

Decree of the President of Ukraine № 390/2011 «Regulation on the State Service of Ukraine on Protection of Personal Data»

This translation is unofficial

**DECREE
of the President of Ukraine**

On Regulations on the State Service of Ukraine on Personal Data Protection

1. To approve the Regulation on the State Service of Ukraine on Personal Data Protection (enclosed).
2. The Cabinet of Ministers of Ukraine within one month shall:

decide upon the issue of location and material and technical support of activity of the State Service of Ukraine on Personal Data Protection;

bring its decisions in conformity with the present Decree.
3. This Decree shall come into force since the day of its publication.

The President of Ukraine
Kyiv
6 April 2011
N 390/2011

V. YANUKOVYCH

APPROVED

by the Decree of the President of
Ukraine
dd. 6 April 2011 N 390/2011

**REGULATIONS
on the State Service of Ukraine on Personal Data Protection**

1. The State Service of Ukraine on Personal Data Protection (SSPDP of Ukraine) is the central body of executive power, activity of which is directed and coordinated by the Cabinet of Ministers of Ukraine through the Minister of Justice of Ukraine.

The SSPDP of Ukraine is a part of the system of authorities of executive power, ensures realization of the state policy in sphere of protection of personal data.

2. In its activity the SSPDP of Ukraine is governed by the Constitution and Laws of Ukraine, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine, other acts of legislation of Ukraine, orders of the Ministry of Justice of Ukraine, delegations of the President of Ukraine and the Minister of Justice of Ukraine,

In its activity the SSPDP of Ukraine uses recommendations of international organizations on protection of personal data.

3. The main tasks of the SSPDP of Ukraine are the following:

- 1) submission of propositions on formation of the state policy in sphere of protection of personal data;
- 2) realization of the state policy in sphere of protection of personal data;
- 3) control over observance of legislative requirements on protection of personal data;
- 4) fulfillment of international legal cooperation in sphere of protection of personal data.

4. In accordance with entrusted tasks the SSPDP of Ukraine:

- 1) generalizes practice of applying legislation on protection of personal data, elaborates propositions on improvement of legislative acts, acts of the President of Ukraine, the Cabinet of Ministers of Ukraine, regulatory legal acts of Ministries and under the established order submits them to the Minister of Justice of Ukraine;
- 2) prepares propositions as to definition of the general strategy and priority directions of activity in sphere of protection of personal data;
- 3) elaborates criteria of risk of illegal use and disclosure of information stored in the bases of personal data;
- 4) elaborates methodic materials and recommendations on issues under its competence;
- 5) elaborates model order of processing of personal data in bases of personal data;
- 6) elaborates criteria and order of evaluation of the condition of protectability of personal data in bases of personal data of enterprises, establishments and organizations of all forms of ownership, state agencies or local self-governments, private individuals - entrepreneurs, which process personal data in accordance with law;
- 7) registers bases of personal data and maintains the State register of bases of personal data, issues extracts from it;
- 8) ensures creation of the State register of bases of personal data;
- 9) defines requirements to documents, submitted for registration of bases of personal data;
- 10) within its competence considers propositions, requests, addresses, claims and complaints of private individuals and legal entities, bodies;
- 11) issues documents of the established form on registration of base of personal data with the State register of bases of personal data;

12) performs the state supervision and control over observance of legislation on protection of personal data;

13) elaborates and approves plans of checks of controllers and (or) processors of bases of personal data concerning observance of requirements of legislation in sphere of protection of personal data;

14) performs within its authorities field and non-field checks of controllers and (or) processors of bases of personal data;

15) issues to controllers and (or) processors of bases of personal data obligatory for execution orders on elimination of violations of legislation on protection of personal data and requires submission of necessary information and documents, certifying elimination of revealed violations;

16) prepares administrative protocols on revealed violations of legislation in sphere of protection of personal data;

17) provides law enforcement authorities with materials on revealed violations in sphere of protection of personal data;

18) performs control over observance of rules of transfer of personal data to foreign subjects of relations, connected with personal data;

19) participates in international cooperation on protection of personal data, learns, generalizes and distributes world experience on these issues;

20) organizes and ensures cooperation with foreign subjects of relations, connected with personal data;

21) participates in preparation of international treaties of Ukraine on protection of personal data, prepares propositions on conclusion, denunciation of such treaties, and ensures their fulfillment;

22) agrees order of processing of personal data, which belong to bank secret;

23) organizes work on raising of qualification of specialists in field of protection of personal data and introduces into practice achievements of science and leading experience;

24) performs scientific and research and experimental design works in field of protection of personal data;

25) conducts researches, including scientific in spheres, which belong to its competence;

26) performs other authorities, envisaged by the laws of Ukraine and entrusted by the President of Ukraine.

5. With the purpose of organization of its activity the SSPDP of Ukraine:

1) provides within its competence for carrying out of measures on prevention of corruption and control over their realization in the apparatus of the SSPDP of Ukraine, at enterprises, establishments and organizations, which belong to the sphere of its administration;

2) performs recruitment to the apparatus of the SSPDP of Ukraine, to enterprises, establishments and organizations, which belong to the sphere of its administration, forms personnel reserve to the relevant positions, organizes work on training, retraining and raising of qualification of employees of the apparatus of the SSPDP of Ukraine;

3) organizes planned financial work in the apparatus of the SSPDP of Ukraine, at enterprises, establishments and organizations, which belong to the sphere of its administration, performs control over the use of financial and material resources, ensures organization and improvement of accounting;

4) performs within its authorities together with the relevant central bodies of executive power control over targeted use of the state funds, stipulated for realization of projects, fulfillment of programs in sphere of protection of personal data, including international;

5) represents interests of the SSPDP of Ukraine in court and other institutions;

6) ensures within its authorities realization of the state policy concerning the state secret, control over its preservation in the apparatus of the SSPDP of Ukraine;

7) performs administration of the objects of the state property under the law.

