

Personal Data Protection Act

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Text in Bulgarian: Закон за защита на личните данни

Chapter One

GENERAL PROVISIONS

Article 1

(Amended, SG No. 103/2005)

(1) This Act shall regulate the protection of rights of individuals with regard to the processing of their personal data.

(2) The purpose of this Act is to guarantee the inviolability of personality and privacy by ensuring protection of individuals in case of unauthorised processing of personal data relating to them, in the process of free movement of data.

(3) (New, SG No. 91/2006) This Act shall apply to the processing of personal data by:

1. automated means;

2. non-automated means where the data form or are intended to form a part of a register.

(4) (Previous Paragraph 3, amended, SG No. 91/2006) This Act shall apply to the processing of personal data where the personal data administrator:

1. (amended, SG No. 91/2006) is established on the territory of the Republic of Bulgaria;

2. (amended, SG No. 91/2006) is not established on the territory of the Republic of Bulgaria but bound to apply this Act by virtue of international public law;

3. (effective at date of the Treaty of Accession of the Republic of Bulgaria to the European Union, amended, SG No. 91/2006,) is not established on the territory of an European Union Member State, nor in another member country of the European Economic Area but, for the purposes of such processing, making use of means located on the territory of the Republic of Bulgaria, unless such means are being used exclusively for transit purposes; in such a case the administrator must designate a representative having an establishment on the territory of the Republic of Bulgaria, this, however, shall not render it harmless.

(5) (Renumbered from Paragraph 4, amended, SG No. 91/2006, SG No. 81/2011) Insofar as no special law provides otherwise, this Act shall also apply to the processing of personal data for the purposes of:

1. the defence of the country;

2. national security;

3. public order maintenance and combating crime;

4. criminal justice;

5. execution of criminal penalties.

(6) (New, SG No. 81/2011) Where in the framework of police or judicial cooperation data referred to in Items 3, 4 and 5 of

Article 5 are received by or made available to a European Union Member State, or authorities or information systems established on the basis of the Treaty on the European Union or the Treaty on the Functioning of the European Union, these data shall be processed in accordance with the condition and under the procedure of this Act.

(7) (New, SG No. 81/2011) The data processing under Paragraph 5 shall be monitored by the relevant state authority.

(8) (Renumbered from Paragraph 5, SG No. 91/2006, renumbered from Paragraph 6, SG No. 81/2011) The terms and procedure for processing uniform civil registry personal identification numbers and other identification numbers of general application shall be governed by special laws.

(9) (Renumbered from Paragraph 6, SG No. 91/2006, supplemented, SG No. 57/2007, renumbered from Paragraph 7, SG No. 81/2011) This Act shall not apply to the processing of personal data by individuals for their personal or household activity as well as for the information preserved in the National Archive Stock.

Article 2

(Supplemented, SG No. 70/10.08.2004, amended, SG No. 103/2005)

(1) (Amended, SG No. 91/2006) "Personal data" shall refer to any information relating to an individual who is identified or identifiable, directly or indirectly, by reference to an identification number or to one or more specific features.

(2) Personal data must be:

1. processed in legal compliance and in a bona fide manner;

2. (supplemented, SG No. 81/2011) captured for specific, precisely defined and legal purposes and not be submitted to additional processing in a manner incompatible with such purposes; additional processing of personal data for historical, statistical or research purposes shall be allowable provided the administrator has ensured proper protection guaranteeing that such data are not being processed for any other purposes, except in the cases explicitly provided for in this Act;

3. (amended, SG No. 91/2006) adequate, relevant and not excessive to the purposes for which they are being processed;

4. accurate, and updated as needed;

5. destroyed or adjusted when found to be imprecise or disproportional to the purposes for which they are being processed;

6. maintained in a form that enables identification of the respective individuals for a period not to exceed the time necessary for the purposes for which such data are being processed; personal data which are to be retained for a longer period of time for historical, statistical or research purposes shall be stored in a format precluding the identification of individuals.

(3) (New, SG No. 81/2011) Personal data, obtained under Paragraph (6) of Article 1, can be further processed for another purpose, different from the purpose they have been collected for, where the following conditions exist simultaneously:

1. the processing is compatible with the purpose the data have been collected for;

2. there are grounds, envisaged in law, for processing the data for this other purpose;

3. the processing complies with the requirements set out in Paragraph (2).

(4) (New, SG No. 81/2011) An administrator who has received data under Paragraph (6) of Article 1 shall inform the individual to whom such data relate of the additional processing referred to in Paragraph (3), except in the cases under Paragraph (2) of Article 36e or where otherwise provided by a special law.

Article 3

(1) (Amended, SG No. 103/2005, SG No. 91/2006) Personal data administrator, hereinafter referred to as "administrator", shall refer to any natural or legal person, or a central or local government authority which determines, by itself or jointly with another person, the purpose and means of personal data processing.

(2) (New, SG No. 103/2005, amended, SG No. 91/2006) "Administrator" shall also refer to any natural or legal person, or a central or local government authority which processes personal data, the type, purpose and means of which are regulated by

law. In this case the administrator or the specific criteria for the appointment thereof are to be specified in a bylaw.

(3) (Repealed, renumbered from Paragraph (2), SG No. 103/2005) The personal data administrator shall process personal data on its own or through assignment to a data processor.

(4) (New, SG No. 103/2005) The administrator shall ensure compliance with the requirements laid out in Article 2 paragraph (2).

Article 4

(Amended, SG No. 103/2005)

(1) Personal data may be processed only provided at least one of the following conditions is met:

1. processing is necessary in order to comply with an obligation imposed on the personal data administrator by a piece of legislation;
2. the individual to whom such data relate has given his or her explicit consent;
3. (amended, SG No. 91/2006) processing is necessary for the fulfilment of obligations under a contract to which the individual to whom such data relate is party, as well as for any activities initiated by the same individual prior to the conclusion of such a contract;
4. processing is necessary in order to protect the life and health of the individual to whom such data relate;
5. processing is necessary for the performance of a task carried out in the public interest;
6. processing is necessary for the exercise of an official authority vested by law in the administrator or in a third party to whom the data are disclosed;
7. processing is necessary for the realisation of the legitimate interests of the personal data administrator or a third party to whom the data are disclosed, except where such interests are overridden by the interests of the individual to whom such data relate.

(2) Personal data processing shall be allowable also in cases when performed exclusively for the purposes of journalism, literary or artistic expression to the extent to which such processing does not violate the right to privacy of the person to whom the data relate. In such cases, the provisions of Chapter Three shall not apply.

Article 5

(Amended, SG No. 103/2005)

(1) It shall be forbidden to process personal data which:

1. reveal racial or ethnic origin;
2. reveal political, religious or philosophical convictions, membership in political parties or organisations, associations having religious, philosophical, political or trade-union goals;
3. refer to health, sex life or human genome.

