

LAW FOR PROTECTION OF THE PERSONAL DATA

Prom. SG. 1/4 Jan 2002, amend. SG. 70/10 Aug 2004, amend. SG. 93/19 Oct 2004, amend. SG. 43/20 May 2005

Chapter one. GENERAL

Art. 1. (1) This law settles the protection of the individuals in processing personal data, as well as the access to these data.

(2) The prospective of the law is to guarantee the inviolability of the individual and the personal life by protecting the individuals in illegal processing of personal data related to them and stipulating the right of access to collected and processed such data.

(3) This law shall not apply for the processing of personal data by an individual, who is not an administrator, of personal data related to personal interests and for personal use.

(4) Special laws can settle the processing and the access to personal data for the needs of the defence, the national security and the public peace, as well as for the functioning of the bodies of the executive and judicial authorities in applying the penal law.

Art. 2. (1) (suppl., SG 70/04) Personal data are information for an individual disclosing his physical, psychological, mental, marital, economic, cultural or public identity, as well as the data for the human genome.

(2) The provisions of this law shall also apply regarding the personal data for the individuals related to their participation in civic associations or in the bodies of management, control and supervision of the corporate bodies, as well as in fulfilment of functions of state bodies.

Art. 3. (1) Administrator of personal data is an individual or a corporate body, as well as a state body determining the type of the processed data, the purpose of processing, the ways of processing and protection in compliance with the requirements of this law.

(2) The administrator of personal data shall process the personal data independently or through assignment to a processor of the data.

(3) The state bodies shall process personal data in the cases determined by a law.

Art. 4. (1) The personal data shall be maintained in registers of personal data.

(2) The personal data processed by the state bodies shall be official information.

Art. 5. An act of a state body or of a body of the local independent government, which has legal consequences for a definite person and contains an assessment of his conduct, cannot be based solely on automated processing of personal data.

Chapter two. COMMISSION FOR PROTECTION OF THE PERSONAL DATA

Art. 6. (1) The Commission for protection of the personal data, called hereinafter "the commission" is an independent state body carrying out protection of the individuals in processing their personal data and in providing the access to these data, as well as the control over the observance of this law.

(2) The commission is a corporate body at budget support and headquarters in Sofia.

Art. 7. (1) The commission is a college body and consists of a chairman and 4 members.

(2) The members of the commission and its chairman shall be elected by the National Assembly upon proposal of the Council of Ministers for a period of 5 years and they can be re-elected for another mandate. The decision shall also determine the size of their remuneration.

(3) The chairman and the members of the commission shall carry out their activity under legal terms of employment.

(4) The commission, by January 31 every year, shall present an annual report on its activity to the National Assembly and to the Council of Ministers.

Art. 8. (1) As members of the commission can be elected Bulgarian citizens who:

1. have higher education on informatics, law or who are masters on information technologies;

2. have time of service on the speciality no less than 10 years;

3. have not been convicted to imprisonment for deliberate indictable offences;

(2) Members of the commission cannot be:

1. persons who are sole entrepreneurs, managers/procurators or members of managing or control bodies of trade companies, co-operations and non-profit corporate bodies;

2. persons who occupy another paid position except when they practice scientific or lecturing activity.

(3) Elected as chairman of the commission shall be a qualified lawyer who meets the requirements of para 1 and 2.

(4) The mandate of the chairman or of a member of the commission shall be terminated ahead of term:

1. for reason of death or placing under judicial disability;

2. by a decision of the National Assembly when:

a) he has filed for release;

b) he has committed a gross infringement of this law;

c) he has committed a deliberate indictable offence for which a conviction has been enforced;

d) existing inability to fulfil his obligations for a period longer than six months.

(5) In the cases under para 3 the Council of Ministers shall propose to the National Assembly to elect a new member for the period until the end of the initial mandate of the commission.

(6) The time during which the person has worked as chairman or a member of the commission shall be acknowledged as official time of service according to the Law for the civil servant.

Art. 9. (1) The commission is a permanently functioning body assisted by an

administration.

(2) The commission shall settle by regulations its activity and the activity of its administration and shall promulgate it in the State Gazette.

(3) The decisions of the commission shall be taken by a majority of the total number of its members.

(4) The meetings of the commission shall be open. The commission can decide individual meetings to be closed.

