Standard Summary Project Fiche

1. Basic Information

1.1. **Désirée Number**  CZ00-04-01  
    **Twinning number**  CZ2000/IB/OT/03

1.2. **Title**  Strengthening Regulation/Enforcement of Data Protection Acquis

1.3. **Sector**  Internal Market

1.4. **Location**  State Office for Information Systems (USIS)

2. Objectives

2.1. **Wider Objective**

- Ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union.

2.2. **Immediate Objectives**

The Immediate Objectives of this Project are to:

- Support the full operational establishment of the Independent Supervisory Authority, which will be established during year 2000, with suitable administrative and monitoring systems developed, technical capabilities assessed and staff trained, in order to guarantee effective, non-discriminatory and transparent regulation of a data protection in compliance with the acquis.

2.3. **Accession Partnership / NPAA Priority**

The Accession Partnership (December 1999), highlights the following priorities:

- **Short-term/Medium-term**: Data Protection - complete alignment and establish an independent supervisory authority.

The National Programme (May 1999) foresees the following priority areas for action:

- **Short-term**: in the area of personal data protection, approximate legislation during year 2000 to ensure fully compliant with the Directive 95/46/EC, including establishment of an ISA;
- **Medium-term**: develop Independent Supervisory Authority’s activities.

3. Description

3.1. **Background / Justification**

The protection of personal data is high on the EU’s list of priorities, in particular with the fast changing technological capacities in the Information Society. Czech policy in the area reflects latest EU developments and the recent considerable effort to bring Czech legislation in line with that of the acquis.

The new Act No. 101/2000 Coll., on Personal Data Protection, fully in compliance with relevant EC directives, was already adopted and will enter into force on 1st June 2000.

It is assumed that with the entry into force of the Act on Personal Data Protection, full legislative alignment will have been achieved. The Independent Supervisory Authority (the presumed name being the **Office for Personal Data Protection - OPDP**), will be established by the above mentioned Act No. 101/2000 on 1st June 2000 as well, having until the end of 2002 to ensure its full operations and compliance.
The Act on Personal Data Protection includes the basic provisions establishing the OPDP, including its tasks and competencies for registration, control, taking measures and sanctions in the field of data protection (for a summary, please see Annex 4). The ISA’s independence from Government is declared in the Act; the President of the Republic following a Senate’s proposal will name its Chairperson and Inspectors.

This Phare Project is presented by the Office for the State Information System (OSIS) which is at present the responsible Government body authorised to deal with tasks including preparation of the new appropriate legislation and organising the establishment of the new body (OPDP). The new institution (OPDP) will assume on 1st June 2000 all responsibilities and competencies in the personal data protection area currently undertaken by OSIS.

3.2. Linked Activities

- Analysis of the present stage of legislation in the field of personal data protection compared with EC legislation (CZ 9405.01.01 – Legal Approximation): the experts stated that the Czech legislation (Act 256 enforced in 1992) did not fully comply with the requirements of Directive 95/46/EC. The Act did not contain provisions establishing a supervisory body, had no provisions on direct sanctions or on trans-border data flows, covered expressively only automated information systems and was based on non-satisfactory definitions;

- Seminar on Personal Data Protection in the EU and the Czech Republic (CZ 9405.01.01 – Legal Approximation): held in January 1998;

- Expertise on the working version of the Draft of the Act on the Personal Data Protection provided by a former DG XV expert: The expertise confirmed that the Draft had high level of compliance with the Directive 95/46/EC. The remarks and comments were transmitted into the final Draft of the Act so as full alignment was achieved when the Draft was being presented to the Government;

- TAIEX: Study visit of two experts from the working team of the OSIS preparing the establishment of the ISA to the Agencia de Protección de Datos, Spain, June 1999;

- Screening Chapter: February 1999.

3.3. Results / Outputs

The following Outputs will be delivered and Guaranteed Results achieved via this Project:

- Full scope functioning and operating OPDP by the end of 2002, which will be in compliance with acquis in the field of personal data protection;

- Qualified and well-trained OPDP staff with full knowledge of legal, technical and organisational questions concerning practical application of personal data protection in the EU member states, on the basis of advice, study visits and training;

- Appropriate information and operational systems will support the main OPDP activities (registration, monitoring and control, taking measures, etc.) as well as of management system enabling interoperability between individual information systems, on the basis of advice/workshops/expert studies and study visits and training and providing of know-how and special software for data protection;

- Development of a strategy for the period 2002 - 2005 aimed at an achievement of the complex activity and functioning performance of the OPDP on the level comparable with that of the similar bodies in EU member states (incl. new trends in their supervisory activities e.g. in relation to the Schengen Information System, global networks, etc.), on the basis of advice, expert studies, study visits and training;
• Establishing of external relations network and OPDP contacts with similar bodies in the EU Member States as well as with similar EU bodies and working groups in the field of personal data protection, on the basis of advice and support.