(2) Paragraph (1) shall not apply where:

1. processing is necessary for the purposes of carrying out specific rights and obligations of the administrator in the field of labour law;
2. (supplemented, SG No. 91/2006) the individual to whom such data relate has expressly given his or her consent to the processing of such data, except where otherwise provided by a special law;
3. processing is necessary to protect the life and health of the individual to whom such data relate, or of another person, and the physical condition of such individual render him incapable of giving his or her consent, or there are legal impediments to doing so;

4. processing is carried out by a non-profit organisation, including such with a political, philosophical, religious or trade-union goal, in the course of its legitimate activities and with appropriate protection, on condition that:

(a) the processing relates exclusively to the members of such organisation or to persons who have regular contact with it in connection with its goals;

(b) the data are not disclosed to a third party without the consent of the individual to whom such data relates;

5. the processing relates to data which have been made public by the individual to whom such data relate, or it is necessary for the establishment, exercise or defence of legal claims;

6. processing of the data is required for the purposes of preventive medicine, medical diagnostics, the provision or management of health-care services provided that such data are processed by a medical professional who is bound by law to professional secrecy, or by another person under a similar obligation of secrecy;

7. processing is performed exclusively for the purposes of journalism, literary or artistic expression to the extent to which it does not violate the right to privacy of the person to whom such data relate.

Chapter Two

COMMISSION FOR PERSONAL DATA PROTECTION

Article 6

(1) The Commission for Personal Data Protection, hereinafter referred to as "the Commission", is an independent government body ensuring the protection of individuals in the processing of their personal data and in the access thereof, as well as the monitoring of the observance of this Act.

(2) (New, SG No. 94/2010) The Commission shall further the implementation of the state policy in the field of personal data protection.

(3) (Supplemented, SG No. 91/2006, effective 1.01.2007, renumbered from Paragraph 2, SG No. 94/2010, amended, SG No. 15/2013, effective 1.01.2014) The Commission is a budget-supported legal entity its head office in Sofia and is a budget authoriser by delegation.

Article 7

(1) The Commission is a college body, consisting of a chairperson and four members.

(2) (Amended, SG No. 91/2006) The members of the Commission and its chairperson shall be elected by the National Assembly at the proposal of the Council of Ministers for a five-year term and they may seek re-election for another term of office.

(3) The chairperson and the members of the Commission shall work on the basis of employment contracts.

(4) (New, SG No. 91/2006) The members of the Commission shall be entitled to a basic monthly remuneration equal to 2.5 average monthly wages of the employees and civil servants in the public sector according to the data provided by the National Statistical Institute. The basic monthly remuneration shall be recalculated every quarter taking into account the average monthly wage for the last month of the preceding quarter

(5) (New, SG No. 91/2006) The chairperson of the Commission shall be entitled to a monthly remuneration of 30 per cent over the basic monthly remuneration under Paragraph 4.

(6) (Amended, SG No. 103/2005, renumbered from Paragraph 4, SG No. 91/2006) The Commission shall submit an annual report on its activities to the National Assembly before the 31st day of January every year.

Article 8

(1) Eligible members of the Commission may be Bulgarian citizens who:

1. hold university degree in information science or law or master's degree in information technologies;

2. have at least ten years of service in their subject;
3. (supplemented, SG No. 103/2005) have not been convicted to imprisonment for a wilful indictable offence regardless of whether rehabilitated.

(2) Members of the Commission may not:

1. (amended, SG No. 103/2005) be persons who are sole proprietors, managers/procurators or members of management or supervisory bodies of commercial undertakings, cooperatives or personal data administrators in the meaning of this Act;
2. occupy other paid jobs, except for research or teaching;
3. (new, SG No. 42/2009) be persons who are a spouse, a domestic partner, a direct relative without any limitation, a relative up to the fourth degree laterally inclusive or by marriage to the second degree inclusive in relation to another member of the Commission.

(3) A qualified member of the legal profession meeting the requirements laid down in Paragraphs 1 and 2 shall be elected as the chairperson of the Commission.

(4) The term of office of the chairperson or a member of the Commission shall be terminated earlier in any of the following cases:

1. death or legal incapacity;
2. at a decision of the National Assembly, where:
 - (a) a request for discharge from duties has been served;
 - (b) the person has committed a gross violation of this Act;
 - (c) the person has committed a wilful indictable offence and an enforceable judgement has been issued;
 - (d) impossibility for discharge of duties for more than six months.
- (e) (new, SG No. 42/2009, amended, SG No. 97/2010, effective 10.12.1010) entry into force of an act which ascertains any conflict of interest under the Conflict of Interest Prevention and Ascertainment Act.

(5) (Amended and supplemented, SG No. 103/2005) In the cases under Paragraph 4, the Council of Ministers shall propose to the National Assembly to select a new member until the expiration of the original term of office of the respective member of the Commission.

(6) The service as a chairperson or a member of the Commission shall be recognised also as length of service for the purposes of the Civil Servants Act.

Article 9

- (1) The Commission shall operate as a standing body assisted by an administration.
- (2) The Commission shall issue regulations for its work and the work of its administration and promulgate these regulations in The State Gazette.
- (3) The Commission shall make decisions by a majority vote of the total number of its members.
- (4) The Commission shall sit in public meetings. The Commission may decide to hold certain meetings in camera.

Article 10

(1) The Commission shall:

1. review and monitor the observance of the legal framework in the field of the personal data protection;
2. (supplemented, SG No. 103/2005) keep a register of personal data administrators and the personal data registers kept by

them;

3. investigate personal data administrators in connection with its activities under Item 1;

4. give opinions and issue permissions in the cases provided by this Act;

5. issue mandatory instructions to administrators in connection with the personal data protection;

6. suspend, upon prior notification, the processing of personal data that will violate the provisions on the protection of personal data;

7. (amended, SG No. 103/2005) handle complaints against acts and actions of administrators which infringe the rights of individuals under this Act, as well as third parties' complaints in relation to their rights under this Act;

8. (amended, SG No. 103/2005) participate in the drafting of and must issue an opinion in regard to drafts of laws and regulations in the field of personal data protection;

9. (new, SG No. 81/2011) issue bylaws in the field of personal data protection;

10. (new, SG No. 103/2005, in force as of the effective date of the Treaty of Accession of the Republic of Bulgaria to the European Union, renumbered from Item 9, SG No. 81/2011) ensure enforcement of European Commission decisions in the field of personal data protection.

11. (new, SG No. 94/2010, renumbered from Item 10, SG No. 81/2011) participate in the activities of the international organisations addressing matters in the field of personal data protection;

12. (new, SG No. 94/2010, renumbered from Item 11, SG No. 81/2011) participate in the negotiations and the conclusion of bilateral and multilateral agreements in matters within its competence;

13. (new, SG No. 94/2010, renumbered from Item 12, SG No. 81/2011) organize and coordinate trainings in the field of personal data protection for the administrators of personal data;

14. (new, SG No. 105/2011, effective 29.12.2011) issue general and regulatory administrative acts regarding its powers in the cases stipulated in the law.

(2) (Amended, SG No. 103/2005) The terms and conditions for keeping the register under paragraph (1), item (2), for notifying the Commission, with regard to permissions and opinions, for examining complaints, and issuing mandatory instructions or suspending personal data processing shall be laid down in the regulations under Article 9, Paragraph 2.

