STANDARD SUMMARY PROJECT FICHE

1. Basic Information

1.1 Désirée Number: 2002/000-590-03-01

Twinning Component Number : LV/2002/IB/OT-01

1.2 Title: Data State Inspection

1.3 Sector: Free Movement to provide Services

1.4 Location: The Republic of Latvia, the Data State Inspection under supervision of the Ministry of Justice (Personal Data protection Law), with the office located in Riga.

2. Objectives

2.1 Overall Objective:
Ensure effective protection of personal data

2.2 Project purpose:
Ø Strengthen the capacity of institutions involved in data protection;
Ø Increase awareness of data subject on data protection issues.

2.3 Accession Partnership and NPAA priority

Accession Partnership
Freedom to provide services:
Complete alignment of data protection legislation; ensure independence of supervisory body.

National Programme for Integration into EU
LA-017 Development of the informatics sector in pursuit of the development of the Information Society in Latvia.

3. Description

3.1 Background and justification:

To protect fundamental human rights and freedom of natural persons, in particular, the inviolability of private life, with respect to the processing of data regarding natural persons, the Parliament of Latvia adopted the “Personal Data Protection Law” on 23 March 2000, which is in force since 20 April 2000. The Law was elaborated in compliance with the Council of Europe Convention for the protection of individuals with regard to automatic processing of personal data (Convention No.108, January 28, 1981) and the requirements of the EU Directive 95/46/EC. The OCSE recommendations are followed as well, namely: Recommendation of the Council concerning guidelines governing the protection of privacy and transferred flows of personal data and Guidelines for the Security of Information Systems. Latvia ratified the Convention for the protection of individuals with regard to automatic processing of personal data (Convention No.108, January 28, 1981) on 5 April 2001 and it entered into force on 1 September 2001.

The general requirements of personal data security organization are provided by the Cabinet of Ministers regulation “On information systems protection” of 21st March 2000 and the Cabinet of Ministers regulation No 40 “Technical and organisational measures of Personal data protection system protection” of 30th January 2001.

In the Action Plan of the Declaration on Planned Activities the Government of Latvia has declared its determination to improve the databases of national importance forming the integrated system, and to ensure the protection of personal data.

According to the Law, in order to monitor the observance of legal requirements, the Data State Inspection (hereinafter referred to as DSI) began its work on 1 January 2001.

According to the “Personal Data Protection Law” the main DSI functions are:
- to ensure the conformity of personal data processing with national and EU legal norms,
- to supervise and control the operation of the personal data processing systems,
- to keep a register of notifications and register the systems,
- to analyse and review claims and complaints,
- to supervise the dataflow to other countries
- to inform data subjects and controllers on their rights,
- to give opinion/general instructions about the implementation of legislation.

The Personal Data Protection Law guarantees functional independence of the DSI. The DSI is established as an independent institution under supervision of the Ministry of Justice. The DSI is institutionally linked to the Ministry of Justice purely for financial resources planning reasons. Latvian legislation provides no other option for establishing similar type of institutions. The DSI has a separate budgetary allocation, which is independent from the Ministry of Justice. No influence on the decisions or functioning of the DSI can be exercised from Ministry of Justice or Ministry of Finance to whom DSI is reporting. The decisions of DSI can be overruled only by the Court.

In order to implement recommendations from the European Commission in the field of personal data protection as well as to prepare model of independence of Date State Inspection the Working group is established.

The working group has prepared an appropriate model of independence of Data State Inspection including following arrangements:

1. Director will be approved by Saeima on 5 year term;
2. Director can only be removed by Saeima in case of death; health problems longer than 6 month and in case of breaking the Law on Prevention of Corruption.
3. DSI will submit the draft project of the budget directly to the Cabinet of Ministers and the Parliament;
4. DSI will function independently
5. There will be a new Law on Date State Inspection by the Year 2003 to define DSI functions; rights and obligations. The Law on DSI will replace the current Statutes of the DSI approved by Cabinet of Ministers).

The draft legislative amendments should be prepared by 1 July 2002 and after approval by Cabinet of Ministers and Saeima (Parliament) will enter into force from 2003, thus ensuring full independence of Date State Inspection and Date State Inspection Director.

