ددرع رما 3004ئسل 27ئف خروڅ 7څمفوون 2007
تايطعلما څجلاهم صيڅرتلاو حيرصتلا تاءارجاو طورش طبضب ڤلعتي ڤيصخشلا

Decree n ° 2007-3004 of November 27, 2007, setting the conditions and the reporting and authorization procedures for processing personal data

The president of the Republic,

On the proposal of the Minister of Justice and human rights,

Considering the organic law n ° 2004-63 of July 27, 2004, on the protection of personal data personnel and in particular Articles 7, 8 and 81,

Considering the decree n ° 93-982 of May 3, 1993, relating to the relationship between the administration and its users, such as amended by decree n ° 2007-1259 of May 21 2007,

Considering the decree n ° 94-1692 of August 8, 1994, relating to administrative forms, as completed by decree n ° 2006-2967 of November 13, 2006,

Considering the decree n ° 2007-1260 of May 21, 2007, fixing cases where the silence of the administration is worth implicit acceptance,

Considering the decree n ° 2007-3003 of November 27, 2007, fixing the operating procedures of the national data protection authority at personal character,

Having regard to the opinion of the administrative tribunal.

Decrees:

Article 1 - This decree sets the reporting conditions and procedures prior and authorization request for the processing of personal data as well as the withdrawal procedures authorization and prohibition of processing.

First chapter. Common provisions

Art. 2 - Any processing operation personal data is subject to a prior declaration or authorization in the cases provided for by the organic law relating to protection of personal data above.

ناسنإ ڤوقحو ادعلا ريزو نم ةرابڤلا ،

ددرع يسا ساسأ نوناڤلا نلع ءلاطملا دعب 63ئسل 2004

يف خرڅلا 27 ڤليبج 2004 يطعلما ڤيامحب ڤلعتملا

ليصفلا ڤصاخو ڤيصخشلا 2 و 18 ةهم ،

ددرع ريما ءلعو 982ئسل 993 يف خرڅلا 3 يام 1993

مت امك ، اهعم ڤيلماعتملا ءاڤرإلا نيب ڤلاعلا صاخلاو

ددرع ريما ءلعو 1259ئسل 2007 يف خرڅلا 21 يام

2007 ،

ددرع ريما ءلعو 1692ئسل 994 يف خرڅلا 8 ئوا 1994

ددرع ريماب ءلعو 2967ئسل 2006 يف خرڅلا 13 رڤمبون 2006 ،

ددرع ريما ءلعو 1260ئسل 2007 يف خرڅلا 21 يام 2007

ةهم ءاڤرإلا نوكس ريعبي يتلا تلاحلا طبضب ڤلعتملا

ڤيمض ڤقلاوم ،

ددرع ريما ءلعو 3003ئسل 2007 يف خرڅلا 27 ڤمبون

2007 ڤلعتملا ڤيامحلا ڤيئطولا ڤيهلا ريس ڤرطب ڤلعتملا

ڤيصخشلا ،

ڤيراوإلا ڤمكحلا يأر ىلعو

ڤمص يتلا ريمأ رصنيإ

ميڤت تاءارجلا طورش ريما اذه طبضب ـ لوألا ليصفلا

تايطعلما ڤجلاهم صيڅرتلا يطبضو ڤيسلاس حيرصتلا

تاءارجإ كلذكو ڤيصخشلا ڤجلاهملا عنم صيڅرتلا بحس

لوألا باڤكرتشم ماكحا

ليصفلا ڤيخش تايطعلم ڤجلاهم ڤيمأ ىلع عضخت ـ

نوناڤلا ءاڤشعلا يتلا تلاحلا يف صيڅرتلا وأ ڤيسم حيرصتلا

ڤيلا راشلما ڤيصخشلا تايطعلما ڤيامحب ڤلعتملا ى ساسلا

ڤلاعلا .

Art. 3 - The prior declarations and requests for authorization to process personal data are presented through paper forms or in an updated electronic version available to the public.

Forms must be signed personally by the controller if it is a natural person or by the legal representative for the legal person.