6. The SSPDP of Ukraine for fulfillment of entrusted tasks has the right to:

1) involve scientists and specialists, including on a contractual basis, officers of the central and local bodies of executive power for the performance of certain works, participation in examination of certain issues;

2) receive information, documents and materials from the state bodies and local self-governments, enterprises, establishments and organizations of all forms of ownership and their officials;

3) convene meetings, form commissions and working groups;

4) use the relevant information databases of the state bodies, the state, including governmental systems of connection and communication, nets of special connection and other technical means;

5) conclude civil agreements and memorandums on cooperation in spheres which belong to its competence;

6) involve under the established order counselors on a voluntary basis.

7. The SSPDP of Ukraine during performance of entrusted tasks cooperates with other bodies of executive power, supportive authorities and services, formed by the President of Ukraine, local self-governments, relevant authorities of the foreign states and international organizations as well as enterprises, establishments and organizations.

8. The SSPDP of Ukraine within its authorities on the basis and in execution of the Constitution and laws of Ukraine, acts and delegations of

the President of Ukraine, acts of the Cabinet of Ministers of Ukraine issues orders of organizational and management character, signed by the Head of the SSPDP of Ukraine.

9. The SSPDP of Ukraine is headed by its Head, appointed to the position under submission of the Prime Minister of Ukraine, made on the basis of propositions of the Minister of Justice of Ukraine and dismissed from the position by the President of Ukraine.

Head of the SSPDP of Ukraine:

1) heads the SSPDP of Ukraine, performs administration of its activity, represents the SSPDP of Ukraine in relations with other bodies, enterprises, establishments and organizations;

2) submits for consideration of the Minister of Justice of Ukraine propositions on formation of the state policy in sphere of protection of personal data, elaborated by the SSPDP of Ukraine draft laws, acts of the President of Ukraine and the Cabinet of Ministers of Ukraine;

3) submits for consideration of the Minister of Justice of Ukraine draft regulatory and legal acts of the Ministry of Justice of Ukraine on protection of personal data;

4) provides for fulfillment by the SSPDP of Ukraine of the laws of Ukraine, acts and delegations of the President of Ukraine, acts of the Cabinet of Ministers of Ukraine, orders of the Ministry of Justice of Ukraine;

5) approves under agreement with the Minister of Justice of Ukraine approved at the meeting of the board annual plan of work of the SSPDP of Ukraine, measures on realization of the main directions and priority purposes of its activity under the established tasks;

6) reports to the Minister of Justice of Ukraine on fulfillment of the annual plan of work of the SSPDP of Ukraine and entrusted tasks, on elimination of violations and defaults, revealed during performance of checks of activity of the SSPDP of Ukraine, and also on bringing to responsibility of officials, guilty in violations which occurred;

7) submits propositions to the Minister of Justice of Ukraine on candidacies to positions of his deputies;

8) distributes duties between his deputies under approval with the Minister of Justice of Ukraine;

9) approves under agreement with the Minister of Justice of Ukraine the structure of the apparatus of the SSPDP of Ukraine;

10) provides for fulfillment of delegations of the Minister of Justice of Ukraine;

11) provides for cooperation of the SSPDP of Ukraine with defined by the Minister of Justice of Ukraine structural unit in the apparatus of the Ministry;

12) provides for observance of the established by the Minister of Justice of Ukraine order of exchange of information between the Ministry and the SSPDP of Ukraine, timeliness of its provision;

13) appoints to positions and dismisses from positions under agreement with the Minister of Justice of Ukraine heads and deputy heads of structural units of the apparatus of the SSPDP of Ukraine, appoints to positions and dismisses from positions other state servants and employees of the apparatus of the SSPDP of Ukraine;

14) establishes awards and procedure of awarding.

10. The Head of the SSPDP of Ukraine has two deputies, including one First-Deputy.

The First-Deputy Head and Deputy Head of the SSPDP of Ukraine are appointed to the position by the President of Ukraine under submission of the Prime Minister of Ukraine, made on the basis of propositions of the Head of the SSPDP of Ukraine, agreed with the Minister of Justice of Ukraine.

The First-Deputy and Deputy Head of the SSPDP of Ukraine are dismissed from the position by the President of Ukraine.

11. The board can be formed with the SSPDP of Ukraine for coordinated settlement of issues, which belong to competence of the SSPDP of Ukraine, discussion of the most important directions of its activity.

Decisions of the board can be realized by issuing the relevant order of the SSPDP of Ukraine.

Other permanent units or temporary consulting, supportive bodies can be formed with the SSPDP of Ukraine for consideration of scientific recommendations and conducting of professional consultations.

Decisions on establishment or liquidation of the board, permanent units or temporary consulting, supportive bodies, their quantitative and personnel composition, regulations on them are approved by the Head of the SSPDP of Ukraine.

12. Limit of the number of the civil servants and employees of the apparatus of the SSPDP of Ukraine is approved by the Cabinet of Ministers of Ukraine.

Structure of the apparatus of the SSPDP of Ukraine is approved by the Head of the SSPDP of Ukraine under agreement with the Minister of Justice of Ukraine.

Staffing chart and cost estimate of the SSPDP of Ukraine is approved by its Head under agreement with the Ministry of Finance of Ukraine.

The SSPDP of Ukraine is a legal entity of public law, has a stamp with the State Emblem of Ukraine and its name, own blank sheets, accounts with the bodies of the State Treasury Service of Ukraine.

**Head of the Administration of the
President
of Ukraine**

S. LYOVOCHKIN