



**Ukrainian Parliament Commissioner for human rights;**

**ORDER**

**08.01.2014 No 1/02-14**

**On approval of documents in the field of personal data protection**

To fulfill the requirements of [articles 6, 9, 22, 23, 24 of the law of Ukraine "On personal data protection"](#) **I hereby order:**

to approve the following attachments:

- [Standard procedure for personal data processing;](#)
- [The procedure for the exercise by the Ukrainian Parliament Commissioner for Human Rights of control over observance of the legislation on protection of personal data;](#)
- [The procedure of notification of the Ukrainian Parliament Commissioner for Human Rights about the processing of personal data, which is of particular risk to rights and freedoms of data subjects, about the structural unit or responsible person that organize the work related to the protection of personal data during their processing, as well as the publication of the specified information.](#)

<b>Ukrainian Parliament Commissioner for human rights;</b>	<b>V.V. Lutkovska.</b>
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<b>APPROVED by the Order of the Ukrainian Parliament Commissioner for Human Rights of 08.01.2014 No1/02-14</b>
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**STANDARD PROCEDURE FOR  
PERSONAL DATA PROCESSING**

1. General provisions

1.1. This procedure for processing of personal data (hereinafter the procedure) defines the General requirements to the processing and protection of personal data processed fully or partially with the use of automated means, as well as personal data, contained in file or assigned to the file with non-automated means.

1.2. Controllers and processors of personal data independently determine the order of processing of personal data, taking into account the peculiarities of the processing of personal data in various fields, according to the requirements defined by the [law of Ukraine "On personal data protection"](#) (hereinafter the "Law"), and this procedure.

1.3. The requirements of this Procedure shall be taken into account during the development of codes of conduct regarding processing of personal data by professional, self-government and other public associations or legal entities in accordance with [article 27 of the Law](#).

2. Requirements to personal data processing

2.1. The controller shall determine:

- 1) purpose and reasons of the personal data processing;
- 2) the categories of personal data subjects;
- 3) structure of personal data;
- 4) procedure of personal data processing, namely:
  - the way of collecting, accumulating of personal data;
  - the time limit and conditions of storage of personal data;
  - the conditions and the procedure for the amendment, removal or deletion of the personal data;
  - the conditions and procedure for the transmission of personal data and the list of third parties to whom personal data may be transferred;
  - procedure of access to personal data of persons who carry out processing, as well as personal data subjects;
  - measures to ensure the protection of personal data;
  - the procedure for storage of information on the operations related to the processing of personal data and access to them.

2.2. In cases stipulated by the Law, the controller also determines the duties and rights of the persons responsible for organization of work related to the protection of personal data during their processing.

2.3. Procedure of processing, time limits of processing and structure of personal data should be proportional to the purpose.

2.4. The purpose of the processing of personal data should be clear and legal.

2.5. The purpose of the processing of personal data shall be defined before the start of their collection.

2.6. In case of change of the specified purpose of the processing of personal data for a new purpose that is incompatible with prior one, for further processing of personal data the controller shall, except as defined by law, obtain the consent of the subject of personal data for the processing of the data according to the new purpose.

2.7. The processing of personal data is carried out by the personal data controller only with the consent of the subject of personal data, except for the cases when such consent is not required by the Law.

2.8. Subject's consent to the processing of his/her personal data should be voluntary and informed. The consent may be provided by the subject in written or electronic form, which allows making a conclusion about its provision. Documents (information), confirming the provision of consent for processing of his/her personal data by the subject are stored by the controller during the whole period of such data processing.

2.9. Personal data controller, except for the cases provided by legislation of Ukraine, shall notify the subject of personal data on the structure and content of the collected personal data, his/her rights as defined [by the Law](#), the purpose of personal data collecting and third parties to whom his/her personal data will be transferred:

- at the time of collecting of personal data, if personal data are collected from the subject of the personal data;

- in other cases, within thirty working days from the date of collection of personal data.

The controller shall keep the information (documents) certifying that the applicant was provided with the above information during the whole period of processing of personal data.

2.10. Personal data shall be processed in a form that permits identification of physical persons, which they relate, not longer than it is necessary according to the purpose of their processing. In any case, they shall be processed in a form that permits identification of physical persons, which they relate, not longer than envisaged by the legislation in the field of archives and records management.

2.11. If it is revealed that the information about a person is not true, such information shall be changed or deleted without undue delay.

2.12. The subject of personal data has the right to submit a reasonable claim to the personal data controller prohibiting the processing of their personal data (their part) and/or changing their structure/content. This claim shall be considered by the controller within 10 days from the receipt.

2.13. If the results of the consideration of such claim revealed that the personal data of the subject (part thereof) are processed illegally, the controller stops processing the personal data of the subject (or part thereof) and informs the subject of personal data about it.

If the results of the consideration of such claim revealed that the personal data of the subject (part thereof) is unreliable, the controller stops processing the personal data of the subject (or part thereof) and/or changes their structure/content and informs the subject of personal data about it.

2.14. If the claim cannot be satisfied, the entity is provided with motivated response regarding the absence of the grounds for satisfying.

