



INFORMATION
COMMISSIONER

In Coexistence of Public and Private

COMPETENCIES OF THE INFORMATION COMMISSIONER



Information Commissioner is an autonomous and independent body, established by the Information Commissioner Act (ZInfP) on Dec 31, 2005. The body supervises both, the protection of personal data, as well as access to public information. The Office of the Information Commissioner is led by Mrs Nataša Pirc Musar.

The competencies of the Information Commissioner are:

- deciding on the appeals against the decisions by which another body has refused or dismissed the applicant's request for access, or violated the right to access or re-use public information,
- supervising the implementation of the Act governing access to public information and regulations adopted within the framework of appellate proceedings;
- inspecting/supervising the implementation of the Act and other regulations, governing the protection or processing of personal data or transfer of personal data from Slovenia to third countries, as well as
- carrying out other duties, defined by these regulations;
- deciding on the appeals of individuals in accordance with the provisions of Personal Data Protection Act when the requests for accessing data, obtaining extracts, lists, examination of documents, certificates, information, explanations, transcripts or copies have been denied by the controllers of personal data.

In addition to the above, Access to Public Information Act also gives competencies to the Commissioner for managing records of all exclusive rights granted in the field of re-use of public information (see Article 36a. Par 5).

the competencies of the information commissioner (based on personal data protection act)

1. performing supervision over the implementation of the provisions of Personal Data Protection Act (PDPA), (handling cases of complaints, appeals, notifications and other applications, explaining possible breaches of law);
2. ordering supervision measures based on Art. 54 of PDPA (prohibiting the processing of personal data, anonymizing, blocking, erasing or destroying personal data), when established that the data has not been processed according to the law.
3. issuing other supervision measures in accordance with the Act governing inspection supervisions and the Act governing general administrative procedures (Point 5, paragraph 1 Article 54 of PDPA);
4. performing preventive supervision with personal data controllers in public and private sectors;
5. managing and maintaining the register of personal databases, ensuring its updating and public internet access (Article 28 of PDPA);
6. ensuring viewing and transcription of data from the database register (as a rule within the same day or within eight days at the latest – Article 29 of PDPA);
7. performing procedures with regard to violations in the field of personal data protection (expedient procedure)

8. filing a criminal notification or performing procedures in accordance with the Act governing violations if a suspicion of criminal offence or violation arises during inspection;
9. judging on complaints of individuals related to processing of personal data based on Article 9(4) and article 10(3) of PDPA;
10. issuing decisions on ensuring an adequate level of personal data protection in third countries (article 63 of PDPA);
11. performing procedures for assessing the adequate level of personal data protection in third countries based on findings of supervisions and other information (Article 64 of PDPA);
12. managing the list of third countries with partially or entirely adequate or inadequate personal data protection levels; in case only partial adequacy of personal data protection is ascertained, the list also states the scope of adequate protection (Article 66 of PDPA).
13. managing administrative procedures for issuing permissions for transferring personal data to a third country (Article 70 of PDPA);
14. managing administrative procedures for issuing permissions to link public records and registers in cases when a personal database contains sensitive personal data or when such linking requires the use of unique connecting code (such as EMŠO – the standardized personal registration number or tax number);

15. managing administrative procedures for issuing declaratory decisions on whether the implementation of biometric measures in private sector is in agreement with the provisions of PDPA;
16. co-operating with government bodies, competent EU bodies for the protection of individuals in matters related to processing personal data, international organizations, foreign personal data protection bodies, institutions, associations, and other bodies and organizations dealing with questions of personal data protection;
17. issuing and publishing preliminary opinions to state bodies and public powers holders on the alignment of the provisions of regulations with legislation governing personal data;
18. issuing and publishing non-obligatory opinions on the conformity of professional ethics codes, general conditions of business practices or the proposals thereof, with regulations in the field of personal data protection;
19. preparing, issuing and publishing non-obligatory recommendations and instructions with regard to personal data protection in a particular field;
20. using a web site and other means of informing the public on preliminary opinions on compliance of proposals of acts with the law and other regulations in the field of personal data protection, as well as publication of the requests for constitutional review of statutes (Article 48 of PDPA), issuing internal bulletin and expert publications, publishing decisions and

court resolutions related to personal data protection, as well as non-obligatory opinions, explanations, positions and recommendations with regard to personal data protection (Article 49 of PDPA);

21. issuing press releases on performed supervisions and preparing annual reports on the activities of the Commissioner in the current year;
22. being an appellate body, the Information Commissioner is authorised for supervising the implementation of Information Commissioner Act, Access to Public Information Act within the framework of its appellate proceedings and Personal Data Protection Act;
23. deciding on the appeals of individuals when a data controller refuses their request for obtaining data, extracts, lists, examinations, certificates, information, explanations, transcripts or copies in accordance with the provisions of the Act governing personal data protection (competency established by the Information Commissioner Act);
24. participating in three working groups for personal data protection, formed within the framework of EU and bringing together independent bodies for the protection of personal data in member states, and performing their duties based on Directive 95/46/EC (Working party 29, group dealing with processing of personal data in Europol and Eurojust);

The Commissioner is also authorised to supervise the implementation of Schengen agreement, Article 128, which stipulates that the supervision of personal data protection is carried out by an independent body, thus preventing the misuse and correct implementation of the European Directive on privacy and electronic communications 2002/58/EC, and the new proposal of the Directive on the retention of communications traffic data, adopted on Dec 15, 2005 in Brussels.



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INFORMATION COMMISSIONER

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CIP - Kataložni zapis o publikaciji
Narodna in univerzitetna knjižnica, Ljubljana

35.083:659.2(497.4)

PRISTOJNOSTI informacijskega pooblaščenca. - Ljubljana :
Informacijski pooblaščenec, 2006. - (V sožitju javnosti in
zasebnosti = In coexistence of public and private)

Vsebuje tudi angl. prevod, tiskan v obratni smeri: Competencies of
the information commissioner

ISBN 961-91762-1-9

1. Competencies of the information commissioner

225184768