

PHARE PROGRAMME TWINNING PROJECT NO. LV/2002/IB/OT-01
DATA STATE INSPECTION

Document 11

Activity 2.1

Preparation of a development strategy for the DSI

written by

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Mandated Body**



DATU VALSTS INSPEKCIJA

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Organisation of the DSI

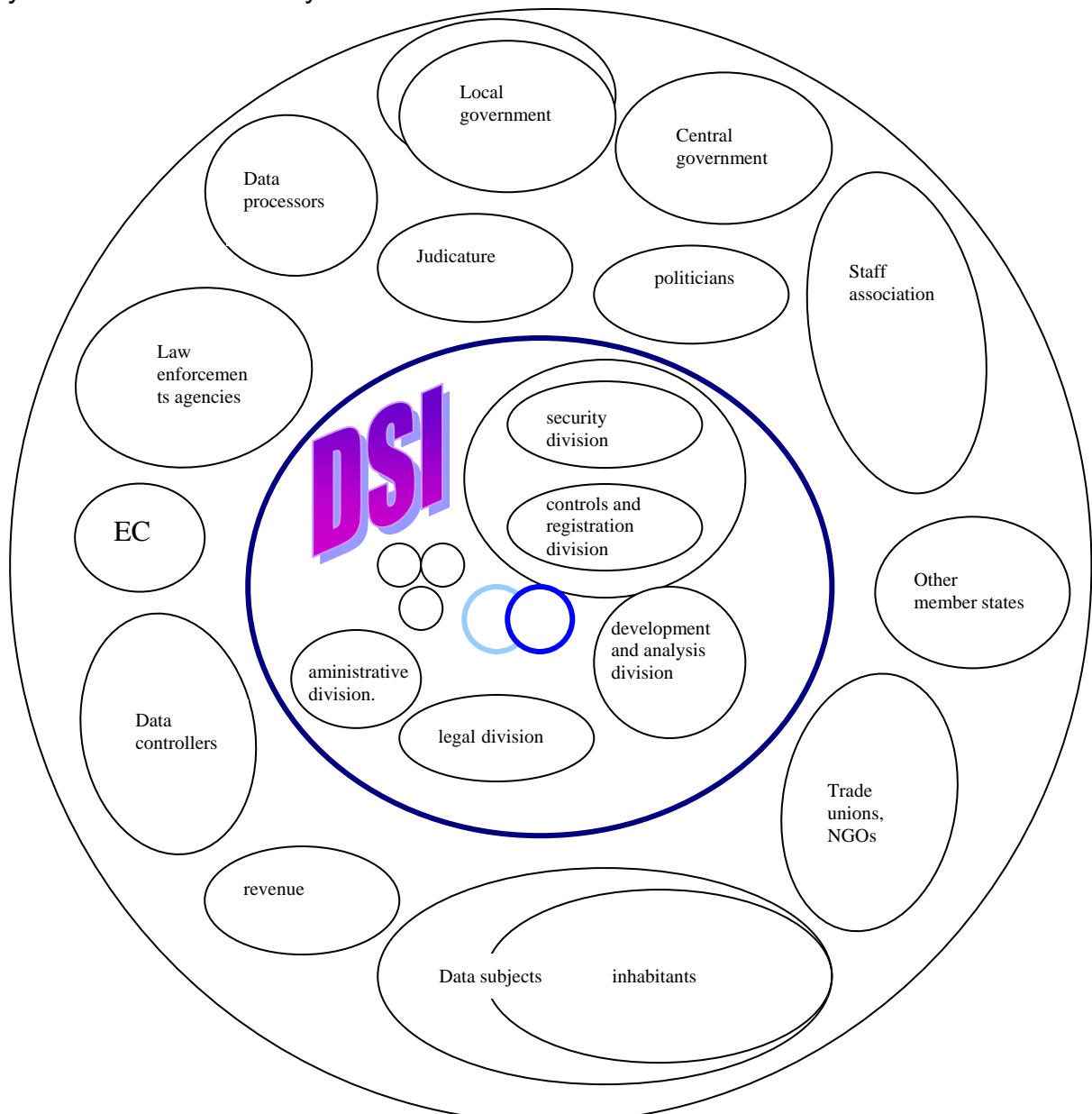
1. Introduction

Having regard to the covenant (Activity 2.1) firstly the tasks of the DSI are to be analysed. And this requires a survey of the status-quo. Subsequently we will prepare a development strategy and resources needs forecast of the DSI, indicating the staff, number of employees and their qualification, budget, equipment etc. A development strategy from June 2004 based on 4 global targets and appending activities, milestones, etc. already exists. This document shall be supplemented and updated depending on the results of the analysis.

