



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

Document 29

Activity 4.4

Practical application of the provisions of the “Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data” to the Latvian Social Welfare System:

written by

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August 2005



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Mandated Body**



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As mentioned above, Directive 95/46/EC (hereinafter called “the Directive” or the “Data Protection Directive is fully applicable to data procession operations in the Latvian Welfare System.

In the following chapter, the most important Articles of the Directive will be presented and explained with regard to their practical application in the day-to-day work of Latvian welfare institutions¹ and with a special focus on the individual rights of the data subject in the welfare system.

In the column “practical meaning”, examples and further interpretation will be given.

Art. 6 – Data Quality

Article 6:	Text of provision:	Practical meaning for social data protection:
1.	Member States shall provide that personal data must be:	
a	processed fairly and lawfully	Relevant e.g. for the calculation of amount of benefits, pensions or contributions
b	collected for specified, explicit and legitimate purposes and not further processed in a way incompatible with those purposes. Further processing of data for historical, statistical or scientific purposes shall not be considered as incompatible provided that Member States provide appropriate safeguards;	Data collection and procession must be proportionate and not exceeding the actual purpose (e.g. creation of a social rehabilitation plan). Data procession operations for further purposes (e.g. drawing up of statistics as a basis for a State policy in the field of social services) must ensure that no individual citizen can be identified upon these data.

¹As presented e.g. by the Latvian “Support for Unemployed Persons and Persons Seeking Employment Law”, the Latvian “Law On Social Services and Social Assistance” and publically accessible information such as the Website of the Latvian State Social Insurance Agency (VSAA), as last seen on August 2nd, 2005.

c	adequate, relevant and not excessive in relation to the purposes for which they are collected and/or further processed;	
d	accurate and, where necessary, kept up to date ; every reasonable step must be taken to ensure that data which are inaccurate or incomplete, having regard to the purposes for which they were collected or for which they are further processed, are erased or rectified;	This implies the individual's right to access his/her personal data and to object to incorrect data procession. Consequently, the individual has a right to have wrongly processed data corrected.
e	kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the data were collected or for which they are further processed. Member States shall lay down appropriate safeguards for personal data stored for longer periods for historical, statistical or scientific use.	E.g. the file of an unemployed person must be cleared after the loss of the unemployment status.
2.	It shall be for the controller to ensure that paragraph 1 is complied with.	The legal capacity of Welfare institutions such as the State Employment Agency, the Social Services Agency or the State Social Insurance Agency as controllers must be clarified by the Welfare Laws. For the definition of the controller see Art 2/d of the Directive.

Art. 12 – Right of access

Article 12:	Text of provision:	Practical meaning for social data protection:
	Member States shall guarantee every data subject the right to obtain from the controller :	According to Art 2 of the Directive, “ controller ” shall mean the natural or legal person, public authority, agency or any other body which alone or jointly with others determines the purposes and means of the processing of personal data ;

a	without constraint at reasonable intervals and without excessive delay or expense: <ul style="list-style-type: none">• confirmation as to whether or not data relating to him are being processed and information at least as to the purposes of the processing, the categories of data concerned, and the recipients or categories of recipients to whom the data are disclosed,• communication to him in an intelligible form of the data undergoing processing and of any available information as to their source,• knowledge of the logic involved in any automatic processing of data concerning him at least in the case of the automated decisions referred to in Article 15 (1);	Controllers must inform their clients about their right to obtain information and provide easily accessible procedures for client service
	as appropriate the rectification, erasure or blocking of data the processing of which does not comply with the provisions of this Directive, in particular because of the incomplete or inaccurate nature of the data;	
	notification to third parties to whom the data have been disclosed of any rectification, erasure or blocking carried out in compliance with (b), unless this proves impossible or involves a disproportionate effort.	