(3) (Supplemented, SG No. 103/2005, amended, SG No. 91/2006) The Commission shall issue a newsletter to publish information about its activities and decisions. The bulletin shall also contain the report referred to in Article 7, paragraph (6).

(4) (New, SG No. 103/2005, amended, SG No. 91/2006) The Commission shall coordinate the Codes of Conduct of personal data administrators under Article 22a with the relevant branches and business fields and in the case of any discrepancies with the legal framework shall issue binding prescriptions.

Article 11

The chairperson of the Commission shall:

1. organise and guide the activities of the Commission as prescribed by law and the decisions of the Commission and be responsible for the fulfilment of its duties;

2. represent the Commission before third parties;

3. (supplemented, SG No. 103/2005, amended, SG No. 81/2011) appoint and discharge civil servants and sign and terminate the employment contracts with the employees in the administration;

4. (new, SG No. 103/2005) issue penal provisions as provided for in Article 43, paragraph (2).

Article 12

(Amended, SG No. 103/2005, SG No. 91/2006)

- (1) The chairperson and the members of the Commission or persons from the administration designated by the Commission shall monitor the implementation of this Act by way of preliminary, ongoing and follow-up examinations.
- (2) Preliminary examinations shall be made in the cases under Article 17b.
- (3) Ongoing examinations shall be made at the request of the persons concerned or initiated by the Commission on the basis of the monthly control activity.
- (4) Follow-up examinations shall be made in implementation of a decision or binding prescription issued by the Commission or initiated by the Commission as a follow-up to a tipoff.
- (5) The examiners shall produce their official identity papers and the order issued by the Commission chairman.
- (6) In conducting examinations, the persons referred to in paragraph (1) may contract the preparation of expert opinions according to the rules of the Code of Civil Procedure.
- (7) An examination shall end in a memorandum of findings.
- (8) In the case of violations found in the statement under paragraph (7), the memorandum of findings shall be treated as a statement of found administrative violations in the meaning of the Administrative Violations and Sanctions Act.
- (9) The rules and conditions for exercising control shall be determined in an instruction issued by the Commission.

Article 13

(Amended, SG No. 103/2005)

- (1) The Chairman and members of the Commission, and the staff of its administration must not disclose and not make use, for their own or any third party's benefit, of any information constituting a secret protected by a law of which they have become aware in the performance of their official duties, until the period provided for the protection of such information has expired.
- (2) When hired, the persons referred to in paragraph (1) shall submit a declaration concerning their obligations provided for in paragraph (1).

Article 14

(Amended, SG No. 103/2005)

- (1) The data provided for in Article 18, paragraph (2) shall be recorded in the register referred to in Article 10, paragraph (1), Item 2.
- (2) Data entry in the register referred to Article 10, paragraph (1), Item 2 shall be certified by an identification number.
- (3) The register referred to in paragraph (1) shall be public.

Article 15

(Repealed, SG No. 103/2005)

Article 16

(Amended, SG No. 103/2005, repealed, SG No. 91/2006)

Chapter Three

OBLIGATIONS OF PERSONAL DATA ADMINISTRATORS **(Heading amended, SG No. 103/2005)**

Article 17

(Amended, SG No. 103/2005, SG No. 91/2006)

- (1) The personal data administrator must file an application for registration prior to commencing the processing of personal data.
- (2) Within 14 days of filing of the application the Commission shall enter the personal data administrator in the register under Article 10, paragraph (1), item (2).
- (3) The administrator may start processing the data following the filing of the application for registration.
- (4) (New, SG No. 81/2011) Prior to discontinuing the processing of personal data, the administrator shall file an application for striking him off the register referred to in Paragraph (1), Item 2 of Article 10.
- (5) (New, SG No. 81/2011) Together with the application referred to in Paragraph (4), the administrator shall be obliged to provide the Commission with evidence of having discharged the obligations set out in Paragraph (1) of Article 25.
- (6) (New, SG No. 81/2011) The conditions and procedure for striking the administrator off the register referred to in Paragraph (1), Item 2 of Article 10 shall be regulated in the regulations referred to in Paragraph (2) of Article 9.

Article 17a

(New, SG No. 91/2006)

- (1) An application for registration is not needed where the administrator:

1. maintains a register which by virtue of a legal provision is intended for public information and:

- a) the access to it is free, or

- b) access to it is granted to a person with a legal interest;

2. processes data in a case under Article 5, paragraph (2), item (4).

- (2) The Commission may also waive the obligation for registration for administrators processing data outside the scope of paragraph (1) where the processing does not infringe the rights and legitimate interests of the individuals whose data are being processed.

- (3) The rules and conditions for the waive of obligation under paragraph (2) shall be arranged in the regulation under Article 9, paragraph (2), whereas the Commission shall set the criteria according to the following:

1. the purpose of processing of the personal data;

2. the personal data or the types of personal data to be processed;

3. the types of individuals whose data are to be processed;

4. the recipients or types of recipients to whom the personal data may be disclosed;

5. the time limit for retaining the data.

Article 17b

(New, SG No. 91/2006)

- (1) Where the administrator has applied for processing data under Article 5, paragraph (1) or the processing of which, according to a Commission decision, infringes the individual's rights and legitimate interests, the Commission shall carry out a preliminary examination prior to the entry in the register pursuant to Article 10, paragraph (1), item (2).

- (2) The preliminary examination shall be made within two months of filing an application for registration under Article 17, paragraph (1).

- (3) Upon completion of the preliminary examination, the Commission shall:

1. enter the personal data administrator in the register;
 2. issue binding prescriptions concerning the terms for personal data processing and the keeping of a personal data register;
 3. deny entering.
- (4) The administrator shall not commence processing the data prior to being entered in the register under Article 10, paragraph (1), item (2) or fulfilling the binding prescriptions issued by the Commission.
- (5) The failure to decide within the time limit under paragraph (2) shall be deemed a tacit denial for entering the administrator in the register.
- (6) The disposition of the decision shall be promulgated in the State Gazette.

Article 18

(Supplemented, SG No. 93/2004, amended, SG No. 103/2005)

(1) (Amended, SG No. 91/2006) Any personal data administrator or its representative shall file a to in Article 17 (1) and documents in a set format approved by the Commission.

(2) The application shall contain:

1. the data identifying the personal data administrator and its representative, if any;
 2. the purposes of personal data processing;
 3. the categories of individuals whose data are processed, and the categories of personal data relating to them;
 4. the recipients or categories of recipients to whom the personal data may be disclosed;
 5. proposed provision of data in other countries;
 6. the general description of measures undertaken in accordance with Article 23 enabling a preliminary assessment of their appropriateness.
- (3) The administrator shall notify the Commission of any change in the data referred to in paragraph (2) prior to making such change. In cases where such change is provided for in a law, notification must be made within 7 days following the effective date of such law.

(4) In cases where the administrator is not registered in the register referred to in Article 10, paragraph (1), subparagraph (2), it must provide the data referred to in paragraph (2) to every person upon request.