3.4. Activities / Inputs

The Project consists of two tenders/contracts:

• **Twinning and Training Package**, plus

• **Investment in Institution Building**.

**Twinning and Training Package – CZ 2000/IB/0T/03**

The following keys Inputs are foreseen:

• A 1 year **Pre-Accession Adviser** (PAA), located at OPDP, providing advice and technical support for the development of OPDP’s strategy and operational functioning, including the development of structures for regulatory enforcement, to ensure compliance with EC acquis.

  The PAA should have senior management experience in the field of personal data protection from working in a similar institution in an EU Member State. S/he will possess comprehensive knowledge of regulation and monitoring systems as these have evolved in the EU Member States in keeping with changes in the acquis and technological transformation. The PAA, who will co-ordinate the inputs of a pool of short-term experts should be fluent in the English language (written and spoken);

• A series of **Short-Term Expert** inputs (approximately 15 person-months) to provide specialist inputs, under the direction of the PAA, including analysis and development of policy co-ordination/regulatory structures and necessary procedures (legal and regulatory, operational, technical procedures, etc.), plus staff training;

• **Other services and intangible supplies** including development of information management systems, IT requirements, study fellowships (conferences, seminars, fellowships in the Member States, etc.).

Key Activities to be undertaken via the Twinning and Training Package include:

• Analysis of and recommendations for an appropriate OPDP model for the Czech Republic, based on comparative review of EU Member States’ models (by the end of month 2);

• Elaboration of a detailed medium-term Action Plan to strengthen the OPDP, for full acquis enforcement by the end of 2002 (by the end of month 3);

• Institution building activities, based on the Action Plan, to ensure a fully operational and independent OPDP, corresponding to Directive 95/46/EC (remaining Project time period);

• Finalisation of detailed review of OPDP technical systems/capacities, based on the Action Plan, with recommendations for special non-standard software under the Project’s 2nd component, with detailed technical specifications submitted (by end of month 4);

• Finalisation of draft secondary regulation in the sector, compatible with the acquis (by the end of month 6);

• Development of detailed procedures and operations for regulation mechanisms: registration, monitoring and information systems, strategy (objectives, goals) for enhancing public awareness of personal data protection (activities under the strategy will be funded by the State Budget), consumer rights, complaints-handling, statistical survey methods, measures and sanctions etc. (remaining Project time period);
• Provide training needs analysis (by the end of month 3), developing and delivering corresponding training for OPDP staff (workshops/seminars/study visits/fellowships, over the remaining Project time period):
  
  → 10 fellowships/study visits for OPDP staff and management, ensuring a coverage of areas;
  
  → In-country and on-the-job training covering the full body of the acquis in the data protection field, its application in the Member States, international law and standards/norms, regulatory principles and future orientation, broad management training;
  
  → Public seminars, in particular focused on participation of economic and social partners, judiciary etc. to present and discuss changes to the data protection law.

**Investment in Institution Building**

On the twinning expert recommendation there will be provided special non-standard software in the field of Personal Data Protection with relevant staff training to ensure a support of managerial and interoperability systems. The State Budget will provide hardware and standard software.

### 4. Institutional Framework

At present the Office for the State Information System (OSIS) is the state authority in the field of data protection. Its task is to prepare new personal data protection legislation and carry through the preparatory steps enabling the establishment of the new independent body **Office for Personal Data Protection** (OPDP).

After establishment of OPDP, OSIS will finish its activity in the field of data protection and will continue to oversee Government information policy.

