

ANNEX I

TO TITLE III (FREEDOM, SECURITY AND JUSTICE)

Commitments and Principles on personal data protection

1. The Parties shall, in the context of the implementation of this or other Agreements, ensure a legal level of data protection which at least corresponds to that set out in the Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data, signed on 28 January 1981 (ETS No 108) and its Additional Protocol, regarding Supervisory Authorities and Transborder Data Flows, signed on 8 November 2001 (ETS No 181). Where relevant, the Parties shall take into account Recommendation No. R (87) 15 of 17 September 1987 of the Committee of Ministers of the Council of Europe Regulating the Use of Personal Data in the Police Sector.

2. In addition the following principles shall apply:

(a) both the transferring authority and the receiving authority shall take every reasonable step to ensure, as appropriate, the rectification, erasure or blocking of personal data where the processing does not comply with the provisions of Article 15 of this Agreement, in particular because those data are not adequate, relevant, or accurate, or because they are excessive in relation to the purpose of processing. This includes the notification of any rectification, erasure or blocking to the other Party;

(b) upon request, the receiving authority shall inform the transferring authority of the use of the transferred data and of the results obtained therefrom;

(c) personal data may only be transferred to the competent authorities. Further transfer to other authorities requires the prior authorisation of the transferring authority;

(d) the transferring and the receiving authorities are under an obligation to make a written record of the communication and receipt of personal data;

(e) upon request, each person shall have the right to be provided with information by the authority which processed the personal data in relation to the data concerning them, transmitted or processed under this Agreement;

(f) The Parties shall ensure that each individual, in the case of a breach of his right to data protection, can file a complaint with the independent supervisory authority in the field of personal data protection or before a law court and may claim damages.