2.15. The subject of personal data has the right to revoke his/her consent to the processing of personal data without specifying the reasons, if the only reason for processing is the consent of the subject of personal data. From the moment of the revocation of the consent of the controller shall stop processing of personal data.

2.16. Removal and deletion of personal data is carried out in a way that excludes the possibility of further renewal of such personal data.

2.17. The procedure for access to personal data by the subject of personal data and third parties is determined by [Articles 16-17 of the Law](#).

2.18. The controller notifies the subject of personal data about the actions with his/her personal data on the conditions laid down in [Article 21 of the Law](#).

### 3. Personal data protection

3.1. The controller and the processor of personal data shall take measures to ensure the protection of personal data at all stages of processing, including using the organizational and technical measures.

3.2. The controller and the processor of personal data independently define the list and composition of the security measures for processing of personal data, taking into account the requirements of the legislation in the field of personal data protection, information security.

3.3. Protection of personal data provides for measures to prevent their accidental loss or deletion, illegal processing, including unlawful deletion or access to personal data.

#### 3.4. Organizational measures include:

- defining of procedure of access to personal data of employees of the controller/processor;
- defining of record keeping procedures related to the processing of personal data and access to them;
- development of an action plan in case of unauthorized access to personal data, damage of technical equipment, the occurrence of emergency situations;
- regular training for employees who work with personal data.

3.5. The controller/processor keeps records of employees who have access to personal data. The controller/processor determines the level of access of these employees to personal data. Each of these employees has access to those personal data (part thereof), which are needed in connection with the performance of their professional, service or employment duties.

3.6. All other employees of the controller/processor shall have the right to full information only in relation to their own personal data.

3.7. Employees who have access to personal data, give a written undertaking of non-disclosure of personal data which are entrusted to them or which have become known to them in connection with the performance of their professional, service or employment duties.

3.8. Date of granting rights of access to personal data is considered to be the date of giving of the obligation by the relevant employee.

3.9. The date of deprivation of the right of access to personal data is considered to be the date of dismissal of the employee, the date of the transfer to a different position, which is not connected with the processing of personal data.

3.10. In the case of dismissal of an employee who had access to personal data, or his/her transfer to another position that doesn't involve work with personal data, measures shall be taken to prevent access of such persons to personal data, and documents and other media containing personal data, transferred to another employee.

3.11. The controller/processor keeps records of transactions related to the processing of personal data and access to them. With this purpose the controller/processor shall store information about:

- the date, time and channel of collecting of personal data;
- amendment of personal data;
- viewing of personal data;
- any transfer (copy) of personal data;

- date and time of the removal or deletion of personal data;
- the employee who carried out one of the above operations;
- purpose and the reason for amending, viewing, and removal or deletion of personal data.

The controller/processor of personal data independently defines the procedure of storage of information on the operations related to the processing of personal data and access to them. In the case of the processing of personal data by means of an automated system, such system shall automatically record the specified information. This information is stored by the controller/processor within one year after the end of the year, in which the above operations took place, unless otherwise provided by legislation of Ukraine.

3.12 The requirements to keeping record and storage of information about personal data does not apply to controllers/processors who carry out processing of personal data in the registry, which is open to the general public.

3.13. Personal data depending on their storage (paper, electronic media) shall be processed in such a way as to prevent access by unauthorized persons.

3.14. In order to ensure security of processing of personal data, special technical protection measures shall be taken, including prevention of unauthorized access to the personal data processed, and the work of technical and software complex, with the help of which personal data are processed.

3.15. The bodies of state power, local self-government, as well as controllers/processors of personal data, that carry out the processing of personal data, which is subject to notification in accordance with [the Law](#), shall establish a structural unit or a responsible person who organize the work related to the protection of personal data during processing.

3.16. Information about the structural unit or responsible person that organizes the work related to the protection of personal data during processing shall be reported to the Ukrainian Parliament Commissioner for Human Rights according to the Law.

3.17. Responsible person/structural unit shall perform the following tasks:

- inform and advise to the controller or processor of personal data on the observance of the legislation on protection of personal data;
- interacts with the Ukrainian Parliament Commissioner for Human Rights and the designated officials of his/her Apparatus on prevention and elimination of violations of the law on the protection of personal data.

3.18. In order to perform the specified tasks, the responsible person/structural unit shall:

- ensure the implementation of the rights of personal data subjects;
- enjoy access to any data that are processed by the controller/processor and to all the premises of the controller/processor, where processing takes place;
- in case of violations of the legislation on protection of personal data and/or this procedure notify the head of the controller/processor with the aim of taking necessary measures;
- examine the threat to the security of personal data.

3.19. The requests of the responsible person to measures to ensure security of processing of personal data are binding for all employees who carry out processing of personal data.

3.20. Facts of violations of the procedure of processing and protection of personal data shall be documented and recorded by a responsible person or a structural unit that organizes the work related to the protection of personal data during processing.

3.21. Interaction with Ukrainian Parliament Commissioner for Human Rights is carried out in the manner prescribed by the [Law](#) and [the law of Ukraine "On the Ukrainian Parliament Commissioner for Human Rights. "](#)

3.22. Organization of work related to the protection of personal data during processing by those controllers/processors, who do not fall under the requirements of [part two of article 24 of the Law](#), is vested directly upon those persons who carry out processing of personal data or, if necessary, on separate departments or officials.