Art. 4 - The declaration or the request authorization is filed directly at the national data protection authority at personal character against receipt or sent by registered letter with acknowledgment of receipt or by any other means leaving a written record.

Art. 5 - The national body for the protection of personal data may request additional information or others documents needed to review the declaration or ruling on the request authorization.

In the event that a lack of sufficient protection data is found, the authority may require the declarant or applicant for authorization to provide additional guarantees.

Art. 6 - In the event that information, guarantees additional, or other documents necessary are required within the meaning of Article 5 of this decree, the national protection authority personal data if and the interested party a deadline to provide what has been request. In this case, the expiry of the legal period to examine the declaration or rule on the authorization request is interrupted. This delay is counted again from the date of supply of what is requested or from the explicit negative response from the interested party or the expiry of the period provided for this purpose by the instance without providing what was requested.

Art. 7 - In the event that the interested party does not provide this which was requested of him within the time limit fixed, the body examines the declaration or decides on the authorization request as is.

Chapter II. The statement

Art. 8 - The declaration form prior to processing of personal data includes the following information:

- the name, first name and address of the person responsible for the processing, the subcontractor and their agents for the natural person, and if it is a legal person, its corporate name, its registered office, the identity of its legal representative and the registration number in the register of trade, if applicable,

- the identity of the persons concerned by the personal data and their domicile,

1

لصفلا ةدم ڤقيسملا حيرامسلا ميڤت ىلع جرختلا

ڤقرو لكش يف نوكت جذامن ڤقو ڤيصخشلا تايطعلما ڤجلاهم

ميوعلا ةمذ نلع ءضوض ڤيڅرتلاڤ ڤفيص يف وأ

ليصخش ڤجلاهملا نع لوئسلا ليق نم ةاعبولما ىلع ىصتر

ڤيسلاس ينونڤلا لئاسلا ليق نم وأ ايميوا اصخش ئال نا

يوتعلما صيڅرتلا يلإ .

ڤيسلاس ڤيامحلا ةطلس ىلإ ڤيڅرتلا ڤيطولا ڤيهلا ريس ڤرطب ڤلعتملا

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ڤلاعلا .

Art. 9 - Without prejudice to the provisions of article 6 of this decree, the national body of protection of personal data examines the declaration within a time limit not exceeding not one month from the date of its filing. The failure to object within the prescribed period is valid acceptance.

CHAPTER III. Authorization

Art. 10 - Before using video media surveillance, authorization must be obtained from the national data protection authority at personal character. The application form authorization includes, in addition to information provided for in Article 8 of the Organic Law on the protection of personal data above, the following information:

- the registration number in the register of trade, if applicable, for the person moral,

- the overall description of the places where the means of video surveillance are installed,

- the purpose of the use of video media - surveillance.

Art. 11 - An authorization must also be obtained of the national data protection authority of a personal nature before the execution of following operations:

- communication of personal data personal to third parties in the absence of consent

2

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ڤلاعلا .

Art. 12 - Without prejudice to the provisions of Article 6 of this decree, the authority decides on the application for authorization within a time limit not exceeding one month from the date of its deposit. The lack of response from him in the time limit is implied refusal. The instance may decide the granting of the authorization after commitment of the controller take precautions and measures necessary preventive measures. These precautions and measures are communicated to him in a written.

The authority cannot grant the decision of authorization to the controller that after presenting the aforementioned commitment signed and legalized.

Chapter IV. Withdrawal of the authorization or prohibition of processing

Art. 13 - If the controller or the subcontractor infringes legal obligations to which it is subject, the body decides after his hearing the withdrawal of the authorization or prohibition of processing.

The authority may, before taking its decision to withdrawal of the authorization or prohibition of treatment, set a deadline for regularizing the breaches.

In an emergency and if the continuation of treatment subject of the authorization or declaration constitutes a flagrant violation of the law, the authority may temporarily prohibit the treatment and this for a period not exceeding

3

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ڤلاعلا .

Art. 14 - The interested party is summoned by the authority for hearing at least seven days before the date provided for this purpose by registered letter with acknowledgment of receipt or by any other means leaving a written record.