2. Situation analysis

2.1 delimitation of the system

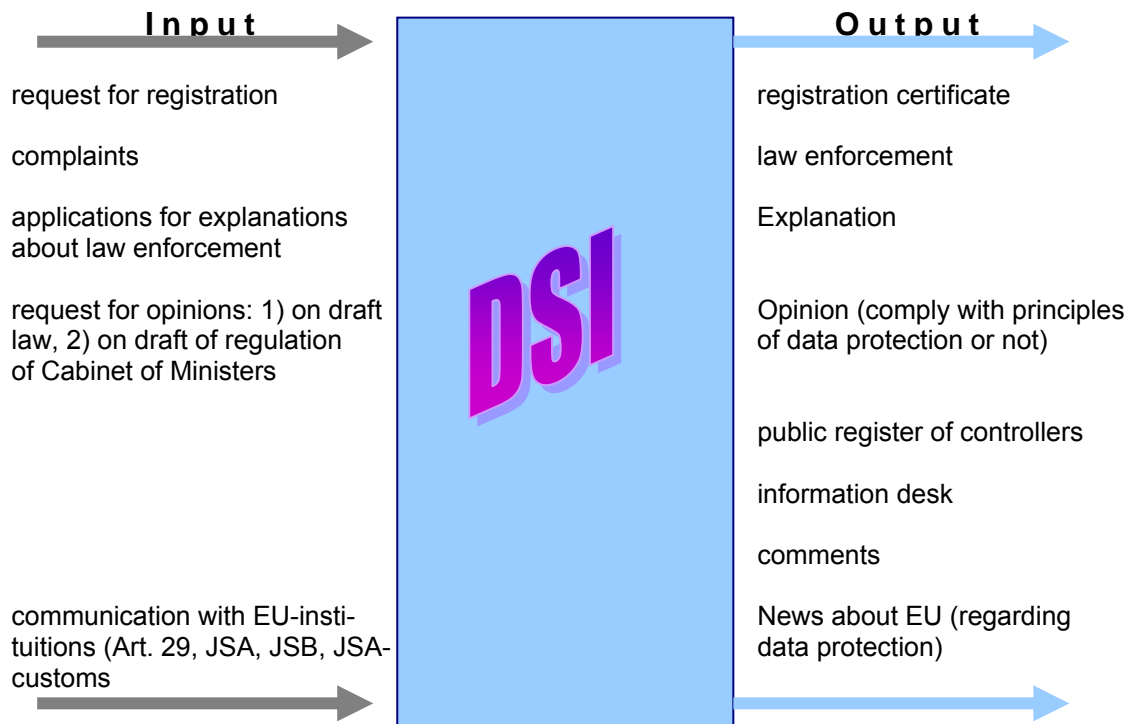
System and connected systems



2.2 Expectations of stakeholders

Stakeholders	Expectations
Data subjects	high privacy level, assistance in case of breach of Personal data protection law, explanations about law enforcement, handbooks of data protection in different sectors (for example, employee data protection, data protection in telecommunication)
Data controllers	unbureaucratic registration procedure, more information about data protection, handbooks of data protection in different sectors (for example, employee data protection, data protection in telecommunication), explanations about law enforcement
Data processors	explanations about law enforcement
population	explanations about law enforcement, more information about data protection
politicians	High quality of supervision of data protection
Revenue	Incomes of registration procedure (in accordance with the plan)
Trade unions	more information about data protection, explanations about law enforcement, handbooks of data protection in different sectors (for example, employee data protection, data protection in telecommunication)
EC	Enforcement of the Directive 95/46/EC
Local government	explanations about law enforcement, handbooks of data protection regarding data processing in local government
Staff association	assistance in case of breach of Personal data protection law, explanations about law enforcement,
