

Legal Alert

Data Protection

Registration as Personal Data Controllers

By 15 February 2010 companies and natural persons having filed applications for registration with the Registry of Personal Data Controllers, kept with the Personal Data Protection Commission, should verify the status of their application, and update the information contained therein, if necessary.



Contacts:

Irina Tsvetkova
Managing Partner
E-mail:
irina.tsvetkova@bg.landwellglobal.com

Ilya Komarevski
Manager
E-mail:
ilya.komarevski@bg.landwellglobal.com

Veselka Petrova
Consultant
E-mail:
veselka.petrova@bg.landwellglobal.com

Tsvetkova, Bebov & Partners/ Landwell Bulgaria
9-11 Maria Louisa Blvd., 7th floor, Sofia
Tel: + 359 2 93 55 100
<http://www.tbp.bg>

This Legal Alert is produced by Landwell employment department.

© 2010 Tsvetkova, Bebov & Partners, Attorneys-at-law. All rights reserved. Tsvetkova, Bebov & Partners, Attorneys-at-law is a successor of the legal team and consultant practice of Landwell Bulgaria, a company established in 2002, in which the legal practice of PricewaterhouseCoopers - Legal & Tax Consultants evolved.

The expertise of our team is traditionally recognized in world known rankings of legal practices such as Chambers & Partners, International Financial Law Review 1000, Legal 500, etc.

Registration as a Personal Data Controller

Under the Personal Data Protection Act, natural persons and legal entities which alone or jointly with others determine the purposes and means of processing of personal data qualify as personal data controllers. In practice, Bulgarian Personal Data Protection Commission ("the Commission") interprets the above criteria broadly, as a result of which companies which process personal data for payroll or accounting purposes fall within the definition of personal data controller and are therefore subject to registration with the Registry of Personal Data Controllers before they start to process personal data (unless exempted).

Exemptions from the Obligation for Registration as a Personal Data Controller

Exempt from the obligation for registration with the Registry of Personal Data Controllers are:

- controllers which carry out processing of personal data with the consent of the concerned natural person(s) for a period not exceeding 6 (six) months;
- controllers processing personal data for payroll purposes if the

personal data processed refers to not more than 15 employees;

- controllers administrating public registers, the access to and safety of which are provided by law.

If one of the above conditions is met, the controller has to apply for and obtain a letter of exemption before the Commission.

Update of the Status of Personal Data Controllers with the Register

Controllers should update the personal data registers kept in compliance with the newly adopted Regulation on the activities of the Personal Data Protection Commission and notify the latter thereof. In addition, pursuant to the instructions given on the website of the Commission, **by 15 February 2010** controllers which have filed applications for registration in hard copies should verify the status of their applications and file applications for update of the submitted information, if necessary.

The entities which profile with the Registry of Personal Data Controllers has to be updated by 15 February 2010 are listed on the website of the Commission: www.cpdp.bg.