	<b>APPROVED by the Order of the Ukrainian Parliament Commissioner for Human Rights of</b>
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# **The procedure for the exercise by the Ukrainian Parliament Commissioner for human rights of control over observance of the legislation on protection of personal data;**

## **1. General provisions**

1.1. This document establishes the procedure for the exercise of the Ukrainian Parliament Commissioner for Human Rights (hereinafter the Commissioner) of the control over the compliance with the requirements of the legislation on personal data protection by carrying out inspections of physical persons, physical persons-entrepreneurs, enterprises, institutions and organizations of all forms of ownership, state and local self-government authorities, which are controllers and/or processors of personal data (hereinafter-the subject of the inspection), as well as documentation and consideration of the inspection results.

1.2. In this Procedure, the terms are used in the following meaning:

inspection without visiting - scheduled or unscheduled inspection of activity of the subject of the inspection by the Commissioner and/or authorized by him/her officials, which is conducted in the premises of the Apparatus of the Ukrainian Parliament Commissioner for Human Rights on the basis of documents and explanations, received from the subject of the inspection without visiting the premises of the subject of the inspection and/or the place of personal data processing;

visit inspection - scheduled or unscheduled inspection of activity of the subject of the inspection by the Commissioner and/or authorized by him/her officials, which is held at the premises of the subject of the inspection and/or directly at the place of personal data processing;

scheduled inspection - inspection of the activity of the subject of inspection, which is conducted on the basis of the plan of inspections for the respecting quarter and year;

unscheduled inspection - inspection of the activity of the subject of inspection, which is not envisaged in the plan of inspections.

the Act of the inspection - official document which certifies the fact of carrying out of the inspection of the activity of the subject of the inspection and the state of compliance with the requirements of the legislation on protection of personal data;

compliance notice (requirement) is obligatory for execution within the specified term written requirement of the Commissioner to eliminate violations of the requirements of the legislation on the protection of personal data, which is handed in (sent) to the subject of the inspection.

Other terms in this Procedure are used in the meaning of the [Law of Ukraine "On personal data protection"](#).

## **2. Organization and conduction of inspections**

2.1. Control over the observance of the legislation on protection of personal data by the subjects of inspection is carried out by the Commissioner and/or authorized by him/her officials by conducting inspections: scheduled, unscheduled, visiting and without visiting. Scheduled and unscheduled inspections can be visiting and without visiting.

The object of the inspection is the compliance by the subject of the inspection during personal data processing with the requirements of the [Constitution of Ukraine](#), the law of Ukraine "On personal data protection", the Standard procedure for processing of personal data, as well as applicable international agreements of Ukraine in the field of personal data protection, ratified by the Verkhovna Rada of Ukraine.

2.2 Visit inspection is conducted by the Commissioner and/or such officials (hereinafter authorized officials) on the basis of a personal Power of Attorney:

- Head of Apparatus and his/her Deputy;
- Representatives of the Commissioner;
- the heads of the structural units of the Apparatus and their deputies;
- the staff of the Apparatus of the Commissioner.

Power of Attorney is issued in writing for the time period defined in it.

2.3. Representatives of state authorities, including the public administration bodies, executive bodies and law enforcement agencies may also participate in the inspection in accordance with the legislation. In case of

participation of the mentioned persons they give a written undertaking of non-disclosure of personal data which may become known to them in the result of inspection.

2.4. Visit inspections are carried out during working hours of the subject of the inspection, set in the rules of the internal labour schedule.

2.5. During the inspection the Commissioner, the authorized officer and the subject of inspection have the rights and obligations provided for in [section 6](#) of this Procedure.

2.6. The subject of inspection is obliged to provide access to the premises, materials and documents necessary for inspection conducting, provide information and give explanations on the actual and legal grounds of its actions and decisions, and to ensure proper conditions for the verification of this information.

2.7. Inspection without visiting is carried out in accordance items 3.1-3.6 of section 3 of the Procedure for the proceedings of the Ukrainian Parliament Commissioner for Human Rights, taking into account the provisions of this Procedure by the Commissioner and/or authorized officials.

### **3. Conducting of the scheduled inspection**

3.1. Scheduled inspections are carried out in accordance with annual or quarterly plans that are approved by the Commissioner before December 1of the year preceding the year concerned, or before the 25th day of last month of the quarter preceding the concerned quarter.

3.2. The plan shall include the category of subjects of inspections. The Plan for inspections after its approval is published on the official web site of the Commissioner.

3.3. The scheduled inspections of the subject of inspection for compliance with legislation on personal data protection are carried out with intervals of not more than once a year.

3.4. Date, from which the period for determining the start of the next scheduled inspection is counted, is the end date of the previous scheduled inspection.

