considerably facilitated. Thanks to the added contact information, the provision of opinions on current journalistic inquiries, the conducting interviews and sending of comments by the Chairperson, members and experts of the Commission for Personal Data Protection was carried out more quickly and effectively.

XIII. Administrative capacity and financial status

1. Administrative capacity

Total number of permanent employees

In 2012, the total number of permanent employees of the CPDP is 87. This figure includes:

Positions occupied in the period January - December 2012:

- under official contracts – 58;
- under labor contracts – 20.

Vacant positions:

- under official contracts – 9;
- under labor contracts – 0.

During the reported period were employed 14 employees in total: under official contracts – 11, and under labour contract – 3. The official and labour contracts of 2 employees were terminated. 3 employees were reappointed under official contracts for the

replacement of an absent employee. During the reporting period 24 employees were promoted to higher rank, and 11 employees were promoted.

As in previous years, in 2012, the basic principles foreseen by the CPDP for the training and qualification of the administration of the Commission were as follows:

- **Adequacy** - planning and conducting training corresponding to the need for increasing the quality of activities in the units concerned;
- **Timeliness** - the training should correspond to the changes in legislation relating to the CPDP activities and the best national and international practices;

During the reported period priority was given to those training courses that would increase the work efficiency and contribute for the achievement of the CPDP's objectives.

In January, 2012, Annual Training Plan was drafted and approved with two main activities:

- Mandatory training - for employees appointed for the first time as state officials;
- Specialized training – for professional development and qualification rising.

For the reported period, the main institution to execute the Commission's scheduled staff training was the Institute of Public Administration (IPA) to the Council of Ministers.

4 newly appointed state officials in expert positions passed mandatory IPA training.

The IPA specialized training related to the CPDP's annual priorities was attended by 34 officers. This training was related with the professional development and qualification rising of the CPDP's administrative staff.

Officials from the CPDP administration also took part in trainings organized by other institutions on specific topics related to the activities of the Commission, namely:

- "Management of occupational health and safety" - 1;
- "Reform of the public administration system" - 3;
- "Protection of classified information" with the participation of a total of 25 employees in two directions - Protection of the national classified information and Protection of European classified information;
- "APC. Application and practice" - 7;
- "Amendments to VATA in 2012" - 1;
- "Practical guidelines in filling and sending documents for publication in the Public Procurement Register" - 2.

In 2012, an increased interest for inclusion in foreign language training courses was noted. Therefore, foreign language training for 14 employees of the administration of the Commission was organized.

In June 2012, experts of the State Commission on Information Security conducted training of the management staff of the Commission and the administration staff, which have *Authorisation for access* to national classified information and *Certificate for access* to European classified information.

In the reported period, the total of 59 employees of the CPDP administration participated in training courses for improvement of qualification and professional development.

Analysis and evaluation of the effectiveness of the conducted training

After participation in various courses and training all employees of the administration of the Commission prepared reports and completed questionnaires in order to analyse and adequate report the training results. When the training courses are planned, their topics are chosen to comply with the job descriptions and the official duties. The performed analysis after the conduct of training found that they have effectively contributed to the work and have build on the objectives set, and have increased the administrative capacity of the institution.

Evaluation of the performance of CPDP's employees

The Regulation for the conditions and procedures for evaluating the state administration officials' performance (RCPESAOP) entered into force from 01.07.2012, which cancelled the previous Regulation for the conditions and procedures for performance appraisal of the state administration officials.

Amendments to in the new RCPESAOP are related to the evaluation of the individual employee contribution to the implementation of the administrative unit objectives, and the administrative structure as a whole. According to the requirements of § 5 of the Transitional and Final Provisions of RCPESAOP internal training on the regulation applications and the instructions for its application, approved by the CPDP, Chairperson shall be organized. The instructions covered the new points and requirements for the evaluation of the performance of CPDP's employees, and the new forms.

In the period from July 01 to August 15, 2012, the work plans of 63 administration officials - drawn up according to the repealed Regulation for the conditions and procedures

for performance appraisal of the state administration officials, are brought in conformity with the requirements of the new Regulation.

Conducting competitions for vacant positions in CPDP Administration

In 2012, through Orders of the CPDP's Chairperson, competitions for 7 vacant positions in the Commission's administration were announced.

The total of 176 candidates submitted applications for participation in the announced competitions. After completion of the competition procedure 6 officials who ranked first for the relevant job positions were appointed.

