

Address of Director General

Honourable members of the Constitutional Committee of the Riigikogu and the Chancellor of Justice,

Yet another year has passed, which was busy and eventful for the Data Protection Inspectorate. This report is submitted with the aim of providing you with an overview of developments in the sphere of data protection and of what the Inspectorate has done in 2007.

The objectives set in the previous reporting period were accomplished. We are also glad to note that excellent solutions were found for many current issues.

Last year I expressed the hope that the Inspectorate would soon be transformed from a registrar into a surveillance agency. When I now look back on the year that has passed, I can state with joy that a major development has occurred in that direction. The increasing number of self-initiative surveillance operations witnesses that positive development the most.

The progress that is not reasonable to measure in figures is the development of people's awareness. That development is perceivable. Provision of information has been a priority to us. We intend to contribute a lot of resources to communication with people in the future, as well.

The previous calendar year saw the transfer of the Inspectorate from the area of government of the Ministry of the Interior into the area of government of the Ministry of Justice, which implied new and interesting challenges to all the parties involved.

One of the major developments in the sphere of data protection was the entry into force of the new Personal Data Protection Act and the Public Information Act whose wordings were completed in 2006. This means the implementation of two acts of law which are essential for the Data Protection Inspectorate.

We presume today that work relating to the entry into force of the provisions concerning the media and the sphere relating to persons responsible for personal data protection will prevail in the implementation of the new Personal Data Protection Act. We welcome the introduction of the institute of data protection officials, as this means a win-win situation for all the parties concerned – agencies and companies can engage themselves in their primary activities without concerns and the Data Protection Inspectorate can be certain that the level of personal data protection will improve as the specialists of the sphere commence work.

As the world is becoming more and more open every day, the need for agreements grows. In the sphere of data protection, efforts are being made on an increasing basis to ensure that the legal framework of personal data protection is similar wherever the supervisory agencies of European countries have the authority to protect people's rights. The aim is to make sure that people exercising the right of free movement within the European Union can rely upon common legitimate expectations and the principle of legal certainty.

I would also like to thank the small, but proficient team of the Data Protection Inspectorate with whom I hope to move mountains in the next year, too!

Yours sincerely,

Urmas Kukk
Director General of the Data Protection Inspectorate



Summary

In the report on the implementation of the Personal Data Protection Act and Public Information Act for the previous reporting period, the Data Protection Inspectorate set the objectives of increasing the awareness of public at large and the development of good administrative practices, incl. improvement of the administrative capacity, for the subsequent period of activity.

Being based on these key objectives, the year 2007 was divided into activity periods and an overview of the activity periods was given in the report. As the chosen measure was most efficient, the Data Protection Inspectorate intends to continue that line of action.

To sum it up, it can be stated that the past reporting period was busy and productive and that the expectations specified at the time of preparation of the work plan and performance measures were fulfilled.

Thus, the Data Protection Inspectorate has transformed from a registering agency into an institution that exercises immediate supervision.

Now that the Inspectorate operates in the area of government of another Ministry, we would like to thank the Ministry of the Interior for the pleasant cooperation during the past years.

We would also like to express our gratitude to Allar Jõks, the Chancellor of Justice, and his office for the many relevant memoranda sent to the Data Protection Inspectorate and the special attention that the Chancellor of Justice has paid to the sphere of data protection.

Statistics

	<i>2004</i> <i>30.11.03-</i> <i>1.12.04</i>	<i>2005</i> <i>30.11.04-</i> <i>1.12.05</i>	<i>2006</i> <i>01.10.2005-</i> <i>30.09.2006</i>	<i>2007</i> <i>1.01.2007-</i> <i>31.12.2007</i>
Giving opinions regarding draft legislation	50	48	36	47
Training	15	30	34	34
<u>Registration</u>				
Total number of registration applications:	464	187	456	629
incl. first-time applications			139	218
incl. repeated applications			317	305
Applications for changes			88	106
Sensitive personal data processing licences issued	314	203	351	644
Changes registered			70	106
Applications returned for elimination of deficiencies				46
Refusals	76	29	2	0
Rejected			2	2
Challenge (decision by the entity conducting proceedings)				1
Precepts			4	56
Giving opinions regarding databases	40	16	3	11

Monitoring

Total on-site monitoring:	35	28	63	114
1) National control	35	28	62	110
incl. as a result of required proceedings			23	23
incl. self-initiated	8	8	39	76
Monitoring statements prepared				100
2) International/EU	-	-	1	4
incl. as a result of required proceedings	-	-	-	3
incl. self-initiated	-	-	1	1
Monitoring statements prepared			-	2
No deficiencies discovered			13	62
Deficiencies discovered			36	48
incl. precepts			7	2
incl. misdemeanour proceedings			0	0
Penalty payments and fines			9	0
Challenge (decision by the entity conducting proceedings)			-	0
Opinions regarding readiness for processing			-	741

<u>Proceedings</u>	<i>2004 30.11.03 -1.12.04</i>	<i>2005 30.11.04 -1.12.05</i>	<i>2006 01.10.2005- 30.09.2006</i>	<i>2007 1.01.2007- 31.12.2007</i>
Explanations, memoranda	61	83	131	251
Challenges, complaints				110
Challenge (decision by the entity conducting proceedings)				57
Self-initiated supervision				41
No deficiencies discovered				130
Deficiencies discovered				26
Precepts	7	9	22	36
Misdemeanours	5	8	15	4

Penalty payments and fines				2
Court cases				1