### **4. Conducting of the unscheduled inspection**

4.1. The unscheduled inspections of the subjects can be conducted if one or more reasons/causes are at place, including:

on the initiative of the Commissioner;

when violations of the requirements of the legislation on personal data protection are detected directly by the Commissioner, including in the result of the study of systematic problems in ensuring the right to privacy, respect for private and family life;

there is information about violations of the legislation on protection of personal data in mass media, internet publications;

reasonable applications from natural and legal persons with a message about the violation by a physical person, physical person – entrepreneur, enterprise, institution and organization any form of ownership, a body of state or local self-government authority, who are controllers and/or processors of personal data of the requirements of the legislation on protection of personal data;

unreliability of the information (data), provided by the subject of inspection in response to a written request of the Commissioner for conduction of the inspection without visiting, and/or if such information (data) do not allow assessment of the performance of the subject of the inspection of the requirements of the legislation on protection of personal data;

control over the fulfillment by the subjects of the inspection of compliance notices to eliminate violations of the requirements of the legislation on personal data protection, issued in the results of the inspections.

### **5. Documentation of the inspection results**

5.1. On the results of the scheduled or unscheduled inspection, the Commissioner and/or authorized official shall draw the [Act of compliance with the legislation on protection of personal data](#) (hereinafter the Act) in two copies according to the form specified in Annex 1 to this Procedure.

5.2. The Act shall contain the following information:

the date, time and place of the issue;

position, surname and initials of the people who carried out the inspection;

position, surname and initials of the head (of the person, authorized by him/her) or the surname and initials of the physical person who is the subject of the inspection;

type of inspection (scheduled, unscheduled, visit, without visiting);

for the subject of inspection -state and local self-government authority: name, location;

for the subject of inspection-legal entity: name, location;



for the subject of inspection-physical person and/or physical person-entrepreneur: surname, name and patronymic name, place of residence;  
information about the date, start and end time of the inspection, its total duration;  
facts (circumstances), which were discovered in the result of the inspection;  
conclusion about the results of the inspection.

When drafting the Act, the identified facts and data shall be described objectively and comprehensively.

5.3. The Act should contain one of the following conclusions:

about the absence of violations of the requirements of the legislation on protection of personal data in the activity of the subject of inspection;

about detected violations of the legislation on protection of personal data in the activity of the subject of inspection, their detailed description with reference to the norms of the current legislation, which were violated.

It is prohibited to put into the Act of inspection information about the violations, which is not confirmed by documents.

5.4. All facts of failure (improper performance) by the subject of inspection to comply with requirements of the legislation on protection of personal data, detected during inspection, are entered to the Act.

5.5. If the subject of inspection fails to provide documents, necessary for carrying out of the inspection, in the Act shall have a record about it stating the reasons.

5.6. Visit inspection

5.6.1. According to the results of the visit inspection an Act is drawn up in two copies, signed by the Commissioner or by an authorized official(s), who carried out the inspection, and the head of the subject of inspection or a person authorized by him.

5.6.2. If the subject of inspection does not agree with the Act, he signs it with comments. Comments of the subject of inspection on the control over observance of the legislation on protection of personal data, performed by the authorized officials, are an integral part of the Act. The last page of all the copies of the Act shall have an inscription: "Comments".

In case of refusal of the head of the subject of inspection or authorized persons to sign the Act, the authorized officer shall make a corresponding record to the Act.

5.6.3. The first copy of the Act is given to the Head of the subject of inspection or a person, authorized by him(her), who shall sign the second copy of the Act, which is kept at the Apparatus of the Commissioner.

In the event of refusal of the head of the subject of inspection or the authorized person to receive the second copy of the Act, it shall be sent to the subject of inspection within 5 working days by a registered letter with notification of receipt.

The copy of the Act is kept at the Apparatus of the Commissioner together with materials of inspection - copies of documents, extracts from documents, duly certified by the subject of inspection, explanations, protocols and other documents.

5.7. Inspection without visiting

5.7.1. According to the results of the inspection without visiting an Act is drawn up in two copies, signed by the Commissioner and/or authorized official person (persons), who carried out the inspection. The first copy is sent to the subject of inspection, and the second copy is kept at the Apparatus of the Commissioner.

5.7.2. The copy of the Act is kept at the Apparatus of the Commissioner together with materials of inspection - copies of documents, extracts from documents, duly certified by the subject of inspection, explanations, protocols and other documents.

5.8. Any corrections and amendments of the Act of inspection after it was signed, are not allowed. The subject of inspection shall be notified in writing of any clerical errors, discovered after signing of the Act of inspection,

5.9. Any information that became known to the Commissioner and/or an authorized official(s) during the inspection, is not subject to disclosure.

5.10. Basing on the Act of inspection, during which violations of the legislation on protection of personal data were revealed, a [compliance notice about elimination of violations of the legislation in the field of protection of personal data, detected during the inspection](#), is drawn up in accordance with the Annex 2 to this Procedure (hereinafter the Compliance notice).

5.11. The compliance notice shall have:

the number, date and place of issue of the compliance notice;  
for the subject of inspection -state and local self-government authority: name, location;  
for the subject of inspection-legal entity: name, location, surname, name and patronymic name of the head of the legal entity;  
for the subject of inspection-physical person and/or physical person-entrepreneur: surname, name and patronymic name, place of residence;  
reason for issuing the compliance notice;  
the measures needed to eliminate violations, discovered during the inspection;  
the time limits of fulfillment of the compliance notice;  
the deadline for the subject of the inspection to inform the Commissioner about elimination of the discovered violations;  
signature of the authorized official (s) who conducted the inspection.