(5) (New, SG No. 81/2011) The administrator shall file the application referred to in Paragraph (1) of Article 17 on paper or electronically. In the event of filing the application by electronic means, the Electronic Management Act shall apply.

Article 19

(Supplemented, SG No. 93/2004, amended, SG No. 103/2005)

(1) (Amended, SG No. 91/2006) Where personal data are collected from the individual to whom such data relate, the administrator or its representative provide him with:

1. the data which identify the administrator and its representative;
2. the purposes for which the data are being processed;
3. the recipients or categories of recipients to whom the personal data may be disclosed;
4. the data concerning the obligatory or voluntary nature of data provision and the consequences of a failure to provide them;
5. information about the right of access to and the right to rectify the data collected.

(2) The data referred to in paragraph (1) shall not be provided when the individual to whom they relate already has such data, or if a law provides for an express prohibition on providing them.

Article 20

(Amended, SG No. 103/2005)

(1) (Amended, SG No. 91/2006) Where personal data have not been collected from the individual to whom they relate, the administrator or its representative provide him with:

1. the data which identify the administrator and its representative;
2. the purposes for which the data are being processed;
3. the categories of personal data relating to the respective individual;
4. the recipients or categories of recipients to whom the personal data may be disclosed;
5. information about the right of access to and the right to rectify the data collected.

(2) The data referred to in paragraph (1) shall be provided to the individual to whom they relate at the time they are recorded in the respective register or, if data are to be disclosed to a third party, not later than at the time of their first disclosure.

(3) Paragraph (1) shall not apply where:

1. processing is done for statistical purposes or for the purposes of historical or scientific research and the provision of the data referred to in paragraph (1) is impossible or would involve a disproportionate effort;
2. recording or disclosure of data is explicitly laid down by law;
3. the individual to whom such data relate already has the information referred to in paragraph (1);
4. this is explicitly prohibited by law.

Article 21

(Amended, SG No. 103/2005)

(1) (Amended, SG No. 91/2006) The information in Article 19, Paragraph 1, Items 3 - 5, Article 20, Paragraph 1, Items 3 - 5, as well as any other information relating to data processing shall be provided upon an assessment of the need to provide it, in order to ensure fair processing of data in regard to the individual to whom they relate.

(2) The assessment referred to in paragraph (1) shall be made by the administrator on a case by case basis.

Article 22

(Amended, SG No. 103/2005)

(1) The personal data administrator must provide access for the persons referred to in Article 12, paragraph (1) to registers maintained by it and must not impede control of the process of personal data processing.

(2) The personal data administrator must provide the information requested by the persons referred to in Article 12, paragraph (1) orally or in writing, or on other information carriers.

(3) (New, SG No. 91/2006) Any commercial, industrial or other secret protected by law shall not be deemed to constitute grounds for refusing cooperation by the administrator.

(4) (Renumbered from Paragraph 3, SG No. 91/2006) Where such information contains data constituting classified information, the access procedure provided for in the Classified Information Protection Act shall apply.

(5) (Renumbered from Paragraph 4, SG No. 91/2006) All persons engaged in personal data processing must cooperate with the Commission in the exercise of its powers.

Article 22a

(New, SG No. 91/2006)

- (1) The administrators may draw up Codes of Conduct for the relevant branch or field taking into account the specifics of their activity and the rules of ethics and good conduct.
- (2) The Codes of Conduct may be referred to the Commission for coordination prior to their adoption by the administrators.

Chapter Four

PERSONAL DATA PROTECTION

Article 23

(Amended, SG No. 103/2005)

- (1) (Supplemented, SG No. 81/2011) The personal data administrator must implement appropriate technical and organisational measures to protect the data against accidental or unlawful destruction, or against accidental loss, unauthorised access, alteration or dissemination, and against other unlawful forms of processing. The personal data administrator shall set deadlines for carrying out regular reviews of the need for processing of data, as well as for the removal of personal data.
- (2) The administrator shall implement special protection measures where processing involves the transmission of data over an electronic network.
- (3) Measures referred to in paragraph (1) and paragraph (2) shall take into account state-of-the-art technology and ensure a level of security corresponding to the risks involved in processing, and the nature of the data to be protected.
- (4) (Supplemented, SG No. 81/2011) The measures and deadlines referred to in paragraph (1) and paragraph (2) shall be determined in an instruction issued by the personal data administrator.
- (5) The Commission shall specify the minimum level of technical and organisational measures, as well as the admissible type of protection in a regulation. Such regulation shall be published in the State Gazette.

Article 23a

(New, SG No. 81/2011)

- (1) When processing personal data obtained under Paragraph (6) of Article 1, the administrator shall block the data stored in order to limit their processing in the future, instead of removing them, if there are sufficient grounds to believe that the removal could affect the legitimate interests of the individual to whom the data relate.
- (2) The blocked data shall be processed only for the purpose which has prevented their removal.

Article 23b

(New, SG No. 81/2011)

- (1) When data under Paragraph (6) of Article 1 have been made available without having been requested by the administrator, the latter shall immediately check whether these data are required for the purpose for which they have been made available.
- (2) In the event that the administrator, making data under Paragraph (6) of Article 1 available, establishes that they are imprecise or have been made available illegally, he shall immediately inform of this the recipient of the data.
- (3) An administrator that has received data under Paragraph (6) of Article 1, which are imprecise or have been received illegally, and has been informed of this by the provider of the data, shall immediately undertake actions for their rectification, removal or blocking.
- (4) In the event that the individual, to whom the data under Paragraph (6) of Article 1 relate, disputes the accuracy of the data and the accuracy of the data cannot be verified, the administrator can mark these data as disputed, but this shall not limit their processing in the future.

Article 24

(1) (Amended, SG No. 103/2005) Administrators may process data on their own or through assignment to data processors. When this is needed for organisational reasons, the processing may be assigned to more than one data processor with a view to, inter alia, to delimitate their specific tasks.

(2) Where the data processing is not performed by the administrator, the latter shall designate the data processor and provide sufficient data protection guarantees.

(3) (Repealed, SG No. 103/2005).

(4) (Amended, SG No. 103/2005) The relationship between the administrator and the personal data processor must be governed by a piece of legislation, a written contract or another act of the administrator defining the scope of duties assigned by the administrator to the data processor.

(5) (Amended, SG No. 103/2005) The administrator shall be jointly and severally liable for any damages caused to any third party resulting from any action or failure to act on behalf of the data processor.

(6) (Amended, SG No. 103/2005) The personal data processor or any person acting under the guidance of the administrator or of the processor who has access to personal data may process them only on instructions from the administrator, unless otherwise provided for by law.

Article 25

(1) (Amended, SG No. 103/2005, supplemented, SG No. 81/2011) Upon the achievement of the purpose of personal data processing or prior to the discontinuing of the processing of personal data, the personal data administrator must:

1. either destroy the data, or

2. having given prior notification to the Commission, transfer them to another administrator provided that such transfer is provided for in a law and the purposes of processing are identical.