Development of internal regulation documents

During the reported period started a reform in the field of civil service. Entirely new regulations were adopted about the remuneration of the state administration employees, evaluation of the performance, classification of the job positions and regulations for the number of structural units, as well as other state administration area.

Significant amendments were made to the Public Procurement Act. Therefore, new draft rules for public procurement were developed.

The lawful and proper implementation of the amendments to the regulations required also appropriate amendments to the CPDP's internal regulation documents.

In July 2012, CPDP's job descriptions were updated in accordance with the amendments in the Civil Servants Act and the Regulation for the salaries in the state administration. Current names schedule in accordance with the new Classification of administrative positions, and the Regulation on its application for the levels, degrees, and positions was also drawn up. In order to complete this process in the legal deadline, orders for redeployment of the CPDP's employees were drawn up.

As a result of the hard work, were approved in short term Instructions for evaluation of the performance of the job position and Internal rules for the CPDP salaries and were prepared drafts of Internal rules for implementation of the PPA, Internal rules for the management and development of human resources in CPDP and Procedure for the organization of training of CPDP's staff.

In accordance with the new Regulation for the job descriptions of the state officials, 50 job descriptions for all positions of the Commission were updated.

Participation in programs and projects

In the reported period, CPDP was actively involved in the project "Creating capacity for the future - conduct of student internships in the public administration" developed by the administration of the Council of Ministers of the Republic of Bulgaria.

9 positions for interns were announced for participation in the project with 6 of them for the first period 17.09.2012 – 17.10.2012 and 3 for the second one - 29.10.2012 – 29.11.2012.

The opened internship positions were in different structural units of the Commission and gave young people the opportunity to be oriented in the public service as a whole, and to be acquainted with the specifics of the CPDP work.

2. Budget

With the State Budget of the Republic of Bulgaria Act (SBRBA) for 2012 and Council of Ministers Decree No 367 dated 29.12.2011 on the implementation of the State budget of the Republic of Bulgaria for 2012, the operating budget of the CPDP was approved to the amount of BGN 2,700,000.

During the year the budget of the Commission was increased by BGN 38,678 as it was adjusted by the Ministry of Finance in connection with concluded contracts for granting financial support for the projects Mobility and Partnership under sectoral programme "Leonardo da Vinci", Lifelong Learning Programme of the European Union.

After these adjustments the budget of the CPDP amounts to BGN 2,738,678.

The costs incurred by securing the activity of the Commission for Personal Data Protection and its administration amount to BGN 2,573,917, or 94 % of the approved estimates for the year. The types of costs distributed by sections of the Unified Budget Classification (UBC) are presented in the following table:

Section	Cost description	Amount (BGN)
01-00	Salaries and wages for staff employed under labour and official contracts	1,070,523
02-00	Other remunerations and payments for the staff	55,523
05-00	Compulsory social securities paid by employer	263,722
10-00	Allowance	1,141,818
52-00	Acquisition of tangible fixed assets	36,547
53-00	Acquisition of intangible fixed assets	5,784
	Total budget expenditures	2,573,917

In 2012, revenues of BGN 314 204 were reported, representing administrative fines and property sanctions imposed by penal decrees issued by the CPDP as a public authority under the LPPD. As the State Budget of the Republic of Bulgaria Act for 2012 enacts, all amounts submitted to the budget account of the CPDP of fines and penalties are transferred as revenue for the state budget.

Public Procurement

The Commission conducted the necessary procedures in order to secure CPDP needs and in accordance with the new requirements of the Public Procurement Act.

XIV. CPDP 2013 priorities

CPDP objectives in 2013 are providing optimum protection of personal data of the Bulgarian citizens through all legal mechanisms and powers, which are provided to the institution by the law, and implementing the state priority - full accession to the Schengen space; constantly raising the level of general and specialised awareness on the issue, and carrying out thematic and useful to the individual target groups information events, campaigns, and training; upgrading the level of competence and updating the expertise of the CPDP's experts, in order to optimize the Commission's activities and the provided services.

With regard to the above objectives, main priorities in the Commission's activity in 2013 are:

- Expansion of the EU internal electronic network by building a point of contact in CPDP in order to ensure the effective exchange of information on matters of Commission's competence.
- Active CPDP participation and assistance in the preparation of regulatory changes in the personal data protection field within the EU and the Council of Europe and by the national implementation of the new EU legal framework.
- Providing assistance to data controllers when the new official- data protection officer is introduced in the Bulgarian legislation and the conduct of training of that person.
- Continuation of the process of negotiation of agreements on personal data protection with other countries national supervisory authorities.
- Completing the process of CPDP moving to a new building.