



ΠΑΡΑΡΤΗΜΑ ΠΡΩΤΟ
ΤΗΣ ΕΠΙΣΗΜΗΣ ΕΦΗΜΕΡΙΔΑΣ ΤΗΣ ΔΗΜΟΚΡΑΤΙΑΣ
Αρ. 3549 της 23ης ΝΟΕΜΒΡΙΟΥ 2001
ΝΟΜΟΘΕΣΙΑ

ΜΕΡΟΣ ΙΙΙ

Ο περί της Ευρωπαϊκής Σύμβασης για την Προστασία του Ατόμου από την Αυτοματοποιημένη Επεξεργασία Δεδομένων Προσωπικού Χαρακτήρα (Κυρωτικός) Νόμος του 2001 εκδίδεται με δημοσίευση στην Επίσημη Εφημερίδα της Κυπριακής Δημοκρατίας σύμφωνα με το Άρθρο 52 του Συντάγματος.

Αριθμός 28(III) του 2001

**ΝΟΜΟΣ ΠΟΥ ΚΥΡΩΝΕΙ ΤΗΝ ΕΥΡΩΠΑΪΚΗ ΣΥΜΒΑΣΗ ΓΙΑ ΤΗΝ
ΠΡΟΣΤΑΣΙΑ ΤΟΥ ΑΤΟΜΟΥ ΑΠΟ ΤΗΝ ΑΥΤΟΜΑΤΟΠΟΙΗΜΕΝΗ
ΕΠΕΞΕΡΓΑΣΙΑ ΔΕΔΟΜΕΝΩΝ ΠΡΟΣΩΠΙΚΟΥ ΧΑΡΑΚΤΗΡΑ**

Η Βουλή των Αντιπροσώπων ψηφίζει ως ακολούθως:

1. Ο παρών Νόμος θα αναφέρεται ως ο περί της Ευρωπαϊκής Σύμβασης ^{Συνολτικός τίτλος.} για την Προστασία του Ατόμου από την Αυτοματοποιημένη Επεξεργασία Δεδομένων Προσωπικού Χαρακτήρα (Κυρωτικός) Νόμος του 2001.

2. Στον παρόντα Νόμο—

Ερμηνεία.

«Σύμβαση» σημαίνει την Ευρωπαϊκή Σύμβαση για την Προστασία του Ατόμου από την Αυτοματοποιημένη Επεξεργασία Δεδομένων Προσωπικού Χαρακτήρα, η οποία έγινε στο Στρασβούργο στις 28 Ιανουαρίου 1981 και την οποία η Κυπριακή Δημοκρατία υπόγραψε στις 25 Ιουλίου 1986.

3. Με τον παρόντα Νόμο κυρώνεται η Σύμβαση της οποίας αυθεντικό κείμενο στην αγγλική εκτίθεται στο Μέρος Ι του Πίνακα και σε ελληνική μετάφραση στο Μέρος ΙΙ αυτού. ^{Κύρωσης της Σύμβασης.}

N. 28(III)/2001

1988

Νοείται ότι, σε περίπτωση διαφοράς μεταξύ του κειμένου του Μέρους I και εκείνου του Μέρους II του Πίνακα, θα υπερισχύει το κείμενο που εκτίθεται στο Μέρος I του Πίνακα.

Πίνακας.
Μέρος I,
Μέρος II.

Ορισμός
Αρχής.

140(1) του 2001.

4. Σύμφωνα με το άρθρο 13 της Σύμβασης, ο Επίτροπος Προστασίας Δεδομένων Προσωπικού Χαρακτήρα που διορίζεται δυνάμει του περί Επεξεργασίας Δεδομένων Προσωπικού Χαρακτήρα (Προστασία του Ατόμου) Νόμου του 2001, ορίζεται ως Αρχή στην Κυπριακή Δημοκρατία για να ασκεί όλες τις εξουσίες και αρμοδιότητες που προβλέπονται από τη Σύμβαση για τέτοια Αρχή.

