INSTRUCTION

No. 35, date 07.05.2013

ON

"THE PROCESSING OF PERSONAL DATA ON ELECTION CAMPAIGN"

Pursuant to letter "c", clause 1 of article 30 and letter "f", clause 1 of article 31 of law No. 9887, date 10.03.2008 "On the protection of personal data", as amended, law No. 10019, date 29.12.2008, updated by decision of the Constitutional Court No. 32, date 21.06.2010, the data protection Commissioner,

INSTRUCTS:

Article 1

The purpose

1. This instruction aims to determine the rules for the processing of personal data by candidates during the conduct of the election campaign.
2. This instruction does not apply to leaflets, posters, information materials and other similar materials which do not contain personal data of voters.

Article 2

Definitions

For the purposes of this Instruction, the following terms have the following meanings:

1. "Controller" is any candidate registered with the Central Election Commission.
2. "Processor" is that company (any service provider, operators of mobile companies, etc.) which enters into a contractual relationship with the controller in order to process the personal data of voters on behalf of the controller.
3. "Data subject" is any voter who provides data to the candidate on behalf of his election campaign.
4. "Outsourcing contract" is an act by which the controller requires the processor to perform on its own behalf the processing of personal data or part of it.
5. "Informed consent" is the clear expression of the will of the electorate, which expresses its approval for the processing of personal data, which meets the following criteria:
a) Is given in writing;
b) Dated and signed;
c) Is given freely after obtaining detailed information about the nature, importance, effects, etc.;
d) Is documented.

Article 3

Collection of personal data of voters

1. The candidate who will process the personal data of the voters for the purposes of the election campaign, is obliged to collect the personal data directly from the voters,

ensuring that the latter are informed about the purpose of data collection and how to use it them.

2. The candidate does not collect personal data for election campaigns by fraudulent means or by misusing the purpose of the meeting. The candidate is prohibited from using databases collected for other purposes, for the purpose of the election campaign.
3. When the candidate uses the personal data collected from the voter list in the National Electronic Civil Registry, he uses this data only for election-related purposes, as defined by the relevant legislation.

Article 4

Provisions for Third Parties

1. The candidate may provide a copy of the voter list for processing purposes for election campaign data. In this case, a contract must be concluded between them in accordance with Instruction no. 19, dated 03.08.2012 "On the regulation of relations between the Controller and the Processor in cases of delegation of data processing and the use of a standard contract in cases of this delegation" of the Commissioner for Personal Data Protection.
2. The candidate guarantees the processor that the data has been collected and that their use in the manner instructed by the candidate is in accordance with this instruction and the applicable legislation for the protection of personal data. Obtaining consent under Article 5, paragraph 2 of this Instruction remains the responsibility of the candidate, as controller of the collected personal data and the Processor has no obligation to control the fulfillment of this obligation by the candidate.
3. The third party may not use the copy of the voter list for purposes other than those specified by the candidate and the latter shall ensure that any copies he gives are returned to him/her and/or safely destroyed.

Article 5

Notification

1. The candidate is obliged to notify the Commissioner for Personal Data Protection in advance if he, or a third party on his behalf, will process personal data for the purposes of the election campaign manually as well as using electronic devices, such as computer, email, fax, messages.
2. The winning candidate will continue to be registered in the electronic register of the controlling entities of the Commissioner, after the notification made according to clause 1 of this article, as long as he remains in office.
3. The Central Election Commission is obliged to submit to the Authority the list of winning and losing candidates in the electoral elections. The Authority of the Commissioner, for the Candidate who, based on the above-mentioned list, is non-profit in the electoral elections, deregisters it from the electronic register of the controlling entities of the Commissioner.

Article 6

Personal data protection principles

1. The candidate applies the principles of personal data protection for the processing of all personal data he collects, such as name, paternity, surname, date of birth, apartment code, citizenship and personal identification number, telephone number, etc. If the candidate elaborates on the details of political views, opinions, or any indication of voting intentions, this information is not only personal data but sensitive data. In this case, additional protective measures are taken to protect this information and sensitive personal data is safely destroyed at the end of the campaign in accordance with Instruction no. 21, dated 24.09.2012 on "Determining the rules for maintaining the security of personal data processed by large controllers" and Instruction no. 22, dated 24.09.2012 on "Determining the rules for maintaining the security of personal data processed by small controllers" of the Commissioner for the protection of personal data.

2. The candidate obtains the prior written consent of the voter in case he / she processes sensitive data as well as in case he / she uses the personal data collected directly by the voters for the purposes of direct trading.

3. The candidate is obliged to enter into a contract for SMS communications for direct trading as provided in Article 4 of this Instruction with a service provider that has signed cooperation agreements with all relevant mobile operators for transmission of these communications to their respective subscribers.

4. Voters have the right at any time to ask the candidate to stop processing sensitive data and trading directly. To this end, the candidate will put in communication a toll-free telephone number, to which voters can simply demand a ban on direct trading.

Article 7

Final provisions

1. All candidates registered with the Central Election Commission, who will be voted in the elections, are responsible for the implementation of this instruction.

2. Failure to comply with the requirements of this instruction, constitutes a violation of the law on personal data protection and is punishable under Article 39 thereof.

3. This instruction enters into force immediately and is published in the Official Journal.