(2) (Supplemented, SG No. 93/2004, amended, SG No. 103/2005) Upon the achievement of the intended purposes of personal data processing, the personal data administrator shall store data only in the cases laid down by law.

(3) (Amended, SG No. 103/2005) In cases where, having achieved the purpose of personal data processing, the administrator wishes to store the personal data processed as anonymous data for historical, statistical or research purposes, it must inform the Commission thereof.

(4) The Commission for Personal Data Protection may prohibit the storage of data for the purposes under Paragraph 3 if the administrator has failed to provide sufficient protection of the anonymous storage of the data processed.

(5) (Amended, SG No. 39/2011) The decision of the Commission under Paragraph 4 shall be subject to appeal before the relevant Administrative Court. The Administrative Court's decision shall not be appealable. Where the appeal against the decision of the Commission is rejected, the personal data administrator shall destroy the data.

Chapter Five

RIGHTS OF INDIVIDUALS

(Heading amended, SG No. 103/2005)

Article 26

(1) Any individual shall be entitled to access to personal data related to him or her.

(2) (Amended, SG No. 103/2005) In the cases when the right of access granted to an individual may lead to disclosure of personal data of third parties as well, administrators shall provide the relevant individual with access only to that part of the data that relates to himself or herself.

Article 27

(Amended, SG No. 103/2005, repealed, SG No. 91/2006)

Article 28

(Amended, SG No. 103/2005)

(1) When exercising his or her right of access, an individual shall be entitled to request, at any time, from the personal data administrator:

1. a confirmation as to whether or not data relating to him are being processed, information as to the purposes of such processing, the categories of data concerned, and the recipients or categories of recipients to whom the data are disclosed;
2. communication to him, in an intelligible form, containing his or her personal data undergoing processing, and any available information as to their source;
3. information concerning the logic involved in any automatic processing of data concerning him, at least in case of automated decisions referred to in Article 34b.

(2) (Amended, SG No. 94/2010) Administrators of personal data provide information under paragraph (1) free of charge.

(3) In case the individual dies, his or her rights referred to in paragraph (1) and paragraph (2) shall be exercised by his or her heirs.

Article 28a

(New, SG No. 103/2005)

An individual shall be entitled to require, at any time, from the personal data administrator:

1. to remove, rectify or block his or her personal data the processing of which does not comply with the provisions of this Act;
2. notify any third parties to whom his or her personal data have been disclosed of any removal, rectification, or blocking carried out in compliance with paragraph (1), unless this is impossible or involves a disproportionate effort.

Article 29

(1) (Amended, SG No. 103/2005) The right of access referred to in Article 26 and the rights referred to in Article 28a shall be exercised by submitting an application in writing to the personal data administrator.

(2) (Amended, SG No. 103/2005) The application may also be submitted in electronic form under the procedure laid down in the Electronic Document and Electronic Signature Act.

(3) (Amended, SG No. 103/2005) The application referred to in paragraph (1) shall be filed personally by the individual to whom such data relate or by his or her representative expressly authorised with a power of attorney certified by a notary public.

(4) (Repealed, SG No. 103/2005).

Article 30

(Amended, SG No. 103/2005)

(1) The application referred to in Article 29 shall contain:

1. the name, address and other data necessary for identifying the respective individual;
2. statement of the request;
3. preferred form of provision of the information referred to in Article 28, paragraph (1);
4. signature, date of submission of the application and mailing address.

(2) In cases where the application is submitted by a duly authorised person, the application shall enclose the power of attorney

certified by a notary public.

(3) The personal data administrator shall keep a register of the applications referred to in Article 29.

Article 31

(1) (Amended, SG No. 103/2005) The information referred to in Article 28, paragraph (1) may be provided as a statement orally or in writing, or in the form of a review of the data by the individual concerned or by his or her duly authorised representative.

(2) Individuals may request copies of the personal data processed on a preferred carrier or electronically, unless this is prohibited by law.

(3) (Amended, SG No. 103/2005) The personal data administrator must take into consideration the preferences stated by the applicant as to the form of provision of the information referred to in Article 28, paragraph (1).

Article 32

(Amended, SG No. 103/2005)

(1) In the cases provided for in Article 28, paragraph (1), the personal data administrator or a person explicitly authorised by it shall consider the application referred to in Article 29 and shall respond within 14 days from the submission thereof.

(2) The limit referred to in paragraph (1) may be reasonably extended by the administrator up to 30 days in the cases provided for in Article 28, paragraph (1), items (1) and (2), where the collection of all requested data objectively requires a longer period and this would place a serious burden on the activities of the administrator.

(3) Within 14 days, the administrator shall decide whether to provide full or partial information as laid down in Article 28, paragraph (1) to the applicant, or to deny the provision thereof stating the reasons for such denial.

(4) In the cases referred to in Article 28a, paragraph (1), the administrator shall decide and take the relevant action within 14 days from the submission of the application referred to in Article 29, or shall deny to take action stating the reasons for such denial.

(5) In the cases referred to in Article 28a, paragraph (2), the personal data administrator shall decide within 14 days and shall forthwith notify the third parties concerned or shall deny to make such notification, stating reasons.

Article 33

(1) (Amended, SG No. 103/2005) The personal data administrator shall notify the applicant in writing of its decision or denial under Article 32, paragraphs (3) to (5) within the relevant time limit.

(2) The notice under Paragraph 1 shall be delivered personally against signature or by registered mail.

(3) (New, SG No. 103/2005) The absence of notification as referred to in paragraph (1) shall be deemed to constitute a denial.

Article 34

(1) (Amended, SG No. 103/2005) The administrator shall deny access to personal data where such data do not exist or the provision thereof is prohibited by law.

(2) (Repealed, SG No. 103/2005).

(3) (New, SG No. 93/2004, amended, SG No. 103/2005, amended and supplemented, SG No. 91/2006) The administrator shall deny full or partial access to data to the individual to whom such data relate where such access would jeopardise defence or national security or the protection of classified information and this is stipulated in a special law.

(4) (New, SG No. 81/2011) The administrator shall refuse the transmission of data, obtained under Paragraph (6) of Article 1, fully or partially, to the individual to whom they relate in the cases where:

1. this would hinder the prevention or detection of criminal offences, their prosecution or the execution of criminal penalties;

2. this is necessary for protecting:

- (a) the national security;
- (b) the public order;
- (c) the individual to whom the data relate.

(5) (New, SG No. 81/2011) The administrator, which has received data under Paragraph (6) of Article 1, shall not inform the individual to whom the data relate if this is explicitly indicated by the data provider.

Article 34a

(New, SG No. 103/2005)

(1) The individual to whom such data relate shall be entitled:

- 1. to object to the administrator to the processing of his or her personal data on the basis of legitimate grounds; where such objection is justified, the personal data of the relevant individual may no longer be processed;
- 2. to object to the processing of his or her personal data for the purposes of direct marketing;
- 3. to be informed before his or her personal data are disclosed for the first time to third parties or used on their behalf for the purposes set out in subparagraph (2), and to be given the opportunity to object to such disclosure or use.