Fulfilment of security requirements is the precondition for registration of personal data protection system in Data state inspection.

According to national legislation personal data protection rules do not apply to the police sector, mainly for data processing that is carried out for national security and crime prevention purposes by authorized state authorities. Latvia will adopt amendments of Personal data protection law stating that Police offices have to register police data processing systems in Data state inspection and the Personal Data Protection Law should also be applied to Police sector. The Recommendation R (87) 15 of 17 September 1987 of Council of Europe will be taking into account drafting necessary amendments. The new amendments will enter into force until end of this year. Experts of Data state inspection have local experience on personal data protection matters although the practical experience of European Union member countries is necessary to acquire in order to achieve the implementation of protection of personal data in line with European standards. The lack of specific knowledge is one of the main problems to be addressed.

Within the scope of the project the training of the employees of the DSI, personal data processors should be provided in order to perform the functions and tasks mentioned before. It is necessary to inform the data subjects raising awareness about the rights provided by the Law as well. In the framework of the project, secondary legislation on personal data protection for different areas, especially for police sector, medicine sector, insurance, Internet etc., will be analysed and elaborated.

This project is aimed at:
(1) improving the performance of duties prescribed by the Law;
(3) ensuring the successful implementation of the personal data protection mechanism in Latvia.

3.2. Linked activities:
• The mandatory technical and organisational requirements for the protection of personal data processing systems and draft statutes of the Latvia Data State Inspection (according to Article 29 of the Law) are under preparation.

• In the framework of the Agreement on Development Co-operation and Technical Assistance in the Area of Justice and Home Affairs between Latvia and Sweden, Swedish experts offer their consultancy to facilitate the establishment of the DSI and personal data protection is specific areas.

3.3. Results:

1. Strengthened Data State Inspection

1.1. DSI strategy developed and functioning:
- Secondary legal acts, defining powers, rights, functions of the DSI according to the EC Directive 95/46 analysed and necessary amendments proposed;
- Elaborated and implemented DSI capacity development strategy;
- Elaborated manual on inspection of personal data processing systems (auditing of information systems);
- Procedures on DSI general functions operational.

1.2. DSI personnel trained:
- DSI personnel visited personal data protection supervisory body in EU Member States;
- DSI personnel trained on security of information systems (auditing of security of information systems).

1.3. Unitary internal information system of DSI improved:
- Internal information system of DSI for personal data processing systems registration and control improved.

2. Data subject and data processors informed on data protection issues

2.1. Means for information of data subject developed:
- Elaborated strategic plan on information of society functioning;
- Elaborated leaflets on rights of data subject on rights and obligations of systems controllers, on sensitive data protection and on legal acts accessible to all levels of society;
- Workshop and seminars on personal data protection organised;
- Conference on Personal data protection for data protection specialists from Baltic States organised, because of necessity to consolidate data protection specialists and to promote future co-operation between similar institutions. It is essential to make co-operation closer between candidate states for Europe Union with a similar conditions.

2.2. Means for information of data controllers developed:
- Seminars on security of personal data processing systems and personal data processing organised;
- Elaborated manual on security of information systems.

3.4 Activities:

Component 1. Strengthening of Data State Inspection
- Elaboration and implementation of DSI capacity development strategy,
- Analysis of secondary legal acts, defining powers, rights, functions of the DSI according to the EC Directive 95/46,
- Elaboration of procedures of DSI general functions: information to the public and controller, analysis and management of claims and complaints, inspection of data controllers on the spot, keeping a register of notifications, give opinion/general instructions about the implementation of legislation,
- 1 workshop on security of information systems (international standards on security of information systems),
- Elaboration of manual on inspection of personal data processing systems (auditing security of information systems),
- 2 study visits to similar body in selected EU Member country (approx. 10 persons - one week).

Means:
Management and pre-accession expert PAA (12 m/m)

Management and pre-accession expert PAA (12 m/m) profile:
- Lawyer;
- at least ten-year experience working in field of personal data protection;
- experience in the development of strategic documents and legislative acts in this field;
- experience in planning and implementation of the action plans;
- knowledge about the procedures at all levels of data protection and security;
- fluency in English.

- Training of DSI personnel on: practical experience of personal data protection; security of information systems (auditing of security of information systems).