### 5. Detailed Budget (in M€)

<table>
<thead>
<tr>
<th>Project Components</th>
<th>Investment Support</th>
<th>Institution Building</th>
<th>Total Phare (= I + IB)</th>
<th>National Co-financing</th>
<th>IFI</th>
<th>TOTAL</th>
</tr>
</thead>
<tbody>
<tr>
<td>Twinning and Training Package</td>
<td></td>
<td></td>
<td>0.5</td>
<td></td>
<td></td>
<td>0.5</td>
</tr>
<tr>
<td>Investment in Institution Building</td>
<td>0.1</td>
<td>0.1</td>
<td></td>
<td>0.3 *</td>
<td></td>
<td>0.3</td>
</tr>
<tr>
<td>Investment in Institution Building</td>
<td></td>
<td></td>
<td>0.3</td>
<td></td>
<td></td>
<td>0.3</td>
</tr>
<tr>
<td><strong>TOTAL</strong></td>
<td><strong>0.1</strong></td>
<td><strong>0.5</strong></td>
<td><strong>0.6</strong></td>
<td><strong>0.3</strong></td>
<td><strong>IFI</strong></td>
<td><strong>0.9</strong></td>
</tr>
</tbody>
</table>

* Total national financing for OPDP equipment (including hardware and standard software) and other institution building activities financed from the State Budget will amount to about 1 MEUR per year in 2001 and 2002.

### 6. Implementation Arrangements

#### 6.1. Implementing Agency

The CFCU is the Implementing Agency responsible for tendering, contracting and accounting. Responsibility for technical preparation and control will remain with the Beneficiary: Office for the State Information System, Havelkova 22, 130 00 Prague 3, Czech Republic (from 1st June 2000 with the Office for Personal Data Protection, having the same place of residence).

#### 6.2. Twinning – CZ 2000/IB/0T/03

The Contact Person is Mr. Karel Neuwirt (neuwirtk@usiscr.cz), tel. +420 2 21008288, fax +420 2 24231485. From 1st June 2000 the implementation will be taken over by a new independent supervisory authority (Office for the Personal Data Protection) which will benefit of the twinning secondment.
6.3. **Non-standard Aspects**

DIS Manual procedures will be followed.

6.4. **Contracts**

2 contracts are foreseen:

- Twinning and Training Package = 0.5 MEUR;
- Investment in Institution Building = 0.1 MEUR.

7. **Implementation Schedule**

<table>
<thead>
<tr>
<th>Event</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Start of Twinning Preparations</td>
<td>3Q/00</td>
</tr>
<tr>
<td>Start of Twinning Activity</td>
<td>2Q/01</td>
</tr>
<tr>
<td>Project Completion</td>
<td>1Q/02</td>
</tr>
<tr>
<td>Start of Tendering/Supply</td>
<td>3Q/00</td>
</tr>
<tr>
<td>Start of Delivery</td>
<td>4Q/00</td>
</tr>
<tr>
<td>Project Completion</td>
<td>4Q/02</td>
</tr>
</tbody>
</table>

8. **Equal Opportunity**

Equal opportunity principles and practices in ensuring equitable gender participation in the Project will be guaranteed.

9. **Environment**

The investment components of this Project all relate to Institution Building activities.

10. **Rates of Return**

The investment components of this Project all relate to Institution Building activities.

11. **Investment Criteria**

The investment components of this Project all relate to Institution Building activities. All investment is to be tendered immediately. Specifications will be reviewed by independent experts within the framework of twinning where possible and appropriate.

12. **Conditionality and Sequencing**

The entry into force of the new Act No. 101/2000 Coll., on Personal Data Protection, that will comply with the Directive 95/46/EC, is critical.

The Act contains provisions setting up and providing for the competencies of the OPDP. The Act will enter into force and the ISA will be established on 1st June 2000.

**Annexes to Project Fiche**

1. Logical Framework Matrix
2. Detailed Implementation Chart
3. Cumulative Contracting and Disbursement Schedule (in M €)
4. Summary of the Draft Bill on Personal Data Protection
### Logical Framework Matrix

#### Strengthening Regulation/Enforcement of Data Protection Acquis

<table>
<thead>
<tr>
<th>Project Number: CZ 00-04-01</th>
<th>Date of Drafting: 04/2000</th>
</tr>
</thead>
<tbody>
<tr>
<td>Contracting Period Expires: 31/10/2002</td>
<td>Disbursement Period Expires: 31/10/2003</td>
</tr>
<tr>
<td>Total Budget: <strong>0.9 MEUR</strong></td>
<td>Phare Contribution: <strong>0.6 MEUR</strong></td>
</tr>
</tbody>
</table>