(2) The administrator shall inform the individual of his or her rights referred to in paragraph (1), subparagraphs (2) and (3).

Article 34b

(New, SG No. 103/2005)

(1) The administrator's decision shall be inadmissible where:

- 1. it engenders legal effects or significantly affects the individual, and
- 2. it is based solely on automated processing of personal data designed to evaluate certain personal aspects of the individual.

(2) Paragraph (1) shall not apply where the decision is:

- 1. taken in the course of the execution or performance of a contract, provided that the request for the execution or the performance of such contract lodged by the individual concerned has been satisfied, or provided that there are appropriate measures safeguarding his or her legitimate interests;
- 2. is regulated for in a law which also lays down measures to safeguard the individual's legitimate interests.

(3) The individual shall be entitled to request the administrator to review any decision made in breach of the provisions of paragraph (1).

Chapter Six

PROVISION OF PERSONAL DATA TO THIRD PARTIES

Article 35

(Supplemented, SG No. 43/2005, amended, SG No. 103/2005,
repealed, SG No. 91/2006)

Article 36

(Amended, SG No. 103/2005, in force till the effective date
of the Treaty of Accession of the Republic of

Bulgaria to the European Union)

(1) The provision of personal data by the administrator to foreign natural or legal persons or to foreign government authorities shall be allowed upon approval by the Commission for Personal Data Protection, if the legislation of the recipient country guarantee a level of data protection that is better or equivalent to that provided by this Act.

(2) In the transfer of personal data in cases referred to in paragraph (1), the requirements of this Act shall apply.

Article 36a

(New, SG No. 103/2005, in force as of the effective date of

the Treaty of Accession of the Republic of

Bulgaria to the European Union)

(1) The transfer of personal data in any Member State of the European Union and in any other member country of the European Economic Area shall be done freely, in compliance with the requirements of this Act.

(2) The transfer of personal data to a third country shall be allowed only such third country ensures an adequate level of personal data protection within its territory.

(3) The adequacy of the level of protection of personal data afforded by a third country shall be assessed by the Commission for Personal Data Protection in consideration of all the circumstances relating to the data transfer operation or the set of data transfer operations, including the nature of data, the purpose and duration of their processing, the legal basis and security measures provided in such third country.

(4) (New, SG No. 81/2011) The Commission for Personal Data Protection shall assess the adequacy of the level of protection pursuant to Paragraph (3) and in the event of transfer of personal data under Paragraph (6) of Article 1 to a third country or an international organisation.

(5) (Amended, SG No. 91/2006, renumbered from Paragraph 4, SG No. 81/2011) The Commission for Personal Data Protection shall not undertake the assessment referred to in paragraph (3) where a decision of the European Commission is to be executed whereby the European Commission has ruled that:

1. the third country to which the personal data are transferred has ensured an adequate level of protection;

2. certain appropriate contractual clauses are in place ensuring the adequate level of protection.

(6) (Amended, SG No. 91/2006, renumbered from Paragraph 5, amended, SG No. 81/2011) In the cases under paragraph (5), item (2), the administrator shall apply the standard contractual clauses whenever transferring data to a third country.

(7) (Renumbered from Paragraph 6, amended, SG No. 81/2011) Except for the cases referred to in paragraph (2) and paragraph (5), the administrator may transfer personal data in a third country if:

1. the individual to whom such data relate has given his or her explicit consent;

2. (amended, SG No. 91/2006) the transfer is required for the execution of a contract between the individual and the administrator, as well as for any actions preceding the execution of the contract undertaken at such person's request;

3. (amended, SG No. 91/2006) the transfer is required for the conclusion and execution of a contract accomplished in the interest of the individual between the administrator and another contract party;

4. the transfer is necessary or required by law due to an important public interest, or for the establishment, exercise or defence of legal claims;

5. the transfer is necessary in order to protect the life and health of the individual to whom such data relate;

6. (amended, SG No. 91/2006) the data originate from a public register accessible pursuant to rules and conditions stipulated in a law

(8) (Renumbered from Paragraph 7, SG No. 81/2011) The transfer of personal data in third countries shall be admissible in all

cases where performed exclusively for the purposes of journalism, literary or artistic expression to the extent to which it does not violate the right to privacy of the person to whom such data relate.

Article 36b

(New, SG No. 103/2005, in force as of the effective date of

the Treaty of Accession of the Republic of

Bulgaria to the European Union)

(1) Except for the cases provided for in Article 36a, the transfer of personal data in a third country shall take place upon approval by the Commission for Personal Data Protection provided that both the administrator transferring the data and the administrator receiving the data have provided adequate safeguards for the protection of such data.

(2) (Supplemented, SG No. 91/2006) The Commission shall notify the European Commission and the competent authorities of the other Member States of approvals issued under paragraph (1), as well as of any such denials.

Article 36c

(New, SG No. 81/2011)

The administrator shall keep registers of the data made available and received under Paragraph (6) of Article 1.

Article 36d

(New, SG No. 81/2011)

Pursuant to Paragraph (3) of Article 2 data, obtained under Paragraph (6) of Article 1, can be further processed for purposes, different from the purposes they have been originally made available for, if the purposes are related to:

1. the prevention or detection of criminal offences, their prosecution or the execution of criminal penalties;
2. the prevention of an immediate and serious threat to public order;
3. another purpose only where there is a prior consent for this by the data provider or the individual to whom the data relate.

Article 36e

(New, SG No. 81/2011)

(1) In the events where a special law introduces restrictions with regard to the provider of data under Paragraph (6) of Article 1, related to the data processing, the recipient must be informed thereof by the data provider.

(2) In the event that an administrator, which has received data under Paragraph (6) of Article 1, is informed by the data provider of the existence of restrictions in accordance with the national legislation of the latter, related to the processing of the data, the receiving administrator must comply with these restrictions.

(3) In the event of transmission of data under Paragraph (6) of Article 1, the administrator transmitting the data may specify specific deadlines for keeping the data or for carrying out a review of whether they are still necessary.

(4) The administrator, which has received data under Paragraph (6) of Article 1, shall be obliged to remove or block the data, or review whether they are still necessary, after the expiry of the deadlines set by the data provider.

(5) Paragraph 4 shall not apply in the events where, as at the time of expiry of the deadlines for keeping the data, the latter are required for pending criminal proceedings or the execution of a criminal penalty.

Article 36f

(New, SG No. 81/2011)

(1) An administrator, which has received data under Paragraph (6) of Article 1, may transmit them to a competent authority in

a third country or to an international organisation where the following conditions exist simultaneously:

1. this is necessary for the prevention or detection of criminal offences, their prosecution or the execution of criminal penalties;
2. the recipient is competent to perform actions under Item 1;
3. the corresponding European Union Member State, which has made the data available, has given consent for their transmission in accordance with its national legislation;
4. the recipient provides an adequate level of protection of the planned data processing.

(2) The consent under Item 3 of Paragraph (1) shall not be required where the transmission of the data is essential for the prevention of an immediate and serious threat to the public order of a European Union Member State or a third country and the prior consent cannot be obtained in a timely manner. In such cases the data provider shall be informed immediately.