Means:
1 Twinning short term expert (3 m/m) on training of DSI staff on security of personal data processing systems

Short term experts profile:
- at least five years practical experience with security of information systems (auditing security of information systems);
- knowledge about the security of information systems (international standards on security of information systems);
- knowledge about personal data protection;
- fluency in English.

- Improved unitary internal information system of DSI for personal data processing systems registration and control especially ensuring high level of information security (upgrade server, firewall servers and software, etc.) and improved special system for control of personal data processing systems including equipment and software.

Means: supply contract

Component 2. Information of data subject and data processors on data protection issues
- Elaboration of strategic plan on information of society,
- Elaboration and publishing of leaflets:
  (i) on rights of data subject;
  (ii) on rights and obligations of systems controllers;
  (iii) on sensitive data protection.
- Publishing of legal acts in a leaflet,
- Organising of 1 workshop and 2 seminars on Personal Data Protection for data subjects

Means: Twinning 1 short term expert (3 m/m) on information of data subject;

Short term expert (3 m/m) profile:
- at least five years experience on information of society preferably on personal data protection issues;
- experience in elaboration of strategic plans on information of society, and elaboration of leaflets preferably on personal data protection issues;
- preferably experience working in EU Personal Data protection institutions,
- knowledge and experience in organising of workshops and conferences;
- fluency in English.

- Organising 2 seminars on security of personal data processing systems and personal data processing according to the EC Directive for persons who processed personal data;
- Elaboration 1 manual on security of information systems;
- 1 conference on Personal Data Protection for Baltic States specialists who works in field of personal data protection (in personal data protection institutions).

Means:
1 Twinning short term expert (3 m/m) on information of data processors;

**Short term experts profile:**
- at least five years practical experience with security of information systems (auditing security of information systems);
- knowledge about the security of information systems (international standards on security of information systems);
- knowledge about personal data protection;
- fluency in English.

4. Institutional Framework

The responsible institution for the implementation of this project is the Data State Inspection.

For the implementation of this project there a Steering Committee will be established including representatives from Data State Inspection and Ministry of Justice. The Steering Committee will be responsible for determining the general directions of the project; ensure that the project is commensurate with the aims and objectives of the Latvian Government and the requirements of EU; approve additions and variations to the project; monitor the process against plans, approve actions to be taken to correct any major deviations from plans; monitor expenditure against budgets. The Steering Committee will be called upon the request of chairman of the Steering Committee – Ms. Signe Plumina, Director of DSI.

In the project activities will be involved also National Human Rights Office (NHRO). NHRO will be involved in promulgation of information materials (leaflets, manual) only. No other support from this project will be provided to NHRO.

**Data State Inspection** began its work on 2001 January 1. DSI supervises and controls the operation of the personal data processing systems, registers the systems, reviews the complaints and supervise the dataflow to other countries, supervise Freedom of Information. The internal structure of the DSI is defined in DSI statutes (adopted by Cabinet of Ministers on November 2000). Cabinet of Ministers appoints director of DSI.

DSI consists of Legal Division, Registration Division, Control and Information System Security Division, Administrative Division and Information Division. Number of staff – 12 (lawyers and computer specialists). In 2002 it is foreseen to enlarge staff of DSI to 20.

The Minister of Justice is the member of government charged with responsibility of ensuring that an effective data protection framework is functional in Latvia. In order to meet this challenge, the DSI is set up as a functionally independent institution in supervision of the **Ministry of Justice**. The Ministry of Justice will be involved in analyse and elaborate secondary legal acts and participate in information of society process.

5. Detailed Budget (EURO)

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<tr>
<th>Phare</th>
<th>Support</th>
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<td>Contract 1 Twinning</td>
<td>Institution Building</td>
<td>539 000</td>
<td>63 000</td>
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<td>602 000</td>
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<td>Contract 2 Supplies</td>
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</table>
Total | 230 000 | 539 000 | 769 000 | 132 000 | 0 | 901 000

6. Implementation Arrangements

6.1 Implementing Agency

Central Financing and Contracting Unit (CFCU),
P AO - Ms. Valentina Andrejeva, State Secretary, Ministry of Finance.
Address: Smilsu Str. 1, Riga, LV-1050, Latvia.
Tel.: +371 7226672, fax: +371 7095503.