Art. 10. (1) The commission shall:

1. analyse and exercise an overall control over the observance of the normative acts in the sphere of protection of the personal data;

2. keep register of the administrators of personal data;

3. carry out inspections of the administrators of personal data in connection with its activity under item 1;

4. express opinion and give permits in the cases stipulated by this law;

5. issue obligatory prescriptions for the administrators in connection with the protection of the personal data;

6. impose, upon prior notice, temporary prohibition of processing personal data which violates the norms of protection of the personal data;

7. consider claims against the administrators in connection with refused access of individuals to their personal data, as well as of other administrators or of third persons in connection with their rights according to this law;

8. participate in the working out of normative acts related to the protection of personal data.

(2) The order of keeping the register under art. 14 for notifying the commission for giving permits and expressing opinions. for considering the complaints, as well as for issuance of obligatory prescriptions and imposing temporary prohibition of processing personal data shall be determined by the regulations under art. 9, para 2.

(3) The commission shall issue a bulletin publishing information for its activity and for the taken decisions.

Art. 11. The chairman of the commission shall:

1. organise and manage the activity of the commission according to the law and the decisions of the commission and shall be responsible for the fulfilment of its obligations;

2. represent the commission before third persons;

3. appoint and release the civil servants and conclude and terminate the employment contracts of the employees working under legal terms of employment in the administration of the commission.

Art. 12. (1) The chairman and the members of the commission or persons from the administration authorised by it shall carry out inspections related to the fulfilment of this law.

(2) The administrator of personal data shall be obliged to provide access of the persons under para 1 to the registers kept by him and not to obstruct the control over the process of processing of personal data.

(3) The commission shall carry out inspection upon request of interested persons, as

well as by its initiative, on the grounds of a monthly plan for control activity adopted by it.

(4) When, as a result of the inspection, an offence is established the commission shall issue obligatory prescription for its rectification within a period determined by it.

(5) For failure to fulfil the prescription under para 4 an act for offence.

(6) In the cases when rights of an individual according to this law are infringed the commission shall approach the respective court according to art. 39, para 3.

Art. 13. (1) The chairman and the members of the commission shall be obliged not to make public the information representing official secret for the administrators of personal data which has become known to them in fulfilment of their activity for a period of three years after the expiration of their mandate.

(2) The obligation under para 1 shall also regard the employees of the administration of the commission for a period of three years after the termination of the employment or official legal relations.

(3) In taking office the members of the commission and the employees of its administration shall file declarations for the obligations under para 1 and 2.

Art. 14. (1) The commission shall keep a register of the administrators of personal data and of the registers kept by them.

(2) Entered in the register under para 1 shall be the administrators of personal data and the type of the personal data, the legal grounds, the purposes and the way of their processing, the requirement for consent of the individual, as well as the act determining the order of keeping the register of personal data.

(3) The register under para 1 shall be public. A fee determined by the Council of Ministers shall be paid for submitting information from it.

(4) The commission shall issue a certificate to the administrators of personal data entered in the register.

Art. 15. (1) Every person who wishes to process personal data and to create a register for them shall inform in advance the commission by filing an application and documents in a form approved by the commission.

(2) In the cases under art. 3, para 3 the state body appointed as administrator of personal data shall inform the commission within 10 days after its creation.

(3) Every administrator of personal data shall also inform the commission before undertaking any operation whatsoever on the entire or partial automatic processing of the collected personal data, different from the declared, as well as for the transfer of personal data to another administrator or to a third person.

(4) In the cases under para 3 the commission can take a decision for preliminary inspection of the administrator or to give obligatory prescriptions for the purpose of protection of the processed or transferred personal data.

Art. 16. (1) The commission can carry out preliminary inspection within 7 days from the notification and to give preliminary prescriptions regarding the requirements for processing the personal data and keeping a register by the person under art. 15, para 1 and for guaranteeing the observance of this law.

- (2) The commission shall not carry out preliminary inspection of keeping registers:
1. containing personal data for the persons working under employment or official legal relations for the administrator of personal data;
 2. for statistic or scientific purposes;
 3. stipulated by a normative act when they are public.
- (3) Within 14 days from the notification the commission shall take a decision:
1. to register the person under para 1 as administrator of personal data and to enter in its register the data under art. 14, para 2 if the requirements of this law for collecting and processing personal data have been met;
 2. for refusal to register which shall be motivated on the grounds of this law.
- (4) The refusal of the commission to register the persons under art. 15 shall be subject to appeal before the Supreme Administrative Court within 14 days.