5.12. The compliance notice is drawn up in two copies: the first copy is sent to the subject of inspection or the person, authorized by him, not later than 5 working days from the day of the Act by registered mail with notification of receipt, the second copy remains at the Apparatus of the Commissioner.

A copy of the compliance notice, which remains at the Apparatus of the Commissioner, shall have the appropriate reference number and the date of sending.

5.13. The subject of the inspection shall take measures to eliminate the violations listed in the compliance notice within the period (not less than 30 calendar days), specified in the compliance notice, and inform in writing the Commissioner about elimination of violations along with copies of the documents confirming it.

5.14. Control over timely and full fulfillment of the requirements specified in the compliance notice, is carried out by studying the given copies of the documents and, if necessary, by holding unscheduled inspection.

5.15. In the event of failure to fulfill the compliance notice within the term, specified in it, the Commissioner or the authorized official makes a protocol on administrative offense, foreseen by [the Article 188<sup>40</sup> of the Code of administrative offences of Ukraine](#) (hereinafter the Code) in the form and according to the procedure, foreseen by the legislation and the Procedure of registration of materials on administrative offenses.

5.16. If during inspection an administrative offense under the [Article 188<sup>39</sup>](#) or article 188<sup>40</sup> of the Code, committed by the subject of inspection, is discovered, the Commissioner or the authorized official shall draw up a protocol on administrative offence, provided for by the item 1 of [article 255 of the Code](#) in the form and according to the procedure, foreseen by the legislation and the order of registration of the materials on administrative offences.

5.17. If during the inspection signs of criminal offence are discovered, the Commissioner directs the necessary materials to the law enforcement agencies.

## **6. The rights and obligations of the authorized official and officials of the subject of inspection**

6.1. The Authorized official during the inspection has the right:

6.1.1. To enter the object of inspection with service identity card and have unimpeded access to information storage, including computers, magnetic storage media, etc.

6.1.2. To get on his/her request and have access to any information (documents) of the controllers or processors of personal data that are necessary for the exercise of control over the provision of personal data protection, including access to personal data, relevant databases or files, information with restricted access.

In the case the document exists only in electronic form, provided that the given document is created by the subject of the inspection, it is obliged to provide a paper copy with visual form of the document, certified according to the procedure established by legislation. In case of impossibility to provide the paper copy with the visual form of the document, a review of the electronic document is conducted, about which an [Act of review of the electronic document](#) is drawn up in accordance with Annex 3 to this Procedure.

6.1.3. To get copies of documents, certified according to the established by legislation procedure.

6.1.4. To demand within its competence from the head and/or officials of the subject of inspection to provide signed written explanations.

6.1.5. To contact the Prosecutor's Office and other law enforcement agencies in connection with the implementation of its powers and in accordance with the law.



6.1.6. To draw up and sign compliance notices for the prevention or elimination of violations of the law on the protection of personal data.

6.1.7. To draw up and sign protocols on bringing to administrative responsibility for the detected violations of the legislation on protection of personal data;

6.1.8. To involve persons present during detection of offenses to drawing up of protocols.

6.2. An authorized official when carrying out inspections shall:

6.2.1. Carry out the inspection fully, objectively and impartially within its powers;

6.2.2. Inform the Head of the subject of the inspection or the person authorized by him/her about his/her duties and powers, the reason and purpose of the inspection, the rights and duties of the head and officials of the subject of inspection;

6.2.3. Inform the head of the subject of inspection or the person authorized by him/her of the results of the inspection and/or protocol on administrative offenses;

6.2.4. Determine the list of the documents, necessary for the inspection, and terms of their provision;

6.2.5. Properly document the results of the inspections;

6.2.6. Comply strictly with the requirements to the protocols on administrative offenses, specified in the Procedure of documenting materials on administrative offenses.

6.3. Officials of the subject of the inspection, including the head or the authorized person, during the inspection have the right:

6.3.1. To check the availability of the official identity card of the authorized official (s) and reason for the inspection;

6.3.2. To be present during the inspection;

6.3.3. To receive and get acquainted with the results of the inspection, with the Act and/or Protocol on administrative offenses;

6.3.4. To provide in writing their explanations and comments on the Act and/or the Protocol on administrative offenses;

6.3.5. To appeal against misconduct of an authorized official (s) according to the established procedure.

6.4. Officials of the subject of the inspection, including the head or the authorized person, during the inspection shall:

6.4.1. Allow the authorized official (s) to the object and provide access to documents and other materials required for inspection;

6.4.2. To provide the necessary documents, and other information, signed written explanations, and copies of documents, certified in accordance with the legislation, needed for the inspection;

6.4.3. Comply with the requirements of the authorized officer (s) on compliance with the requirements of the legislation on protection of personal data.