1989

Π Ι Ν Α Κ Α Σ
(άρθρο 3)

Μ Ε Ρ Ο Σ Ι

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

CONVENTION POUR LA PROTECTION DES PERSONNES
A L'ÉGARD DU TRAITEMENT AUTOMATISÉ
DES DONNÉES A CARACTÈRE PERSONNEL

STRASBOURG, 28.I.1981

1990

PREAMBLE

The member States of the Council of Europe, signatory hereto,

Considering that the aim of the Council of Europe is to achieve greater unity between its members, based in particular on respect for the rule of law, as well as human rights and fundamental freedoms ;

Considering that it is desirable to extend the safeguards for everyone's rights and fundamental freedoms, and in particular the right to the respect for privacy, taking account of the increasing flow across frontiers of personal data undergoing automatic processing ;

Reaffirming at the same time their commitment to freedom of information regardless of frontiers ;

Recognising that it is necessary to reconcile the fundamental values of the respect for privacy and the free flow of information between peoples,

Have agreed as follows :

CHAPTER I — GENERAL PROVISIONS

Article 1

Object and purpose

The purpose of this convention is to secure in the territory of each Party for every individual, whatever his nationality or residence, respect for his rights and fundamental freedoms, and in particular his right to privacy, with regard to automatic processing of personal data relating to him ("data protection").

Article 2

Definitions

For the purposes of this convention :

a. "personal data" means any information relating to an identified or identifiable individual ("data subject") ;

b. "automated data file" means any set of data undergoing automatic processing ;

c. "automatic processing" includes the following operations if carried out in whole or in part by automated means : storage of data, carrying out of logical and/or arithmetical operations on those data, their alteration, erasure, retrieval or dissemination ;

d. "controller of the file" means the natural or legal person, public authority, agency or any other body who is competent according to the national law to decide what should be the purpose of the automated data file, which categories of personal data should be stored and which operations should be applied to them.

Article 3

Scope

1. The Parties undertake to apply this convention to automated personal data files and automatic processing of personal data in the public and private sectors.

2. Any State may, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, or at any later time, give notice by a declaration addressed to the Secretary General of the Council of Europe :

a. that it will not apply this convention to certain categories of automated personal data files, a list of which will be deposited. In this list it shall not include, however, categories of automated data files subject under its domestic law to data protection provisions. Consequently, it shall amend this list by a new declaration whenever additional categories of automated personal data files are subjected to data protection provisions under its domestic law ;

b. that it will also apply this convention to information relating to groups of persons, associations, foundations, companies, corporations and any other bodies consisting directly or indirectly of individuals, whether or not such bodies possess legal personality ;

c. that it will also apply this convention to personal data files which are not processed automatically.

3. Any State which has extended the scope of this convention by any of the declarations provided for in sub-paragraph 2.b or c above may give notice in the said declaration that such extensions shall apply only to certain categories of personal data files, a list of which will be deposited.

4. Any Party which has excluded certain categories of automated personal data files by a declaration provided for in sub-paragraph 2.a above may not claim the application of this convention to such categories by a Party which has not excluded them.

5. Likewise, a Party which has not made one or other of the extensions provided for in sub-paragraphs 2.b and c above may not claim the application of this convention on these points with respect to a Party which has made such extensions.

6. The declarations provided for in paragraph 2 above shall take effect from the moment of the entry into force of the convention with regard to the State which has made them if they have been made at the time of signature or deposit of its instrument of ratification, acceptance, approval or accession, or three months after their receipt by the Secretary General of the Council of Europe if they have been made at any later time. These declarations may be withdrawn, in whole or in part, by a notification addressed to the Secretary General of the Council of Europe. Such withdrawals shall take effect three months after the date of receipt of such notification.

CHAPTER II — BASIC PRINCIPLES FOR DATA PROTECTION

Article 4

Duties of the Parties

1. Each Party shall take the necessary measures in its domestic law to give effect to the basic principles for data protection set out in this chapter.

2. These measures shall be taken at the latest at the time of entry into force of this convention in respect of that Party.