Other member states	Cooperation, exchange of experience
Central government	handbook of data protection regarding data processing in government

2.3 input-output approach



2.4 Analysis of mega trends (e.g.)

- development of technology (video surveillance, internet, e-Government, ...) will lead to more threads of privacy
- globalisation (e.g. outsourcing of data processing) will increase cases of data processing outside of the EU
- further enlargement of the EU will increase cases of data processing outside of current member states
- the terrorist attack on the world trade centre in New York, known as “9/11”, has already caused more networking done by secret services, police, local government, private companies (e.g. airlines) all over the world and this trend is still going on
- expected growth of gross national product will lead to an increasing proportion of e-commerce and thus to more processing of customer data

3. Analysis of organization

3.1 basic conditions

Personal Data Protection Law, Law on Freedom of Information (art. 17), Electronic Documents Law,

Regulations of Cabinet of Ministers no.408:

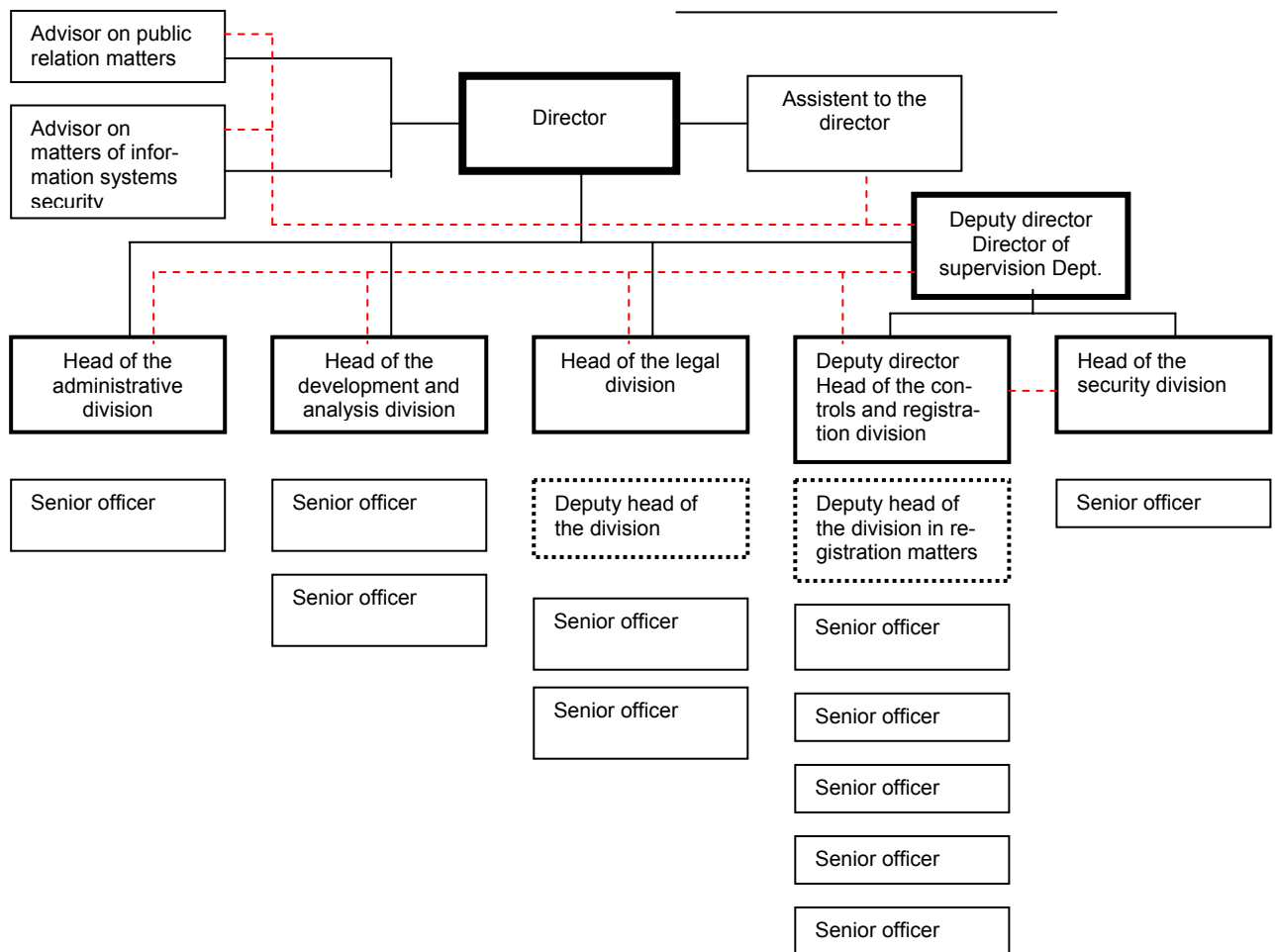
1. Data State Inspection (hereinafter - Inspection) is state authority under supervision of Ministry of Justice.
2. The Inspection is legal entity. It has seal with supplemented small state blazon of Latvia and full title of the Inspection as well as account in State pay-office.