Chapter three. ADMINISTRATOR OF PERSONAL DATA

Art. 17. The administrator under art. 3, para 1 shall have the right to process personal data only if they are:

1. obtained legally;
2. gathered for the purposes determined by the law and are used only in their fulfilment;
3. corresponding to the scope of the purposes for which they are processed;
4. correct and up to date;
5. stored in a way allowing identification of the individuals only for a period no longer than the necessary, according to the purposes for which they are processed.

Art. 18. The processing of personal data shall be admissible only in the cases when at least one of the following conditions is present:

1. fulfilment of a normative obligation;
2. the explicit consent of the individual;
3. necessity of protecting the life or the health of the individual;
4. fulfilment of the clauses of a contract between the administrator under art. 3, para 1 and the individual;
5. legal interest of the administrator under art. 3, para 1, of a third person or of a person to whom the data will be disclosed and this does not infringe the right to protection, according to this law, of the respective individual;
6. (new – SG 92/04) need for the objectives of the defense and the national security.

Art. 19. (1) (suppl. SG 92/04) The administrator under art. 3, para 1 shall process the personal data of the individual upon his consent without the exceptions stipulated by a law or when the processing is necessary in connection with the defense and the national security.

(2) The administrator under art. 3, para 1 shall be obliged to inform the respective individual, prior to their processing, about:

1. the purpose and the resources for their processing;
2. the obligatory or voluntary nature of submission of the data and the consequences from a refusal of submission;

3. the recipients or the categories of recipients to whom the data can be submitted and the sphere of their using;

4. the right to access and to correction of the gathered data, the name and the address of the administrator under art. 3, para 1 and of the person processing the data, if he is different from this administrator.

(3) The information under para 2 shall be submitted by the administrator to the respective individual before its processing if his personal data have been received from a third person.

(4) Para 3 shall not apply in the cases of explicit prohibition of that by the law.

Art. 20. (1) The consent of the individual according to art. 19, para 1 must be freely expressed and unambiguous. It can be given for the entire or for a part of the processing of the data and, if necessary, to be made also in writing.

(2) The consent under art. 19, para 1 shall not be required if the processing of data:

1. regards personal data gathered and processed by virtue of an obligation under a law;

2. is carried out only for the needs of scientific studies or of the statistics and the data is anonymous;

3. is related to the protection of the life or the health of the respective individual or of another person, as well as when his condition does not allow him to give consent or there are legal reasons for that.

Art. 21. (1) The processing of personal data disclosing racial or ethnic origin, political, religious or philosophic convictions, membership in political parties, organisations, associations with religious, philosophic, political or trade union purposes, as well as personal data regarding the health or the sexual life can be carried out only upon an explicit written consent of the respective individual.

(2) Not required shall be the explicit written consent for the data under para 1 when:

1. their processing is an obligation of the administrator under art. 3, para 1 according to a law;

2. the processing is necessary in connection with the protection of the life or the health of the respective individual or of another person, as well as when his condition does not allow his giving a consent or there are legal obstacles for that;

3. the processing regards data publicly announced by the individual or it is necessary for the purpose of establishing, exercising or protection of his legal rights;

4. the processing is required in connection with providing medical care or health services, as well as when those data are processed by a person who works in a health or medical establishment and he is obliged to keep professional secret;

5. the processing is carried out only or under the control of a competent state body for personal data related to the commitment of crime, of administrative offences and unwarranted damages;

6. the processing is necessary in connection with the defence and the national security.

Art. 22. (1) The administrator under art. 3, para 1 shall publish annually, by March

31, in the bulletin of the Commission for protection of the personal data the following information about the registers created by him during the preceding year:

1. type of the processed personal data considering the various indication for establishing the identity of the individuals;

2. a circle of persons whom the processing regards;

3. official address, conditions and order of accepting applications for providing access to the personal data;

4. description of the purposes for which these data are processed, as well as the admissible ways of their using;

5. description of the criteria by which the data are stored or destroyed.

(2) The administrator under art. 3, para 1 shall be obliged to publish in the bulletin of the Commission for protection of the personal data changes according to para 1, item 1 - 5 within 30 days from their introduction.

(3) The administrator shall bear responsibility for the reliability of the information under para 1 and 2 and shall be obliged to provide public access to it.