	Annex 1
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**The ACT of**  
**compliance with the legislation on personal data protection**

	Annex 2
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**The COMPLIANCE NOTICE**  
**on elimination of violations of the legislation on protection of personal data, discovered during the inspection**

	Annex 3
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**The ACT of**  
**review of the electronic document**

	<b>APPROVED by the Order of the Ukrainian Parliament Commissioner for Human Rights of 08.01.2014 No1/02-14</b>
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**The procedure  
of notification of the Ukrainian Parliament Commissioner for  
Human Rights about the processing of personal data, which is of  
particular risk to rights and freedoms of data subjects, about the  
structural unit or responsible person that organize the work  
related to the protection of personal data during their  
processing, as well as the publication of the specified  
information.**

**1. General provisions**

1.1. This document establishes the procedure and approves the form of notification of the Ukrainian Parliament Commissioner for Human Rights about the processing of personal data, which is of particular risk to rights and freedoms of data subjects, about the structural unit or responsible person that organize the work related to the protection of personal data during their processing, as well as the publication of the specified information on the official web site of the Commissioner.

1.2. For the purposes of this Procedure, the processing of personal data, which is of particular risk to rights and freedoms of the subjects shall be any action or set of actions, namely, the collection, registration, accumulation, storage, adaptation, modification, restoration, use and distribution (dissemination, sale, transfer), depersonalization, deletion, including using information (automated) systems, which is carried out in relation to personal data on:

- racial, ethnic and national origin;
- political, religious or philosophical beliefs;
- membership in political parties and/or organizations, unions, religious organizations, or public organizations of ideological orientation;
- health status;
- sex life;
- biometric data;
- genetic data;
- bringing to administrative or criminal liability;
- application of pre-trial investigation measures to a person;
- taking of the measures [stipulated by the Law of Ukraine «On operative-search activity](#) regarding a person;
- commission of any form of violence regarding a person;
- location and/or movement track.

Other terms in this order are used in the meaning of the [Law of Ukraine "On personal data protection"](#) (hereinafter the "Law").

**2. The procedure and form of notification of the Ukrainian Parliament Commissioner for Human Rights about the processing of personal data, which is of particular risk to rights and freedoms of data subjects**

2.1. The controller of personal data shall notify the Commissioner about any kind of processing of personal data that are of particular risk to rights and freedoms of data subjects, except if:

2.1.1. processing is done with the sole purpose of keeping registry for the provision of information to public, which is open to the general public;

2.1.2. processing is carried out by public associations, political parties and/or professional organizations, unions, employers' associations, religious organizations, non-governmental organizations of ideological orientation on condition that the processing relates solely to the personal data of the members of these associations and they are not transferred without their consent;

2.1.3. the processing is necessary for the realization of the rights and performance of duties of the controller of personal data in the sphere of labour relations in accordance with the law.

2.2. For the purpose of notification of the Commissioner the controller of personal data submits to the Apparatus of the Commissioner the completed [application form](#), provided in Annex 1, within the terms established by the Law. Each page of the application shall have a number, a seal (if available) and the signature of the authorized person.

2.3. The controller of personal data shall notify the Commissioner with a letter addressed to the Apparatus of the Commissioner: Instytutska, 21/8; 01008, Kyiv, or in other convenient to the applicant way (by fax, email, through special mailbox, located on the 1st floor of the Apparatus of the Commissioner). In case of sending statements by e-mail, the statement shall be scanned.

2.4. The statement shall contain information about:

2.4.1. The controller of personal data:

-Full name, registration number of taxpayer's registration card, passport data, place of residence for physical persons;

-name, Code in the Unified state register of enterprises and organizations, address and/or location for the legal entity.

2.4.2. The processor of personal data:

-Full name, registration number of taxpayer's registration card, passport data, place of residence for physical persons;

-name, Code in the Unified state register of enterprises and organizations, address and/or location for the legal entity.

2.4.3. The processing of personal data specified in [item 1.2.](#):

-personal data processed;

-the purpose of the processing of personal data (with reference to the normative-legal acts, regulations, constituent or other documents that govern the activities of the controller of personal data);

-the category or categories of subjects whose personal data are processed;

-third parties to which personal data are transferred;

-transborder transfer of personal data;

-place (the actual address) of processing of personal data;

- general description of the technical and organizational measures implemented by the controller of personal data, to ensure their protection.

2.5. Applicants shall keep a copy of the statement that was submitted to the Apparatus of the Commissioner.

2.6. The Commissioner in the order of receipt of statements, except in the situations specified in item 2.9., publishes the information specified in item 2.4 on the official Web-site in a separate section "Notification on the processing of personal data, which is of particular risk to rights and freedoms of data subjects".

2.7. The statements, obtained by the Commissioner, are stored in the archive/electronic archive of the Apparatus of the Commissioner according to the procedure and within the periods established by law.

2.8. The statement is considered as not submitted and will not be accepted if:

-the application form of the statement does not correspond to that in Annex 1;

-the statement contains false and incomplete information;

- the information presented in the statement, does not contain the facts that the controller of personal data carries out processing of personal data, which is of particular risk to rights and freedoms of data subjects.

2.9. Information about the controller of personal data, who sent the statement specified in item 2.8. of the Procedure, with an indication of the relevant reason, are published on the official Web site of the Commissioner in a separate section "Statements not taken into consideration".

2.10. The statements, mentioned in item 2.8. of the Procedure are documented as separate cases with inscription "Statements, not taken into consideration", and are stored for six months with the subsequent deletion according to the procedure, established by the legislation of Ukraine.