The overall technical responsibility is under the Ministry of Justice:
SPO Deputy State Secretary - Ms. Solvita Harbacevica
Address: Brivibas blvd. 36, Riga, LV-1536, Latvia,
Tel. +371 7036803, fax: +371 7287643.

6.2 Twinning

The contact person for the PAA will be
Ms. Signe Plumina, Director of DSI
Address: K.Barona Str. 5 - 4, Riga, Latvia, LV - 1050
Tel. 7223131, fax  7223556

The office of PAA will be in premises of DSI.

The contact person for the all Twinning short-term experts within the project will be:

- Ms. Signe Plumina, Director of DSI
  Address: K.Barona Str. 5 - 4, Riga, Latvia, LV - 1050
  Tel. 7223131, fax  7223556
  All the short term experts will be placed in DSI; Address: K.Barona Str. 5 - 4, Riga, Latvia, LV - 1050

6.3. Non-standard aspects

During the project implementation DIS Manual will be strictly followed and contracts will be signed according to the procedures provided in Practical Guide for Phare, ISPA and SAPARD Contracting Procedures.
Ratio: if during project implementation the project cost for some reasons will decrease, the Phare financing will also decrease proportionally.

6.4 Contracts

Contract 1: Twinning covenant- 539 000 EUR
Contract 2: Supply contract- 299 000 EUR

7. Implementation Schedule

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<tr>
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<th>Start of tendering</th>
<th>Start of project activity</th>
<th>Completion</th>
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<td>I Quarter 2003</td>
<td>III Quarter 2003</td>
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<tr>
<td>Contract 2</td>
<td>IV Quarter 2003</td>
<td>II Quarter 2004</td>
<td>III Quarter 2004</td>
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8. Equal Opportunity

The direct target groups are staff of Data State Inspection and data subjects (natural persons who may be directly or indirectly identified using data available within a data processing system). The participation in project is voluntary, however, the project beneficiary strongly encourages participation of all interested parties regardless of gender, age or ethnic background.

9. Conditionality and sequencing

- Legislative amendments ensuring full independence of Data State Inspection and Date State Inspection Director approved by Cabinet of Ministers and Parliament before end of year 2002 and entered into force from year 2003.
- Adequate financial support from the State budget (financial years 2003-2004)
- Project Steering Committee established in the project inception phase

ANNEXES TO PROJECT FICHÉ

1. Logical framework matrix in standard format
2. Detailed implementation chart
3. Contracting and disbursement schedule by quarter for full duration of programme (including disbursement period) (compulsory)
4. List of indicative Twinning activities
## Phare Log Frame

### LOGFRAME PLANNING MATRIX FOR PROJECT

<table>
<thead>
<tr>
<th>Programme name and number</th>
<th>Contracting period expires</th>
<th>Disbursement period expires</th>
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<td>Data State Inspection</td>
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<td>Total budget: 901 000</td>
<td>Phare budget: 769 000</td>
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### Overall objective

- Ensure effective protection of personal data

### Project purpose

- Strengthen the capacity of institutions involved in data protection;
- Increase awareness of data subject on data protection issues;
- Availability of effective legal guarantees of the personal data protection and possibilities of redress.

### Results

- Strengthened Data State Inspection:
  - DSI strategy developed and functioning;
  - DSI personnel trained;
  - Procedures on DSI general functions operational;
  - Unitary internal information system of DSI improved.
- Data subject and data processors informed on data protection issues:
  - Means for information of data subject developed;
  - Means for information of data processors developed.

### Activities

- Elaboration and implementation of DSI development strategy.

### Indicators of Achievement

- Increased number of personnel of DSI, personal data system’s controllers and personal data system’s auditors working in accordance with provisions of EU.
- Increased number of informed persons on process of personal data protection.