Chapter four. PROTECTION OF THE PERSONAL DATA

Art. 23. (1) The administrator under art. 3, para 1 shall be obliged to undertake the necessary technical and organisational measures for the protection of the data against accidental or illegal destruction, accidental loss or change, illegal disclosure or access, unwarranted change or dissemination, as well as against all other illegal forms of processing of personal data.

(2) The administrator shall be obliged to undertake special measures for protection when the processing includes transmitting of the data by electronic way.

(3) The Commission for protection of the personal data shall determine by an ordinance the minimal necessary technical and organisational measures, as well as the admissible type of protection.

Art. 24. (1) The administrator under art. 3, para 1 can process the data independently or through assignment to a person processing the data. When organisational reasons require the processing can be assigned to more than one person processing the data, including for the purpose of differentiating their concrete obligations.

(2) In the cases when the processing of the data is not carried out by the administrator he shall be obliged to appoint a person processing the data and to provide enough guarantees for their protection.

(3) The person processing the data shall be appointed among persons who have professional and technical capacity to guarantee full compliance with all requirements related to the processing of data and their protection.

(4) The administrator under art. 3, para 1 shall determine the ways of processing by a written instruction which shall be obligatory for the person processing the data and for the operator of personal data.

(5) The obligations of the person processing data and of the operator, including the responsibility for non-fulfilment, shall be determined by their orders for employment or by written contracts in connection with the instruction under para 4.

(6) The responsibility under para 5 shall not exclude bearing of other type of responsibility depending on the illegal activities or inactivities of this person.

Art. 25. (1) Upon conclusion of the processing of personal data the administrator under art. 3, para 1 can:

1. destroy them, or
2. transfer them, by a permit of the Commission for protection of the personal data to another administrator if this is stipulated by a law and identity of the purposes of the processing is present.

(2) (suppl. SG 92/04) Upon conclusion of the processing of personal data the administrator under art. 3, para 1 shall store them only in the cases stipulated by a law or when this is necessary for the defense and the national security.

(3) In the cases when, upon conclusion of the processing, the administrator under art. 3, para 1 wants to store the processed personal data for using as anonymous data for historic, scientific or statistical purposes he must inform about that the Commission for protection of the personal data.

(4) The Commission for protection of the personal data can prohibit the storing for the purposes under para 3 if the administrator has not provided enough protection of the processed data as anonymous data.

(5) The decision of the commission under para 4 shall be subject to appeal before the Supreme Administrative Court. In the cases of rejection by the Supreme Administrative Court the complaint against the decision of the Commission the administrator of personal data shall be obliged to destroy them.

Chapter five. ACCESS TO PERSONAL DATA

Art. 26. (1) Every individual shall have the right to access to personal data related to him.

(2) In the cases when, in exercising the right to access, disclosed to the individual can also be personal data regarding a third person the administrator under art. 3, para 1 shall be obliged to provide to the respective individual access to the part of them related only to him.

Art. 27. The exercising of the right to access to personal data cannot be directed against the rights and the good name of another individual, as well as against the national security, the public peace, the national health and the morality.

Art. 28. (1) The individual whose personal data are processed shall have the right:

1. to obtain the information under art. 19, para 2;
2. to request from the administrator of personal data:
 - a) confirmation of the existence of personal data related to him, regardless of the phase of their processing;
 - b) deletion, transfer into anonymous data or the freezing of the processing when it violates the law or the data are not necessary for the purposes for which they are processed;
 - c) updating or correction of the data;

3. to object before the administrator under art. 3, para 1 the unlawfulness of the processing of personal data related to him, unless this is excluded by the provisions of a special law;

4. to forbid the administrator under art. 3, para 1 to submit entirely or partially his processed personal data with an intention to use them for commercial information, advertising or for marketing;

5. to request to be informed before the initial disclosure of the personal data under item 4 to a third party.

(2) Upon request by the respective individual the administrator under art. 3, para 1 shall be obliged to issue:

1. certificate stating that the activities under para 1, item 2, letters "b" and "c" have been fulfilled or that a motivated refusal has been made;

2. certificate stating that the data and the activities under para 1 have been brought to the knowledge of third persons to whom they have been transferred.

(3) The rights under para 1 and 2 shall be exercised personally by the individual or through a person explicitly authorised by him.

(4) The administrator under art. 3, para 1 shall be obliged, within 14 days, to announce in writing a decision on every request of the respective individual in connection with the exercising of his rights under para 1.