### **3. The procedure and form of notification of the Ukrainian Parliament Commissioner for Human Rights about the amendment of information in the course of processing of personal data, which is of particular risk to rights and freedoms of data subjects**

3.1. The Controller of personal data, who notified the Commissioner of personal data processing, which is a special risk to the rights and freedoms of data subjects, in accordance [items 2.1-2.5.](#) of this Procedure, shall notify the Commissioner about each amendment of information, specified in [item 2.4.](#)

3.2. For this purpose, the controller of personal data submits to the Apparatus of the Commissioner the completed application form of the [statement](#), provided in Annex 2, within the terms established by [the Law](#), according to the rules, specified in [items 2.2-2.3](#) of this Procedure.

3.3. The Commissioner in the order of receipt of statements, provided for in item 3.2. of the Procedure, publishes the information specified in the statement on the official Web-site in the section "Notification on the processing of personal data, which is of particular risk to rights and freedoms of data subjects".

3.4. Statements, received by the Commissioner, are stored in the archives of the Apparatus of the Commissioner according to the procedure and within the periods established by law.

3.5. The statement is considered as not submitted and will not be accepted for consideration if:

-the application form of the statement does not correspond to that in Annex 2;

-the statement contains false and incomplete information;

3.6. Applicants shall keep a copy of the statement that was submitted to the Apparatus of the Commissioner.

3.7. Information about the controller of personal data, who sent the statement specified in item 3.5. of the Procedure, with an indication of the relevant reason, are published on the official Web site of the Commissioner in a separate section "Statements not taken into consideration".

3.8. Statements, defined in item 3.5., are documented as separate cases with inscription "Statements, not taken into consideration", and are stored for six months with the subsequent deletion according to the procedure, established by the legislation of Ukraine.

### **2. The procedure and form of notification of the Ukrainian Parliament Commissioner for Human Rights about the termination of processing of personal data, which is of particular risk to rights and freedoms of data subjects**

4.1. The Controller of personal data, who notified the Commissioner of personal data processing, which is of special risk to the rights and freedoms of data subjects, in accordance [items 2.1-2.5.](#) of this Procedure, shall notify the Commissioner about termination of such personal data processing.

4.2. For this purpose, personal data controller submits to the Apparatus of the Commissioner within 10 days from the date of termination of the processing the completed application form of the [statement](#), provided in Annex 3, according to the rules, provided for in [items 2.2 and 2.3.](#) of this Procedure.

4.3. The Commissioner in the order of receipt of the statements, specified in item 4.2. of the Procedure, publishes information about the termination by the Controller of processing of personal data, which is of particular risk to rights and freedoms of data subjects, on the official web site in particular the section "Notification on the processing of personal data, which is of particular risk to rights and freedoms of data subjects".

4.4. Statements, received by the Commissioner, are stored in the archives of the Apparatus of the Commissioner according to the procedure and within the periods established by law.

### **5. Notification about the structural unit or responsible person that organize the work related to protection of personal data during their processing, and disclosure of such information**

5.1. State, local self-government authorities, as well as controllers or processors of personal data, the processing of personal data, information about which shall be notified to the Commissioner in accordance with this Procedure, shall notify the Commissioner about the creation of a structural unit or appointing a responsible person that organize the work related to the protection of personal data during their processing (hereinafter- the structural unit or the responsible person).

5.2. For this purpose, the subjects listed in item 5.1. of the Procedure, shall submit to the Apparatus of the Commissioner within 30 days from the date of creation of the structural unit or appointment of the responsible person the completed application of the statement, provided in Annex 4, according to the rules, specified in items 2.2 and 2.3. of this Procedure.

5.3. The Commissioner in the order of receipt of statements, specified in item 5.2. of the Procedure, publishes the information on the official web site in a separate section "Information on the structural unit or responsible person that organize the work related to the protection of personal data during processing".

5.4. In the case of sending by the Controller of notice about termination of personal data processing, which is of particular risk to rights and freedoms of the subjects the personal data, specified in item 5.3., the information will be deleted from the official web site of the Commissioner.

	Annex 1
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**Statement on  
personal data processing, which is of particular risk to the rights and freedoms of data subjects**

	Annex 2
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**Statement on  
the amendment of information concerning the processing of personal data, which is of particular risk to rights and freedoms of data subjects**

	Annex 3
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**Statement on  
termination of the processing of personal data, which is of particular risk to rights and freedoms of data subjects**

	Annex 4
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**Statement  
on the structural unit or the responsible person that organize the work related to the protection of personal data during processing**



The ACT  
of inspection of compliance with the legislation on personal data protection

« \_\_\_ » \_\_\_\_\_ 20\_\_ \_\_\_\_\_  
(the time of the drafting of the Act) (place of the drafting of the Act)

Me/we, \_\_\_\_\_,  
(position, full name, who carried out the inspection)

together with \_\_\_\_\_  
-----  
-----  
(position, full name)

present  
\_\_\_\_\_  
(position, full name of the head (the authorized person) of a legal entity, or full name of a physical person, in respect of which the inspection was conducted)

made  
\_\_\_\_\_  
(scheduled, unscheduled, visit, without visiting)

the inspection of compliance with the legislation on protection of personal data  
-----  
-----  
(name, location of the legal entity, or full name, place of residence of the physical person, in respect of which the inspection was conducted)

Inspection started: \_\_\_\_\_, 20 \_\_, at \_\_\_ h. \_\_\_ minutes;

Inspection completed: \_\_\_\_\_, 20 \_\_, at \_\_\_ h. \_\_\_ minutes;

Total duration of the inspection: \_\_\_ days (\_\_\_ hours \_\_\_ mins.)

