

# LAW OF THE REPUBLIC OF ARMENIA

## ON PERSONAL DATA

### Chapter 1. General Provisions

#### ARTICLE 1. SUBJECT OF THE LAW REGULATION

1. This Law regulates relations connected with the processing of personal data by state and local self-governance bodies, state and community institutions, legal entities or natural persons.
2. This Law does not regulate relations connected with processing of personal data considered to be of state confidentiality, personal data published in public sources as well as processing of personal data by individuals for their personal, family or other matters of the type.

#### ARTICLE 2. THE ROA LEGISLATION ON PERSONAL DATA

1. The ROA Legislation on Personal Data consists of Constitution of the Republic of Armenia, this Law, other legislative acts regulating the processing of personal data.
2. If international treaties of the Republic of Armenia stipulate norms other than prescribed by this Law, the provisions of international treaties are applied.

#### ARTICLE 3. MAIN DEFINITIONS USED IN THE LAW

Main definitions used in this law have the following meanings:

- a) Personal data: any data recorded on medium containing facts, events and circumstances about the person, in a form that allows or may allow to identify the person;
- b) Processing of personal data: any function or group of functions related to the collection, inputting, systematization, modification, transfer, storage, correction, blocking, destroying and use of personal data;
- c) Processor: state or local self-governance body, state or community institution, legal or natural person processing personal data;
- d) Data subject: natural person to whom the personal data concern;
- e) Personal data base (hereinafter data base): collection of personal data systematized with certain criteria;
- f) Anonymous personal data: Any data on natural persons that don't allow identifying the person;
- g) Confidential data: Data accessibility of which is restricted by law;
- h) Blocking: Suspension of the possibility to transfer and use the personal data included in the personal database;
- i) Third person: any subject other than the data subject or personal data processor.

### CHAPTER 2. PROCESSING OF PERSONAL DATA

#### ARTICLE 4. MAIN PRINCIPLES OF PERSONAL DATA PROCESSING

1. Personal data are collected and processed legally.
2. Personal data are collected for clearly defined and declared legal purposes and shall not be used for other purposes, except the cases defined by law. Collection and processing of data that are not necessary for the achievement of the purpose of processing, is prohibited.
3. Personal data shall be kept for terms required by the objective they were collected and processed for, if the law does not envisage other procedures.

4. The personal data processors maintaining the database, except the state and local self-governance bodies, state and community institutions, define the regulations for the database maintenance.

#### **ARTICLE 5. REGULATION FOR MAINTAINING THE DATABASE**

1. The regulation for database maintenance includes the following information:
  - 1) Name of the processor and his/her whereabouts;
  - 2) Purpose and legal basis for personal data processing;
  - 3) List of personal data subject to processing;
  - 4) Categories of data subjects;
  - 5) Who may have access to personal data;
  - 6) Procedure for providing the data subject with information concerning him/her;
  - 7) Conditions and procedures for correcting, blocking and destroying personal data;
  - 8) Organizational and technical procedures for the protection of personal data
  - 9) Other information related to the personal data processing.
2. Definition of a regulation for the database maintenance is not obligatory:
  - 1) When the personal data are processed due to the request of state and local self-governance bodies, state and community institutions;
  - 2) When employers process personal data, due to procedures defined by legislation, on employment history of natural persons having work relations with employers.

#### **ARTICLE 6. LEGALITY OF PERSONAL DATA PROCESSING**

1. Processing of personal data is considered legal:
  - 1) When the personal data is processed with the consent of the data subject;
  - 2) When the personal data is processed for the protection of data subject's critical interests when there is no basis to assume that he/she will disagree when being informed about the processing;
  - 3) When processing of the personal data is envisaged by legislation or is necessary for execution of law requirements;
  - 4) When processing of the personal data is required for the protection of state and public security from immediate peril.
2. The consent of the data subject is the absolute voluntary permission to process his/her personal data expressed in any form.

The data subject may withdraw his/her consent at any time. The withdrawal of the consent has no retrospective effect.

#### **ARTICLE 7. PROCESSING OF PERSONAL DATA BY STATE AND LOCAL SELF-GOVERNANCE BODIES, STATE AND COMMUNITY INSTITUTIONS**

1. State and local self-governance bodies, state or community institutions are entitled to process personal data in cases and due to the regulation prescribed by legislation.
2. State and local self-governance bodies, state or community institutions are obligated to ensure the authenticity of the personal data they process.
3. Procedure of sharing personal data between state and local self-governance bodies, state or community institutions is defined by the Government of the Republic of Armenia.