(5) In case of infringement of the rights under para 1 or refusal to satisfy the request under para 2 the individual can file a complaint by the order of chapter seven.

Art. 29. (1) The right to access shall be exercised by a written application to the administrator of personal data.

(2) The application can also be filed by electronic means.

(3) The application shall be filed personally by the Individual or through a person explicitly authorised by him.

(4) The filing of the application shall be free of charge.

Art. 30. (1) The application for access to personal data shall contain:

1. the name, the address and other necessary data for identification of the respective individual;

2. description of the request;

3. preferred form of submission of the access to personal data;

4. signature, date of filing the application and correspondence address.

(2) In filing application by an authorised person, besides the data under para 1, the respective letter of authority shall also be enclosed.

(3) The applications for access shall be registered by the administrator under art. 3, para 1 in a register.

Art. 31. (1) Access to personal data can be provided in the form of verbal or written reference or review of the data by the respective individual or by another person explicitly authorised by him.

(2) The individual can request a copy of the processed personal data on a preferred carrier or submission by electronic way, except in the cases when this is prohibited by a law.

(3) The administrator under art. 3, para 1 shall be obliged to comply with the form of providing access preferred by the applicant, except in the cases when there is no technical possibility or this could lead to an unlawful processing of the requested information.

Art. 32. (1) The administrator of personal data shall consider the application for access and shall take a decision on it within 14 days.

(2) The deadline under para 1 can be extended by a motivation up to 30 days in the cases when a longer period for gathering all requested data is objectively required, and this will create seriously the activity of the administrator.

(3) The administrator shall take a decision for providing full or partial access of the applicant or shall motivate a refusal to provide access.

Art. 33. (1) The administrator under art. 3, para 1 shall notify in writing the applicant about his decision according to art. 32, para 3.

(2) The notification under para 1 shall be personal against signature or by return mail.

Art. 34. (1) The administrator under art. 3, para 1 shall refuse access to personal data when the data do not exist or cannot be submitted on definite legal grounds. The refusal shall state the body and the deadline for its appeal.

(2) As refusal shall be considered the lack of notification of art. 33, para 1

(3) (new – SG 92/04) The administrator of personal data shall refuse full or partial conceding of data of the person of para 1 when from this would occur danger for the defense or the national security or for the preservation of the classified information, in the refusal pointing out only the legal ground.

Chapter six. SUBMISSION OF PERSONAL DATA TO THIRD PERSONS

Art. 35. (1) The submission of personal data by the administrator under art. 3, para 1 to third persons shall be admitted upon their request filed by the order of chapter five when:

1. the respective individual has explicitly given his consent;
2. the sources of data are public registers or documents containing public information for which access is provided by an order determined by a law;
3. it is related to the protection of the life or the health of the respective individual, as well as when his condition does not allow him to give consent or legal obstacles for that exist;
4. (Amend. SG 43/05, in Force from 1st of September 2005) it is necessary to the bodies of the judicial and executive authority, to a private bailiff and for protection of the competition and of the consumers and this is established by a law;
5. they are necessary for the purposes of scientific studies or statistical purposes and the data are anonymous.

(2) Prohibited is the submission of personal data to third persons:

1. in violation of the notification under art. 19, para 2, item 1, 3 and 4;
2. order for which has been destruction or for which the period of processing and storing has expired;

3. related to a definite individual or to a circle of individuals when this enters a contradiction with a substantial public interest.

(3) The learning by the operator of personal data or by the person processing the data in compliance with the instruction of the administrator of personal data shall not be considered submission of data to third persons.

Art. 36. (1) The provision of access to registers of personal data and the transfer of personal data from one administrator to another shall be carried out in compliance with the requirements of this law and upon permit of the Commission for protection of the personal data.

(2) The submission of personal data by the administrator under art. 3, para 1 to foreign individuals and corporate bodies or to foreign state bodies shall be admitted by a permit of the Commission for protection of the personal data if the normative acts of the country - recipient guarantee a better or equal protection of the data stipulated by this law.

(3) In providing access or in the transfer of personal data in the cases under para 1 and 2 the requirements of art. 35, para 1 and 2 shall be observed.

Art. 37. (1) The administrator under art. 3, para 1, within 30 days from filing the application, shall take a decision for submission of personal data to a third person or to another administrator of personal data or shall motivate a refusal of their submission.

