

Deliberation n ° 464-2013 of September 06, 2013 on the conditions of the exercise of the right to have personal data communicated.

The National Commission for the Control of Personal Data Protection ,
met on September 6, 2013, under the chairmanship of Mr. Saïd Ihrai;

Were present Mrs. Souad El Kohen, Messrs Driss Belmahi, Abdelaziz Benzakour, and Omar Seghrouchni;

Considering the Law n ° 09-08 promulgated by the Dahir 1-09-15, of February 18, 2009, relating to the protection of natural persons with regard to the processing of personal data (BO n ° 5714 of 05/03/2009);

Considering the Decree n ° 2-09-165 of May 21, 2009 taken for the application of the aforementioned Law n ° 09-08 (BO n ° 5744 of 06/18/2009);

Having regard to the Internal Regulations of the CNDP (approved by decision of the Prime Minister n ° 3-33-11 of March 28, 2011 / BO n ° 5932 of 04/07/2011);

Following referral to the CNDP by a data controller, through requests authorization, for the transfer of personal data to an administration public within the framework of the exercise of the right of communication.

Decided

Sole article: In application of article 4 of law 09-08, the communication of data to personal character to a third party authorized by law may be effected if the following conditions are met:

1. The recipient must send a written request to the owner of the file, specifying the legal basis for the right of communication invoked;
2. The access request must target persons identified by name or identifiable. It cannot in any case relate to the entire file;
3. The request must be ad hoc and not systematic;
4. The request must specify the categories of data requested. These must-be adequate, relevant and not excessive in relation to the purpose for which they can be communicated;

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5. The treatment envisaged by the recipient must comply with the provisions of the law 09-08, in particular with regard to its notification to the CNDP.
6. The transmission must be authorized by the CNDP;

Done in Rabat, September 06, 2013

President

Mr. Saïd Ihrai