#### Wider Objective

**Ability to take on the obligations of membership, including adherence to the aims of political, economic and monetary union**

- The European Commission expert will evaluate the ability of the ISA/OPDP to fit in with all main requirements of the EU directive 95/46/EC

<table>
<thead>
<tr>
<th>Source of Information</th>
<th>Assumptions and Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>- Basic documents related to the establishment of the new body (organisation scheme etc.)</td>
<td></td>
</tr>
</tbody>
</table>

#### Immediate Objectives

**Support the full operational establishment of the Independent Supervisory Authority, which will be established during year 2000, with suitable administrative and monitoring systems developed, technical capabilities assessed and staff trained, in order to guarantee effective, non-discriminatory and transparent regulation of a data protection in compliance with the acquis**

- Full scope structure of the ISA's administration ensuring operation in all main functions in the field of personal data protection (registration, monitoring, control and inspection, taking measures and sanctioning, publicity and awareness, foreign relations etc.)

<table>
<thead>
<tr>
<th>Source of Information</th>
<th>Assumptions and Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>- OPDP</td>
<td>Adequate financing from national budget</td>
</tr>
<tr>
<td>- Project Reports</td>
<td></td>
</tr>
<tr>
<td>- Regular Report</td>
<td></td>
</tr>
<tr>
<td>- EU data protection Annual Reports</td>
<td></td>
</tr>
</tbody>
</table>

#### Results

- Full scope functioning and operating OPDP by the end of 2002, which will be in compliance with acquis in the field of personal data protection;
- Qualified and well-trained OPDP staff with full knowledge of legal, technical and organisational questions concerning practical application of personal data protection in the EU member states, on the basis of advice, study visits and training;
- Appropriate information and operational systems will support the main OPDP activities (registration, monitoring and control, taking measures, etc.) as well as of management system enabling interoperability between individual information systems, on the basis of advice/workshops/expert studies and study visits and training and

- OPDP Development Strategy/Action Plan elaborated and carried out
- Regulatory mechanisms developed and in place by the end of 2002
- Citizens feedback lists

<table>
<thead>
<tr>
<th>Source of Information</th>
<th>Assumptions and Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>- OPDP Activities Annual Report</td>
<td></td>
</tr>
<tr>
<td>- Project Reports</td>
<td></td>
</tr>
</tbody>
</table>
providing of know-how and special software for date protection;
- Development of a strategy for the period 2002 - 2005 aimed at an achievement of the complex activity and functioning performance of the OPDP on the level comparable with that of the similar bodies in EU member states (incl. new trends in their supervisory activities e.g. in relation to the Schengen Information System, global networks, etc.), on the basis of advice, expert studies, study visits and training;
- Establishing of external relations network and OPDP contacts with similar bodies in the EU Member States as well as with similar EU bodies and working groups in the field of personal data protection, on the basis of advice and support

<table>
<thead>
<tr>
<th>Inputs</th>
<th>Assumptions and Risks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Twinning and Training Package: 1 year PAA, 15 person-months STEs, intangible supplies and services. Located at OPDP. Investment in Institution Building – software procurement, plus relevant staff training (State Budget will provide hardware and standard software)</td>
<td></td>
</tr>
<tr>
<td>Activities: Analysis of and recommendations for an appropriate OPDP model for the Czech Republic (end of month 2); Elaboration of a detailed medium-term Action Plan to strengthen the OPDP, for full acquis enforcement by the end of 2002 (end of month 3); Institution building activities, based on the Action Plan, to ensure a fully operational and independent OPDP, corresponding to Directive 95/46/EC (remaining Project time period); Finalisation of detailed review of OPDP technical systems/capacities, based on the Action Plan, with recommendations for technical equipment supply under the Project’s 2nd component, with detailed technical specifications submitted (end of month 4); Finalisation of draft secondary regulation in the sector, compatible with the acquis (end of month 6); Development of detailed procedures and operations for regulation mechanisms: registration, monitoring and information systems, strategy (objectives, goals) for enhancing public awareness of personal data protection (activities under the strategy will be funded by the State Budget), consumer rights, complaints-handling, statistical survey methods, measures and sanctions etc. (remaining Project time period); Provide training needs analysis (end of month 3), developing and delivering corresponding training for OPDP staff (workshops/seminars/study visits/fellowships, over the remaining Project time period): 10 fellowships; in-country and on-the-job training; public seminars in particular focused on participation of economic and social partners, judiciary etc.</td>
<td></td>
</tr>
</tbody>
</table>
## Detailed Implementation Chart