(2) The notification under para 1 shall be personal against signature or by return mail.

(3) The refusal of submission of personal data can be appealed by the interested persons by the order of this law.

Chapter seven. APPEALING ACTIVITIES OF THE ADMINISTRATOR OR PERSONAL DATA

Art. 38. (1) In the cases of extension of the deadline, of providing partial access or refusal of submission of access to personal data the respective individual can approach the Commission for protection of the personal information within 14 days from the notification under art. 33, para 1 or from expiration of the term under art. 32, para 1.

(2) The individual can approach the Commission for protection of the personal data within 14 days from the violation of his rights under art. 28, para 1 and 2 or from their learning.

(3) The Commission for protection of the personal data, in the cases under para 1 and 2, shall take decision within 30 days which can give obligatory prescriptions to the administrator of personal data and a deadline for rectification of the offence.

(4) The Commission for protection of the personal data shall send a copy of its decision to the individual.

(5) The decision of the commission in connection with para 1 shall be subject to appeal before the Supreme Administrative Court within 14 days from its receipt.

Art. 39. (1) In the cases under art. 38, para 1 the individual can appeal the decision of the administrator of personal data before the respective district court or before the Supreme

Administrative Court in compliance with the general rules of jurisdiction. The complaint shall be filed through the respective administrator within one month from receipt of the notification under art. 33, para 1.

(2) The individual cannot approach the court if there are pending proceedings before the Commission for protection of the personal data or its decision has been appealed and there is no enacted court decision regarding the same decision of the administrator. The court shall establish the presence of the above circumstances ex-officio.

(3) In the cases of non-fulfilment of the instructions under art. 38, para 3 by the prescribed deadline the Commission for protection of the personal data, within 14 days, can approach the respective district court or the Supreme Administrative Court for the committed offence by the administrator of personal data in compliance with the general rules of jurisdiction.

(4) Applied in considering the disputes under para 1 and 3 shall be the Law for the administrative proceedings, respectively the Law for the Supreme Administrative Court.

Art. 40. (1) In case of an unlawful decision in the cases under art. 38, para 1 the court shall revoke in full or partially the appealed decision obliging the respective administrator of personal data to provide access to the requested personal data.

(2) In the cases under para 1 the access to the requested personal data shall be implemented by the order of this law.

(3) The court can reject the complaint against the decision of the Commission for protection of the personal data, to amend it or revoke it in full.

Art. 41. The provisions of art. 38 - 40 shall also apply respectively for refusal to submit personal data in the cases under art. 35 and art. 36, para 1 and 2.

Chapter eight. ADMINISTRATIVE PENAL PROVISIONS

Art. 42. (1) An official who, without a valid reason does not announce a decision by the deadline on an application for access to personal data shall be punished by a fine of 50 to 200 levs unless subject to a more severe punishment.

(2) An official who does not fulfil prescriptions of the Commission for protection of the personal data or of the court and does not provide access to the requested personal data shall be punished by a fine of 100 to 300 levs unless subject to a more severe punishment.

(3) For all other offences under this law the offenders shall be punished by a fine of 50 to 300 levs when they are committed by individuals, and corporate bodies and sole entrepreneurs shall be punished by a proprietary sanction of 500 to 1000 levs. If the offence is repeated the fine, respectively the proprietary sanction shall be double.

(4) In the cases of committed offences under para 1, 2 and 3 the administrators of personal data - individuals, shall be fined by 500 to 2000 levs and the administrators - and corporate bodies and sole entrepreneurs shall be punished by a proprietary sanction of 1000 to 1500 levs. If the offence is repeated the fine, respectively the proprietary sanction shall be double.

(5) An individual who processes personal data without being registered according to this law shall be punished by a fine of 300 to 1000 levs. For the same offence, when

committed by a corporate body or sole entrepreneur, the punishment shall be a proprietary sanction of 1000 to 3000 levs. When the offence is repeated the fine, respectively the sanction shall be double.

(6) Administrator of personal data who commits an offence under art. 22, para 3 of this law shall be punished by a fine of 500 to 1000 levs, when the offence is committed by an individual. For the same offence, when committed by a corporate body or sole entrepreneur, the punishment shall be a proprietary sanction of 1000 to 3000 levs. When the offence is repeated the fine, respectively the sanction shall be double.