Article 36g

(New, SG No. 81/2011)

The Commission for Personal Data Protection shall not assess the adequacy of the level of protection under Item 4, Paragraph (1) of Article 36f, where at least one of the following conditions exists:

1. the national legislation of the data provider allows such transmission for protection of the legitimate interests of the individual to whom the data relate or for protection of especially important public interests;
2. the data provider gives sufficient guarantees for protection.

Article 36h

(New, SG No. 81/2011)

(1) An administrator, which has received data under Paragraph (6) of Article 1, may transmit them to a third natural or legal person only in the event that:

1. the data provider has given consent for such transmission;
2. the data transmission would not affect any legitimate interests of the individual to whom the data relate;
3. the transmission is essential for:
 - (a) the performance of a task lawfully assigned to the data provider;
 - (b) the prevention or detection of criminal offences, their prosecution or the execution of criminal penalties;
 - (c) the prevention of an immediate and serious threat to public order;
 - (d) the prevention of serious harm to constitutional rights of individuals

(2) Upon the transmission of data under Paragraph (1), the third natural or legal person shall be informed by the data provider of the purposes for which the data may be processed, and the data can be processed exclusively for these purposes.

Article 36i

(New, SG No. 81/2011)

Upon request by the administrator, which has transmitted the data, the administrator, which has received data under Paragraph (6) of Article 1, shall immediately inform it in writing of their processing.

Article 37

(Repealed, SG No. 103/2005)

Chapter Seven

APPEAL AGAINST ACTIONS OF PERSONAL DATA ADMINISTRATORS

Article 38

(1) (Amended, SG No. 103/2005, SG No. 91/2006) In case his or her rights under this Act are infringed, any individual may cease the Commission for Personal Data Protection within one year of the date when he has become aware of such infringement but not later than five years of the date when such infringement has taken place.

(2) (Amended, SG No. 103/2005) The Commission shall pass a decision within 30 days from the date when the matter was referred to it and may issue binding prescriptions, set a time limit to remedy the infringement or impose an administrative penalty.

(3) (Repealed, SG No. 103/2005).

(4) The Commission for Personal Data Protection shall send a copy of the decision also to the individual.

(5) (New, SG No. 91/2006) In the cases under paragraph (1), whenever personal data be processed for the purposes of defence, national security or public order, as well as where needed for the purpose of criminal justice, the decision of the Commission need only contain a statement on the legality of the processing.

(6) (Amended, SG No. 103/2005, renumbered from Paragraph 5, SG No. 91/2006, amended, SG No. 39/2011) The decision of the Commission as referred to in paragraph (2) shall be subject to appeal within 14 days of its receipt in accordance with the procedure provided for by the Code of Administrative Procedure.

Article 39

(1) (Amended, SG No. 103/2005, SG No. 30/2006, effective 1.03.2007, SG No. 91/2006) Any individual may, in case of an infringement of his or her rights under this Act, appeal against actions and acts of the administrator before the relevant administrative court or the Supreme Administrative Court, as the case may be, in accordance with the general rules governing jurisdiction

(2) (Amended, SG No. 103/2005) In the proceedings referred to in paragraph (1), the individual may claim compensation for any damages incurred as a result of unlawful processing of personal data by the administrator.

(3) (New, SG No. 81/2011) An administrator, which has received inaccurate data under Paragraph (6) of Article 1, may not use in its defense the inaccuracy of the data received in the proceedings referred to in Paragraph (1).

(4) (New, SG No. 103/2005, repealed, SG No. 91/2006, renumbered from Paragraph (3), SG No. 81/2011) The individual concerned may not cease the court in case of pending proceedings before the Commission concerning the same violation or in case where the Commission's decision concerning the same violation has been appealed against but there is no court judgement which has the force of res judicata yet. The Commission shall verify, at the request of the individual concerned, whether proceedings concerning the same dispute are pending or not before it.

(5) (Renumbered from Paragraph (4), amended, SG No. 103/2005, repealed, SG No. 91/2006).

Article 40

(Repealed, SG No. 103/2005)

Article 41

(Repealed, SG No. 103/2005)

Chapter Eight

ADMINISTRATIVE PENAL PROVISIONS

Article 42

(Amended, SG No. 103/2005)

(1) (Amended, SG No. 81/2011) For any violation of the provisions of Article 2, paragraph (2) and paragraph (3) and Article 4, the personal data administrator shall be penalized by a fine or pecuniary sanction in the range of BGN 10 000 to BGN 100 000.

(2) For any violation of the provisions of Article 5, the administrator shall be penalized by a fine or pecuniary sanction in the range of BGN 10 000 to BGN 100 000.

(3) (Amended, SG No. 91/2006) For any violation of the provisions of Article 19, paragraph (1) and Article 20, paragraph (1), the administrator shall be penalized by a fine or pecuniary sanction in the range of BGN 2000 to 20 000.

(4) An administrator which has failed to meet its obligation to register as provided for in Article 17, paragraph (1) shall be penalized by a fine or pecuniary sanction in the range of BGN 1 000 to BGN 10 000.

(5) (New, SG No. 91/2006) An administrator which has commenced to process personal data in violation of Article 17b shall be penalized by a fine or pecuniary sanction in the range of BGN 2 000 to BGN 20 000.

(6) (New, SG No. 91/2006) An administrator which has failed to meet its obligation under Article 22, paragraphs (1) & (2), shall be penalized by a fine or pecuniary sanction in the range of BGN 2 000 to BGN 20 000.

(7) (Renumbered from Paragraph 5, SG No. 91/2006) An administrator failing to act in a timely manner in regard to an application as referred to in Article 29, shall be penalized by a fine or pecuniary sanction in the range of BGN 1 000 to BGN 20 000, unless subject of a more severe sanction.

(8) (Renumbered from Paragraph 6, SG No. 91/2006) Persons who refuse to cooperate with the Commission in regard to its control powers shall be penalized by a fine or pecuniary sanction in the range of BGN 1 000 to BGN 10 000.

(9) (Renumbered from Paragraph 7, SG No. 91/2006) For any other violation of the provisions of this Act, the offenders shall be penalized by a fine or pecuniary sanction in the range of BGN 500 to BGN 5 000.

Article 42a

(New, SG No. 103/2005)

In cases of violations under this Act committed as repeated violations, a fine or pecuniary sanction shall be imposed in an amount twice higher than the original penalty imposed.

Article 43

(1) (Amended, SG No. 103/2005) Memoranda establishing administrative violations shall be drawn up by a member of the Commission for Personal Data Protection or officials authorised by the Commission.

(2) (Supplemented, SG No. 103/2005, amended SG No. 91/2006) Penal orders shall be issued by the chairperson of the Commission for Personal Data Protection.

(3) (New, SG No. 91/2006) The pecuniary sanctions and fines based on enforceable penal orders shall be collected pursuant to the provisions of the Tax and Social Insurance Procedure Code.

(4) (Renumbered from Paragraph 3, SG No. 91/2006) The establishment of violations and the issuance, appeal and execution of penal orders shall comply with the provisions of the Administrative Violations and Sanctions Act.