3. Physical person data protection law establishes the rights and obligations of the Inspection.
4. Officials of the Inspection are director, his deputies, heads of divisions and inspectors.

In accordance with the Regulations of Cabinet of Ministers no.408 “Statute of Data State Inspection” 5.6., Director of the Inspection approves structure of the Inspection and staff-list within frame of appropriation for salaries confirmed by annual law of state budgeted;

3.2 structure of organisation & staff

3.2.1. current structure (since May 1st)



The new structure was authorized by the Valsts Civiletne Parvalde (division of the office of the Prime Minister).

At present there are 17 employees. A senior officer has a monthly base salary of 240 EUR (167 LVL) up to a bonus of 40% (at the utmost). If he is a civil servant, the base

salary is 300 EUR (209 LVL). The base salary of a head of division is 409 EUR (285 LVL). The official average wage in Latvia is 340 EUR (237 LVL)¹

3.2.2 future structure

Due to already prepared changes in the legal background there will be some changes in the structure. The DSI will no longer be an institution connected with the Ministry of Justice, but will achieve a special independent status in the House of Parliament (Saeimas). The head of the office, the Data Supervisor, will be nominated by the President of the Constitutional Court and the Saeima will elect him for a period of ten years (according to the present proposal).

Also very important will be a change in the field of registration. The handling of registration will be minimized in consequence of the optional implementation of specially empowered data protection officials within the sphere of data controllers and processors.

This will lead to a displacement of the main focus away from registration to supervision.

Without any prejudice to the person that will be the new elected Data Supervisor and which will have great power in autonomous organisation of the DSI, this will lead to the need of more staff members dealing with supervision. New skills will be needed, especially more technical competence in the field of ICT. Given that all measures shall be in the long run at no extra costs this could either be carried out by more technicians and less administrators or outsourcing and co requisite lean staff or additional technical and auditing training of the current staff members. The training of the current staff members will probably be the best way as understanding, experience and knowledge of legal and organisational terms of data protection is a very important skill itself and usually not an integrative part of the schooling and in-service training of technicians.

3.4. Material

In an overall view the office of the DSI seems to be well equipped. There are two premises all in all 420m² at three floors. Customers will drop in in the adjoining building, approx. 100 m dislodged.

Every employee has an efficient Personal Computer in his room, field-staff a laptop. Every two or three employees are sharing a printer. For inspections there is also a mobile printer available.