(7) Administrator of personal data who commits an offence under art. 23, para 1 and 2 of this law shall be punished by a fine of 1000 to 1500 levs, when the offence is committed by an individual. For the same offence, when committed by a corporate body or sole entrepreneur, the punishment shall be a proprietary sanction of 1500 to 5000 levs. When the offence is repeated the fine, respectively the sanction shall be double.

Art. 43. (1) The acts for establishing the administrative offences shall be drawn up by a member of the Commission for protection of the personal data or by officials of the administration authorised by the commission.

(2) The penal decrees shall be issued by the chairman of the Commission for protection of the personal data.

(3) The establishing of the offences, the issuance, the appeal and the fulfilment of the penal decrees shall be carried out by the order of the Law for the administrative offences and penalties.

Additional provisions

§ 1. In the context of this law:

1. "Processing of personal data" is every operation or a set of operations, performed or not by electronic or other automatic means, consisting of gathering, entry, organising, storing, adaptation or change, updating, extraction, consulting, using, combining, freezing, disclosing, disseminating or providing other possibilities of providing access, storing, deletion or destruction of the data.

2. "Register of personal data" is a documentary, filing or automated information fund, structured according to several specific criteria suitable for facilitating their processing, consisting of one or several elements in one or several physical locations.

3. "Person processing personal data" is an individual or a corporate body processing personal data under the management of the administrator of personal data on the grounds of a contract concluded with him or an employment order.

4. "Operator of personal data" is an individual acting under the management and control of the administrator or of the person processing personal data, who has an access to them, on the grounds of a written contract or an employment order for their processing according to an instruction of the administrator of personal data for the order and the ways of their processing.

5. "Submission of personal data" are activities on the entire or partial transfer of personal data from one administrator to another or to a third person on the territory of the country or out of it.

6. "Anonymous data" are data which cannot be referred to a definite or definable individual due to its origin or specific processing.

7. "Freezing" is the storing of personal data with temporary suspension of their processing.

8. "Official" is every individual authorised by the administrator to maintain a register of personal data, to organise the activity in connection with it and to bear responsibility for that, as well as the administrator of personal data himself in the cases when he is an individual.

9. "Repeated" is the offence committed within one year from the enforcement of the penal decree which imposes a punishment for the same type of offence.

10. (new, SG 70/04) "Human genome" is the combination of all genes in a single (diploid) complex of chromosomes of a person.

Temporary and concluding provisions

§ 2. (1) Within one month from the enactment of this law the Council of Ministers shall propose to the National Assembly the members of the Commission for protection of the personal data.

(2) Within 14 days from the presentation of the proposal under para 1 the National Assembly shall elect the members of the Commission for protection of the personal data.

(3) Within 3 months from its election the Commission for protection of the personal data shall adopt and promulgate in the State Gazette the regulations under art. 9, para 2.

(4) Within one month from the enactment of the decision of the National Assembly under para 2 the Council of Ministers shall provide the necessary property and financial resources for the commencement of the work of the commission.

§ 3. (1) Within 6 months from the enactment of the regulations under art. 9, para 2 the persons who, by the moment of enactment of the law, maintain registers of personal data, shall bring them in compliance with the requirements of the law and shall notify the commission about that.

(2) The commission shall carry out preliminary inspections, shall register or refuse to register as administrators persons who maintain registers by the moment of enactment of the law, as well as the registers kept by them within 3 months from the receipt of the application under para 1.

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

(4) Upon the enactment of the decision of the commission for refusal of registration or of the decision of the Supreme Administrative Court which confirms the refusal of the commission the person who unlawfully keeps a register shall be obliged to destroy personal data contained in his register or, upon the consent of the commission, to transfer them to another administrator who has registered his register and processes personal data for the same purposes.

(5) The commission shall exercise control over the fulfilment of the obligation under para 4.

(6) Within 3 months from the registration the administrator under art. 3, para 1 shall be obliged to publish in the bulletin of the Commission for protection of the personal data the

information under art. 22, para 1.

§ 4. The following amendments are introduced to the Law for access to public information (SG 55/2000):

1. In art. 2, para 3 the words "personal information" are replaced by "personal data".

2. In § 1, item 2 is amended as follows:

"2. "Personal data" are information for an individual disclosing his physical, psychological, mental, marital, economic, cultural or public identity."

§ 5. The law shall enter into force on January 1, 2000.

The law was adopted by the 39th National Assembly on December 21, 2001 and was affixed with the official seal of the National Assembly.