The results of the inspection are:

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Conclusion:

(information about the results of the inspection, including the detected violations of the legislation on protection of personal data)

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Comments of the legal or physical person, in respect of which the inspection was conducted (if any)

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The inspection was conducted/held by:

_____	____	_____
(position)	----- (signature)	----- (surname and initials)
_____	____	_____
(position)	----- (signature)	----- (surname and initials)
_____	____	_____
(position)	----- (signature)	----- (surname and initials)

The Act of inspection is drawn up in two copies:

The first copy is -----  
-----



Annex 2

The COMPLIANCE NOTICE No \_\_\_\_\_  
on elimination of violations of the legislation on protection of personal data, discovered  
during the inspection

-----  
----- (date of compliance notice)

-----  
----- (the place of compliance notice)

Issued

-----  
----- the name of a legal entity, its location, surname, name and  
patronymic of the head entity/surname, name and patronymic, place of residence of the physical person, in  
respect of which the inspection was conducted)  
-----  
-----  
-----  
-----

In accordance with the Act of inspection of compliance with the legislation on personal data  
protection, which was held

-----  
----- (date, place of inspection)

the violations of \_\_\_\_\_  
-----  
-----  
----- were discovered.  
-----  
----- (legislative norms which were violated)

I hereby oblige: \_\_\_\_\_  
-----  
-----

----- (measures to eliminate violations  
detected during the inspection, indicating the period of execution of the compliance notice)

-----  
-----  
-----  
-----

A legal entity or physical person who has received the compliance notice, shall send the written information on the implementation of the compliance notice to the Ukrainian Parliament Commissioner for Human Rights

This compliance notice shall be subject to compulsory execution in due time.

The term for informing about elimination of violations of the -----

The compliance notice is drawn up in two copies:

The first copy is -----  
-----

The second copy is -----  
-----

Authorized official

-----  
----- (signature)

\_\_\_\_\_  
(full name)



The act of review of the electronic document

-----  
-----  
\_\_\_\_ (name of legal entity, identification code, surname, name and patronymic of the physical person)

-----  
-----  
\_\_\_\_ (location/residence)

-----  
-----, 20 -----

On the basis of power of Attorney issued by the ----- # \_\_\_\_ from  
-----, 20 \_\_\_\_  
(position, name, issued)

1. \_\_\_\_\_  
(position, full name)

2. \_\_\_\_\_  
(position, full name)

during the inspection reviewed the electronic document on the screen of the monitor.

During the review of the electronic document the following was discovered:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
(position)  
\_\_\_\_\_

\_\_\_\_\_  
----- (signature)  
\_\_\_\_

-----  
-----  
(surname, name, patronymic name)  
-----

(position)

----- (signature)

-----  
(surname, name, patronymic name)



Page

Total pages












**9. Place (actual address) of personal data processing:**


Seal \_\_\_\_\_  
signature/full name, position/

Page  Total pages

**Annex 2**

**Statement on the amendment of information concerning the processing of personal data, which is of particular risk to rights and freedoms of data subjects\***

**\* The statement shall be filled in block letters**

**\*\*\* Section 1 and actual information is filled only those sections, which are amended**

**1. Name/full name of personal data processor**

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**Code in the Unified state register of enterprises and organizations /registration number of the taxpayer's card**

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**The number and series of passport**

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**The authority which issued the passport, and the date of issue**

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**Location (for legal entities)/place of residence (for physical persons):**

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**2. Personal data processed:**

<input type="checkbox"/> racial origin	<input type="checkbox"/> ethnic origin	<input type="checkbox"/> national origin	
<input type="checkbox"/> political beliefs	<input type="checkbox"/> religious beliefs	<input type="checkbox"/> philosophical beliefs	
<input type="checkbox"/> membership in political parties and/or organizations	<input type="checkbox"/> membership in trade unions	<input type="checkbox"/> membership in religious organizations	<input type="checkbox"/> membership in public organizations of ideological orientation
<input type="checkbox"/> health conditions	<input type="checkbox"/> sex life	<input type="checkbox"/> biometric data	<input type="checkbox"/> genetic data
<input type="checkbox"/> bringing to administrative responsibility	<input type="checkbox"/> bringing to criminal responsibility	<input type="checkbox"/> application of pre-trial investigation measures to a person;	<input type="checkbox"/> taking of the measures stipulated by the Law of Ukraine "On operative-search activity" regarding a person;
<input type="checkbox"/> commission of any form of violence regarding a person;	<input type="checkbox"/> location and/or movement track of a person		

Seal \_\_\_\_\_

signature/full name, position/

Page

Total pages








Seal \_\_\_\_\_  
signature/full name, position/

Page  Total pages





Seal

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signature/full name, position/

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