The computers are linked with a network. Two employees are supervising the network and the LAN-connection. Special software for interchange of documents and information, including workflow was designed by a Latvian company.

Broad-band LAN is distributed by a provider.

The key telephone system manages 3 numbers plus 3 fax-numbers (effective: 9 lines) with 42 extension lines (including 2 fax and one answering machine).

Two staff-cars are available.

All devices are allocated to employees which are responsible for them and managing them.

3.5. Structure of information

information and works order from the director to divisions are being sent by a workflow system.

¹ Central Statistical Bureau of Latvia (CSB) - Centrālā statistikas pārvalde (CSP), www.csb.lv/Satr/rad/E3a.cfm?kurs3=E3a

A website for data subjects, inhabitants and controllers (<http://www.dvi.gov.lv/>) provides information and set-forms.

4. Basic targets

1. To ensure complete surveillance of personal data protection in accordance with the requirements of the Law on Protection of Data of Physical Persons, as well as those of European Union.
2. To improve the implementation of personal data protection rules in state institutions and local governments, as well as in private sector.
3. To build up understanding in the society about the meaning of personal data protection, its tasks and aims.
4. To ensure that all persons can control information about themselves, i.e., to control or to know how others are using that information. (auch keine Priorität)
5. To implement surveillance over the Law on Freedom of Information and to ensure the implementation of common principles for freedom of information.
6. To ensure the execution of the functions delegated to the Inspection by the Law on Electronic Documents – to accredit the trusted providers of certification services and to monitor their operation.

5. Strategy

Four aims are being focussed:

- I. To promote good practice of data processing, ensuring the implementation of legal acts concerning data protection and freedom of information.
- II. To make DSI a reliable and competent assistant in the fields of privacy protection and freedom of information.
- III. To increase effectiveness and quality in the execution of the functions delegated to DSI.
- IV. Effective execution of international functions delegated to DSI.

I. Aim

To promote good practice of data processing, ensuring the implementation of legal acts concerning data protection and freedom of information.

Tasks

1. To ensure the respect of privacy of guaranteed rights, providing complete surveillance of personal data protection in accordance with the requirements of the Law on Protection of Data of Physical Persons, as well as those of European Union.
2. To promote the development of the field of freedom of information.
3. To perfect the implementation of personal data protection rules in state institutions and local governments, as well as in private sector.
4. To stimulate the inclusion of personal data protection rules in sectoral laws and regulations, as well as the elaboration of various special sectoral recommendations.

Expected Results

1. Data protection principles are being observed in public and private sector.
2. **The scope of operation of the Law on Freedom of Information is widened.**
3. Procedure for provision of information is improved.
4. **Higher security of data processing and the institution of Data Custodian are created.**
5. Greater understanding by System Supervisors as regards data processing.

Check-list

1. Amendments made in the Law on Protection of Data of Physical Persons, and the number of systems to be registered in private sector reduced.
2. Increased total number of registered systems.
3. DSI participation in the creation of new state and local government personal data processing systems is worked into normative base. New state information systems are not being created without a positive opinion from DSI.
4. Amendments to the Law on Freedom of Information accepted.
5. Amendments accepted to other laws and regulations connected with freedom of information.
6. Sample lists for restricted information worked out.
7. Lists of restricted information of all subjects of the Law on Freedom of Information are codified and publicly available.
8. Necessity for the institution of Data Custodian and possible gains there from are evaluated. Amendments to the Law on Protection of Data of Physical Persons accepted. Certification of Data Custodians started.
9. The number of audits of personal data processing systems of state institutions and local governments, as well as the number of audits carried out by DSI increased.
10. Plan for elaboration of recommendations in the field of personal data protection approved.
11. Recommendations worked out as regards data processing in the fields of video surveillance; work relations governed by civil law; medicine and healthcare.

II. Aim

To make DSI a reliable and competent assistant in the fields of privacy protection and freedom of information.