### Twinning and Training Package

- **Launch Twinning request to Member States (June 2000)**
- **Selection of MS(s) for twinning** X
- **Elaboration of twinning covenant** X X X
- **Submit Twinning covenant to Commission & Steering Committee for approval** X X X
- **Twinning Package commences** X
- Analysis of and recommendations for an appropriate OPDP model X X
- **Elaboration of a detailed medium-term Action Plan to strengthen OPDP** X X
- **Institution building activities, based on the Action Plan** X X X X X X X X X
- **Detailed review of OPDP technical systems/capacities, recommendations for technical equipment supply** X X
- **Finalisation of draft secondary regulation in the sector** X X X X
- **Development of detailed procedures and operations for regulation mechanisms** X X X X X X X X X X X
- **Training needs analysis** X X X
- **Corresponding training** X X X X X X

### Investment in Institution Building

- **Tender launch** X
- **Contract signature** X
Cumulative Contracting and Disbursement Schedule (in M€)  

Annex 3

Cumulative Quarterly Contracting Schedule (M€)

<table>
<thead>
<tr>
<th>Project</th>
<th>4Q/00</th>
<th>1Q/01</th>
<th>2Q/01</th>
<th>3Q/01</th>
<th>4Q/01</th>
<th>1Q/02</th>
<th>2Q/02</th>
<th>3Q/02</th>
<th>4Q/02</th>
<th>1Q/03</th>
<th>2Q/03</th>
<th>3Q/03</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strengthening Regulation/Enforcement of Data Protection Acquis</td>
<td>0.5</td>
<td>0.6</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>0.6</td>
<td></td>
</tr>
</tbody>
</table>

Cumulative Quarterly Disbursement Schedule (M€)

<table>
<thead>
<tr>
<th>Project</th>
<th>4Q/00</th>
<th>1Q/01</th>
<th>2Q/01</th>
<th>3Q/01</th>
<th>4Q/01</th>
<th>1Q/02</th>
<th>2Q/02</th>
<th>3Q/02</th>
<th>4Q/02</th>
<th>1Q/03</th>
<th>2Q/03</th>
<th>3Q/03</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Strengthening Regulation/Enforcement of Data Protection Acquis</td>
<td>0.125</td>
<td>0.25</td>
<td>0.4</td>
<td>0.55</td>
<td>0.6</td>
<td>0.6</td>
<td>0.6</td>
<td>0.6</td>
<td>0.6</td>
<td>0.6</td>
<td>0.6</td>
<td>0.6</td>
<td></td>
</tr>
</tbody>
</table>
Summary of the Bill on Personal Data Protection

Annex 4

Act No. 256/92 Coll. of April 29th 1992 on Protection of Personal Data in Information Systems

The present Act does not contain provisions establishing a supervisory authority, has no provisions on direct sanctions and on trans-border data flows, covers expressively only automated information systems and is based on some non-satisfactory definitions.

Act on Personal Data Protection

The new Act No. 101/2000 Coll., on Personal Data Protection, fully compliant with relevant EC directives, will enter into force on 1st June 2000. The full compliance of the draft with the EC Directive 95/46/EC and the Convention No. 108 of 1981 was assessed by experts from DG Internal Market and also from Council of Europe.

The Act consists of following provisions:

Introductory Provisions

→ Purpose of the Law
→ Competence of the Law
→ Definitions

Rights and Responsibilities whilst Processing Personal Data

→ Duties of a Controller
→ Sensitive data
→ Obligations of Persons whilst Securing Personal Data
→ Notification Requirement
→ Liquidation of Personal Data
→ Protection of the Rights of Data Subjects
→ Remedies

Transfer of Personal Data to Other Countries

Position and Competence of the Independent Authority

→ The Office
→ Organisation of the Office
→ The Office Chairman
→ The Office Inspectors

Activities of the Office

→ Registration
→ Annual Report
→ Authority of the Supervisors
→ Obligations of the Supervisors
Remedial Measures

Sanctions

- Infringements
- Disciplinary Penalty
- Penalties to which Controllers and Processors are Subject

Common, Transitional and Concluding Provisions

- Measures for Transitional Period
- Cancellation Provisions
- Amendments to another Laws
- Effectiveness