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Summary: Decree of 1-7-2004 approving the Regulation of the public registry for registration of files of personal data.

Decree

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Exposé of grounds

The Qualified Act 15/2003, of 18 December, of personal data protection, created the Public Registry for registration of personal data files as an organ depending on and managed by the Andorran Personal Data Agency.

This Regulation of the public registry for registration of files of personal data develops the third transitional provision and the principles and rules established in articles 27 to 29 and 43 of the Qualified Act 15/2003, of 18 December, of personal data protection.

On the proposal of the Minister of the Economy, the Government, in the session of 1 July 2004, approves this Decree:

Sole article

The Regulation of the public registry for registration of files of personal data is approved, and will come into force 15 days after its publication in the Official State Gazette of the Principality of Andorra.

Regulation

of the public registry for registration of files of personal data

Chapter I. Nature and structure of the public registry for registration of files of personal data

Article 1

Public registry for registration of files of personal data

1. The public registry for registration of files of personal data is the organ of the Andorran Personal Data Agency which is responsible for overseeing public awareness of files of personal data, in order to make it possible to exercise the rights of information, access, rectification and deletion of personal data, in accordance with the provisions established in articles 13 and 22 to 25 of the Qualified Act 15/2003, of 18 December, of personal data protection.

2. For compliance with this purpose, the public registry for registration of files of personal data is established as an entity with general public access, free of charge.

Article 2

Management and functioning

1. The Andorran Personal Data Agency has the responsibility of managing the public registry for registration of files of personal data by means of its head and inspectors.

Specifically its responsibilities include:

a) Instruction on the procedures of registration of files referred to in article 27 of the Qualified Act 15/2003, of 18 December, of personal data protection.

b) Correction of material errors in the entries.

c) Instruction on the procedures of modification, rectification and deletion of the content of the entries.

d) The issue of certificates of the entries.

e) Annual public communication of files notified and registered.

2. For the management of the public registry for registration of files of personal data, the functions will be assigned in the following way:

a) The two inspectors shall review applications sent to the Agency for the registration of files and for updating file registrations, and verify whether they meet the requirements established in articles 28 and 29 of the Qualified Act 15/2003, of 18 December, of personal data protection, and the rules and principles established in this Regulation. Equally, they must propose to the head of the agency the acceptance or not of the applications received and, in the case of proposing a refusal, detail their grounds.

b) The head of the Andorran Personal Data Agency must settle the proposals of acceptance or refusal of registration, and inform the corresponding processing managers, with a detailed indication of the reasons for his decision.

3. In the case that registration of the file or files of personal data notified by the processing manager is accepted, a communication must be sent to the processing manager informing him of the registration code assigned to the file or to each of the files of personal data notified, for the purposes of such updating and deletion as may take place in the future.

4. Having entered the file of personal data in the public registry for registration of files of personal data, the agency must attend to applications for the exercise of the right of access to the personal data file and in this way the interested party will have access to information relating to the name of the file and the identity of the processing manager.

Article 3

Telematic communications

The Andorran Personal Data Agency must provide the telematic means to facilitate the management of the public registry for registration of files of personal data and:

- a) The registration of files of personal data by the processing managers.
- b) The updating of files of personal data previously registered by the processing managers.
- c) The deletion of files of personal data previously registered by the processing managers.
- d) Consultation of registered personal data files by the interested parties, with the limits established in Chapter III of this Regulation.

Chapter II. Notifications to the public registry for registration of files of personal data

Article 4

Registration of files

1. Those files of personal data of which the processing managers are private individuals or legal personas must be entered in the public registry for registration of files of personal data.

2. The registration entries of the files will include the information contained in the notification of the file which, in accordance with the provision established in article 28 of the Qualified Act 15/2003, of 18 December, of personal data protection, is as follows:

- a) Name and address of the processing manager and location of the file.

- b) Structure of the file.
- c) The purpose of the processing and the uses of the file.
- d) The types of data subject to processing.
- e) The data collection procedure and the sources from which the data were obtained.
- f) Duration of preservation of the data.
- g) Ultimate recipients or categories of ultimate recipients to whom it is envisaged to communicate the data.
- h) International communications of data envisaged.
- i) A generic description of the technical and organisational measures applied to the processing of files.

3. Also, at the time of registration, the processing manager must indicate the name with which he wishes each file the subject of registration to be identified, and with which the information indicated in section 2 above will be associated.

4. Attached to the present Regulation as Schedule 1 is the notification form for the registration of files of personal data in the public registry for registration of files of personal data.

Article 5

Updating the registration of the file

1. The processing manager of the file or files which have been notified and registered in the public registry for registration of files of personal data, must also notify the updating of a file already registered when changes occur in relation to the data which have been notified in the registration process referred to in article 3 of this Regulation, or its deletion if the file has ceased to be used by that processing manager.

2. Attached to the present Regulation as Schedule 2 is the notification form for updating and deletion of registrations of files of personal data previously made.

Chapter III. Public awareness of registrations, modifications and deletions

Article 6

Access to the information in the registry

1. For every file registration, the interested parties will only have the right to consult the information corresponding to sections a), c), d), e), f), g) and h) of section 4 of this Regulation, and the name given by the processing manager to each registered file.

2. The information relating to sections b) and i) of article 4 of this Regulation will be considered confidential, and can only be known by the agency for the purposes of registration of files and for the exercise of its power of inspection, and divulged to those who are strictly necessary for the exercise of the functions of inspection.

Transitional Provision

From approval of this Regulation and until the Andorran Personal Data Agency comes into operation, the public registry for registration of files of personal data will be managed by the authorities mentioned in the Fourth Transitional Provision of the Qualified Act 15/2003, of 18 December, of protection of personal data.

Thus, it will be understood that the data protection agency comes into operation at the time of publication in the Official State Gazette of the Principality of Andorra of the appointment of the head of the agency.

Final provision

This Regulation will come into force 15 days after its publication in the Official State Gazette of the Principality of Andorra.

Andorra la Vella, 1 July 2004

Marc Forné Molné
Head of Government