Tasks

1. To build up understanding in the society about the meaning of personal data protection, its tasks and aims.
2. To ensure that officials are aware of the obligation to provide information, and to promote the awareness in the society of the rights to request and receive information.

Expected Results

1. Successful implementation of the policy of privacy protection and freedom of information increases subjective feeling of security for each individual as regards the fields of data processing and privacy.
2. With open and transparent administration, state institutions and local governments provide sufficient information so that every member of the society is able to execute their rights.

Check-list

1. Increased number of those inhabitants (annual public opinion surveys) who believe that their data are safe.
2. Training has started for state and local government officials as regards freedom of information.
3. Society has been made aware of its rights (brochures, campaigns) to request and receive information.
4. DSI Public Relations and Communications Strategy worked out and implemented.
5. DSI homepage improved.
6. Within available capacity, training and public presentations given as regards issues of personal data protection and freedom of information.

III. Aim

To increase effectiveness and quality in the execution of the functions delegated to DSI

Tasks

1. To make optimal use of and to manage financial and human resources in DSI operation.
2. To support and promote DSI personnel training and development.
3. To provide comprehensive and clear information and recommendations as regards the issues of personal data protection.
4. To improve and increase the effectiveness of control and surveillance policy and procedures.
5. To introduce an effective system for the management of examination of affairs.
6. To elaborate procedures ensuring the execution of surveillance functions in accordance with the Law on Electronic Communications.

Expected Results

1. Introduced quality management system in accordance with the standard ISO 9001:2000.
2. Execution of functions delegated to DSI is effective and transparent.

Check-list

1. Regular meetings of DSI staff (and management).
2. Plan for DSI staff training worked out. Training schedule elaborated annually. Internal DSI staff training carried out.
3. Effective consultations by telephone being provided.
4. Precise and timely replies given to applications, information prepared.
5. Policy and documentation for control procedures worked out.
6. Respective structural units are regularly reviewing the progress in examination of affairs.
7. DSI documentation system improved.
8. Less time necessary for the review of complaints, investigation of affairs and taking decisions.
9. Simplified and accelerated procedure for the registration of systems.
10. Documented procedures are ensuring the execution of surveillance functions in accordance with the Law on Electronic Communications.
11. Timely preparation and publication of DSI annual report.
12. DSI Strategic Development Plan and Work Plan regularly reviewed.

IV. Aim

Effective execution of international functions delegated to DSI.

Tasks

1. To ensure the execution of national surveillance functions in the field of the 1st and the 3rd pillar.
2. To improve and strengthen the participation in the framework of the Working Group of Article 29, Directive 95/46/EC.
3. To improve cooperation with other international data protection institutions.
4. To monitor personal data transfer to third countries.

Expected Results

1. Cooperation is established with the national unit of Europol.
2. Operation of national data protection surveillance unit is ensured in Latvia, as regards common Schengen Information System.
3. Operation of national data protection surveillance unit is ensured in Latvia, as regards common Customs Information System.
4. Participation of Latvia (within available capacity) is ensured in all EU, Council of Europe and international data protection and freedom of information conferences, working groups and working meetings.

Check-list

1. Check carried out in national Europol unit.

2. National data protection surveillance unit created as regards common Europol Information System.
3. National data protection surveillance unit created as regards common Schengen Information System.
4. National data protection surveillance unit created as regards common Customs Information System.
5. Participation of relevant staff ensured in the work related to the Working Group of Article 29, Directive 95/46/EC.
6. Opinions by the Article 29 Working Group included in DSI recommendations and guidelines.
7. DSI participation in European Data Protection Authorities Spring Conference and in International Privacy and Data Protection Conference.
8. Latvia participates in EU Complaint Review working meetings and regional data protection conferences.
9. Within available capacity, Latvia participates in all European Union level meetings (working groups) related to personal data protection, freedom of information and electronic documents.
10. Latvia participates in other relevant European conferences.
11. Guidelines on data transfer to third countries worked out.

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