### Sources of Information

- European Commission regular reports
- 108.Convention Consultative Committee of the Council of Europe annual reports
- Project report

### Assumptions

- Allocated budgetary resources are sufficient for the successful Project outcome
- Government implements an integrated solution for common information systems’ security

### Sources of Information

- Data State Inspection annual report
- European Commission regular reports
- 108.Convention Consultative Committee of the Council of Europe annual reports
- Project report

### Activities

- PAA: 12 mm
- 3 short term exp.-3 m/m each

### Assumptions

- Support from other relevant institutions
- Adequate provision from state budget
- analysis of secondary legal acts
- establishment of procedures at all levels of data protection and security,
- training of DSI personal on security of IS,
- elaboration of manual on inspection of personal data processing systems,
- improvement of unitary information network and upgrading of DSI systems and improving special system for control of personal data processing systems,
- Elaboration of strategic plan on information of society, elaboration of leaflets
- organizing of workshop, seminars and conference on Personal data protection and security of personal data processing systems,
- publishing leaflets on personal data protection,
- elaboration manual on security of IS.

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<th>workshop (1)</th>
<th>conference (1)</th>
<th>training ship (DSI) (1)</th>
<th>study visits (2)</th>
<th>seminars (4)</th>
<th>supply necessary hardware and software (upgrade server, firewall servers and software, etc.)</th>
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- Adopted necessary legal acts
- Unsuccessful training

**Preconditions**

- Legislative amendments ensuring full independence of Date State Inspection and Date State Inspection Director approved by Cabinet of Ministers and Parliament before end of year 2002 and entered into force from year 2003.
# DETAILED IMPLEMENTATION SCHEDULE OF ACTIVITIES

## Annex No. 2

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<td>Assistance in elaboration and implementation of DSI development strategy</td>
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<td>Assistance in analysis of secondary legislation</td>
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<td>Training of DSI personal</td>
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<td>Improved unitary information network and updated systems of DSI systems and improved special system for control of personal data processing systems</td>
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*Note: The table represents the implementation schedule of activities for the years 2003 and 2004, detailing specific tasks and their timelines.*
### CUMULATIVE CONTRACTING and DISBURSEMENT SCHEDULE (EUR million)

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Annex 4

ACTIVITIES (indicative)

Contract No.1 (Twinning Covenant)

Component 1
Strengthening of Data State Inspection:

1. **Long term expert for 12 man/month**

**Activities and sub-activities**

- Elaboration and implementation of DSI development strategy,
- Analysis of secondary legal acts, defining powers, rights, functions of the DSI according to the EC Directive 95/46,
- Elaboration of procedures of DSI general functions: information to the public and controller, analysis and management of claims and complaints, inspection of data controllers on the spot, keeping a register of notifications, give opinion/general instructions about the implementation of legislation.

**Guaranteed results:**

- Elaborated and implemented DSI capacity development strategy functioning;
- Procedures on DSI general functions operational;
- Secondary legal acts, defining powers, rights, functions of the DSI according to the EC Directive 95/46 analysed and necessary amendments proposed;
- Unitary internal information system of DSI for personal data processing systems registration and control improved.

1 short term expert (3 m/m) on training of DSI staff and elaboration of manual

- Training for DSI staff - inspectors, especially in practical experience of personal data protection and security of information systems (auditing of security of information systems)
- Elaboration of manual on inspection of personal data processing systems (auditing security of personal data processing systems).

**Guaranteed results:**

- DSI personnel trained;
- Elaborated manual on inspection of personal data processing systems (auditing of information systems).

Component 2 Information of data subject and data processors on data protection

1 short term expert (3 m/m) – information of data subjects:

- Elaboration of strategic plan on information of society,
- Elaboration of three leaflets:
  (i) on rights of data subject;
  (ii) on rights and obligations of systems controllers;
  (iii) on sensitive data protection;
- Publish legal acts in a leaflet,
- Organizing of workshop, 2 seminars and conference on Personal data protection.

**Guaranteed results:**

- Elaborated strategic plan on information of society;
- Elaborated leaflets (3) on rights of data subject, on rights and obligations of systems controllers, on sensitive data protection and on legal acts;
- Organized workshop, seminars (2) and conference on Personal data protection.

**1 short term expert (3 m/m) – information of data processors:**

- Organising seminars (2) on security of personal data processing systems and personal data processing;
- Elaboration of manual (1) on security of information systems.

*Guaranteed results:*
- Organised seminars (2) on security of personal data processing systems and personal data processing;
- Elaborated manual (1) on security of information systems.