(5) (New, SG No. 15/2013, effective 1.01.2014) Any amounts collected as a result of imposing pecuniary sanctions and fines shall be transferred to the budget of the Commission.

ADDITIONAL PROVISIONS

(Title amended, SG No. 91/2006)

§ 1. Within the meaning of this Act:

1. (Amended, SG No. 103/2005, SG No. 91/2006) "Processing of personal data" shall mean any operation or set of operations which can be performed in respect to personal data, whether by automatic means or otherwise, such as collection, recording, organisation, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination, provision, transfer, updating or combination, blocking, deletion or destruction.
 2. (Amended, SG 103/2005) "Personal data register" shall mean any structured set of personal data which is accessible according to specific criteria, whether centralised, decentralised or deployed on a functional or geographical basis.
 3. (Amended, SG 103/2005) "Personal data processor" shall mean any natural or legal person, a central or local government authority which processes personal data on behalf of the personal data administrator.
 4. (Repealed, SG 103/2005).
 5. "Provision of personal data" is actions for the full or partial transfer of personal data from one administrator to another or to a third party within the territory of the country or abroad.
 6. (Amended, SG 103/2005) "Anonymous data" shall mean any personal data put in a form which does not allow such data to be related to the respective individual to whom such data relate.
 7. "Blocking" is the storage of personal data with suspended processing.
 8. (Repealed, SG 103/2005).
 9. "Repeated" violation is the one committed within a year of the effective date of the penalty order on the imposition of a penalty for the same type of violation.
 10. (New, SG No. 70/2004 - effective 1.01.2005) "Human genome" is the sum total of all genes in a single (diploid) set of chromosomes of an individual.
 11. (New, SG 103/2005) "Third party" shall mean any natural or legal person, central or local government authority other than the individual to whom the data relate, the personal data administrator, the personal data processor and the persons who, under the direct guidance of the administrator or the processor, are authorised to process personal data.
 12. (New, SG 103/2005) "Recipient" shall mean a natural or legal person, an authority of central or local government to whom personal data are disclosed, whether a third party or not. Authorities which can receive data in the framework of a particular inquiry shall not be regarded as recipients.
 13. (New, SG 103/2005, supplemented, SG No. 91/2006) "Consent of the individual" shall mean any freely given, specific and informed statement of volition by which the individual to whom personal data relate signifies unambiguously his or her consent to such data being processed.
 14. (New, SG 103/2005, in force as of the effective date of the Treaty of Accession of the Republic of Bulgaria to the European Union) "Third country" shall mean any state which is not a member of the European Union and is not a country signatory to the European Economic Space Agreement.
 15. (New, SG 103/2005) "Direct marketing" shall mean the offering of goods and services to individuals by mail, telephone, or in another direct way, and a survey aimed at research regarding the goods and services offered.
 16. (New, SG No. 91/2006) "Specific features" shall mean features relating to the physical, physiological, genetic, mental, psychological, economic, cultural, social or any other identity of the person;
- § 1a. (New, SG No. 91/2006) This Act enacts the provisions of Directive 95/46/EC of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data.

TRANSITIONAL AND CONCLUDING PROVISIONS

§ 2. (1) The Council of Ministers shall propose the membership of the Commission for Personal Data Protection to the National Assembly within a month of the effective date of this Act.

(2) The National Assembly shall elect the membership of the Commission for Personal Data Protection within 14 days of the

date of the proposal under Paragraph 1.

- (3) The Commission for Personal Data Protection shall adopt and promulgate in The State Gazette the regulations under Article 9, Paragraph 2 within three months of its election.
- (4) The Council of Ministers shall provide the property and financial resources needed for the Commission to start its work within a month of the effective date of the decision of the National Assembly under Paragraph 2.

§ 3. (1) The persons maintaining personal data registers as of the effective date of this Act shall adjust them to the requirements of this Act and advise the Commission thereof within six months of the effective date of the regulations under Article 9, Paragraph 2.

(2) The Commission shall conduct preliminary checks and register or refuse to register as administrators persons maintaining personal data registers as of the effective date of this Act and their registers within three months of the reception of the notice under Paragraph 1.

(3) The decisions of the Commission to refuse registration shall be subject to appeal before the Supreme Administrative Court within 14 days.

(4) Upon the enforceability of the decision of the Commission to refuse registration or the judgement of the Supreme Administrative Court confirming the refusal by the Commission, the person maintaining a register unlawfully shall destroy the personal data therein or, with the consent of the Commission, transfer the data to another administrator who has registered its register and processes personal data for the same purposes.

(5) The Commission shall monitor the observance of the obligation under Paragraph 4.

(6) Within three months of their registration, the administrators under Article 3, Paragraph 1 shall publish the details under Article 22, Paragraph 1 in the newsletter of the Commission for Personal Data Protection.

§ 4. The Access to Public Information Act (SG, No. 55 of 2000) shall be amended as follows:

1. In Article 2, Paragraph 3 , the words "personal information" shall be replaced by the words "personal data".

2. § 1, Item 2 shall be amended as follows:

"2. Personal data shall mean the information of an individual, revealing his or her physical, psychological, mental, marital, economic, cultural or social identity."

§ 5. This Act shall enter into force on 1 January 2002.

TRANSITIONAL AND CONCLUDING PROVISIONS

of the Act Amending
the Personal Data Protection Act
(SG 103/2005)

§ 50. The provision of § 38 concerning Article 36 shall apply until the Treaty of Accession of the Republic of Bulgaria to the European Union takes effect.

§ 51. (Amended, SG No. 91/2006) The provisions of § 1 concerning Article 1, paragraph (4), subparagraph (3), § 8, item (1), section (c) concerning Article 10, paragraph (1), subparagraph (9), § 39 concerning Article 36a, § 40 concerning Article 36b, and § 48, item (5) concerning item (14) of the Additional Provision shall take force as of the effective date of the Treaty of Accession of the Republic of Bulgaria to the European Union.

§ 52. Within three months following the effective date of the Act, the Commission for Personal Data Protection shall adopt the Code of Ethics referred to in Article 10, paragraph (4), and the regulation referred to in Article 23, paragraph (5).

TRANSITIONAL AND CONCLUDING PROVISIONS

of the Act Amending the Personal Data Protection Act

(SG No. 91/2006)

§ 31. The provision of 3 6 concerning Article 6, paragraph (2) shall take force on 1 January 2007.

§ 32. Within two months following the effective date of this Act, the Commission for Personal Data Protection shall adopt the instruction referred to in Article 12, paragraph 9.

§ 33. Within three months following the effective date of the Act, the administrators subject to registration shall file an application for registration.

ADDITIONAL PROVISION of the Act Amending the Personal Data

Protection Act

(SG No. 81/2011)

§ 15. This Act introduces the requirements of Council Framework Decision 2008/977/JHA of 27 November 2008 on the protection of personal data processed in the framework of police and judicial cooperation in criminal matters (OJ, L 350/60 of 30 December 2008).