#### **ARTICLE 8. ACCESSIBILITY OF PERSONAL DATA BASE**

1. If the ROA laws do not envisage other procedures it is prohibited to limit:

- 1) Access to data bases maintained by state and community budgets, containing anonymous personal data on activities carried out by state and local self-governance bodies, state or community institutions, economic situation, needs of population, environment, sanitary-and-epidemiological situation, demography;
  - 2) Access to library and archive documents containing personal data made anonymous by state and local self-governance bodies, state and community institutions being of public interest or necessary for the provision of population rights, freedoms or execution of responsibilities.
2. Access to personal databases mentioned under the clause 1 of this article is limited if databases contain data defined as confidential by ROA law.

#### **ARTICLE 9. PROCESSING OF PERSONAL DATA WITH THE REQUEST OF A THIRD PARTY (CUSTOMER)**

1. Personal data may be processed also with the request of a third person (customer). The request is submitted in a written form and it shall state legal basis and conditions, technical and organizational measures for the processing of personal data as well as other information envisaged by law necessary for definition of regulation for database maintenance.
2. Personal data are processed only in the frames of the request. The requestor is responsible for the processing of personal data in the frames of the request. If the request does not meet provisions of this Law or other legal acts regulating the processing of the personal data, the personal data processor shall inform the third party about it and refuse from processing the data.
3. The personal data is processed due to the procedure defined by article 7 of this Law when requested by state and local self-governance bodies, state or community institutions.

#### **ARTICLE 10. LEGAL REGIME OF PERSONAL DATA**

1. Personal data possessed by the processor are considered to be confidential information except cases envisaged by law.
2. The processor is obliged to undertake corresponding measures for the protection of databases containing personal data from sudden losses, illegal access to databases, illegal use of data.
3. Legal regime of personal data collected during activities of law-enforcing bodies is defined by law.
4. With the consent of the data subject or in cases envisaged by law information regime of general access may be established for the personal data (telephone information services, address books, biographical data, private announcements, declaration of incomes, etc.).
5. After the death of the data subject the legal regime of personal data is subject to modification with the regime of archive storage defined by legislation or other legal regime.
6. Protection of personal data of the deceased may be provided by other persons including protection of honor, dignity, reputation, as well as personal and family life by successors from illegal interference due to the procedure prescribed by law.

#### **ARTICLE 11. INFORMATION PROVIDED TO THE DATA SUBJECT**

1. Receiving the consent of the data subject the processor shall provide him/her with the following information:
  - a) The purpose of personal data processing;
  - b) Processor's name and location (address);
  - c) Information on subjects to whom personal data will or may be provided;
  - d) Personal data of general public accessibility.
2. With the request of the data subject the processor is obliged to provide the following information except the information defined under the clause 1 of this article:
  - a) The fact of data subject's personal data processing;
  - b) Contents and the source of processed personal data on the data subject;

c) Basis for transferring personal data without the consent of the data subject.

The data subject is not obliged to substantiate the inquiry.

3. Information supplied to the data subject is provided free-of-charge, if not otherwise stated by the law.
4. Provision of information may be refused in cases defined by law.

#### **ARTICLE 12. CORRECTING, BLOCKING AND DESTROYING PERSONAL DATA**

1. The data subject may request the processor to make corrections in his/her personal data if there are corresponding documents confirming the incorrectness of personal data.
2. The personal data are blocked, when:
  - 1) The data subject disagrees with the accuracy of his/her personal data or the legality of their processing;
  - 2) It is requested by the data subject, whose personal data were processed with his/her consent;
  - 3) The processor does not need them anymore for the accomplishment of the purpose they were processed for and the period defined by legislation for the storage of data has not expired.

Blocking of personal data is removed if there are no bases for blocking.

3. Personal data are destroyed, when:
  - 1) Their processing does not meet the requirements of this law;
  - 2) The processor does not need them anymore for the accomplishment of the purpose they were processed for and/or period defined by legislation for the storage of data has expired;
  - 3) It is demanded by the data subject, whose personal data were processed with his/her consent.
4. Persons to whom personal data are regularly being transferred for future use shall be informed about personal data corrections, blocking and destroying.

#### **ARTICLE 13. TRANSFER OF PERSONAL DATA TO THE FOREIGN COUNTRIES**

Personal data are transferred to foreign countries according to international treaties of Armenia and on the basis stipulated under Articles 6 of this Law.

### **CHAPTER 3. ACCOUNT FOR INFRINGEMENT OF THE LAW**

#### **ARTICLE 14. APPEALING ACTIVITIES OF PERSONAL DATA PROCESSORS**

1. If the data subject considers that illegal activities have been performed with his/her personal data he/she has the right of appealing these activities in the superiority or judicial order.

#### **ARTICLE 15. ACCOUNT FOR INFRINGEMENT OF THE LAW**

1. Those who infringe this legislation on personal data will be called to account according to the procedure defined by law.

### **CHAPTER 4. ENFORCEMENT OF THE LAW**

#### **ARTICLE 16. ENFORCEMENT OF THE LAW**

This law becomes effective after 3 month of its promulgation.

RA President  
November 22, 2002

R.Kocharyan

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