



*COMMISSIONER
FOR PERSONAL DATA PROTECTION
(CYPRUS)*

Year Review 2006

1. Notifications

Article 7 of Law 138(I)/2001 provides for the obligation of the data controller to notify to the Data Protection Commissioner the establishment and operation of a filing system or the commencement of processing.

In 2006 we have received 121 new notifications as presented in the table here below:

Sector	Number of notifications submitted in 2006	Total number of notifications since 2002
Public Sector	77	343
Legal Persons	4	771
Private Sector	40	734
Total	121	1848

All the notifications submitted to the Commissioner's Office are kept in a Register open to the public as provided by the Law.

2. Licenses for transmission of data to third countries

Subject to the provisions of article 9 of the Law, transmission of data which have undergone processing or are intended for processing after their transmission to any country which is not a member-state of the European Union shall be permitted after a license of the Commissioner. The Commissioner shall issue the license only if he considers that the said country ensures an adequate level of protection or if one of the other conditions provided in this article are fulfilled.

In 2006 ten applications for transmission of data to third countries were submitted to the Commissioner's Office. A license was issued in six of the cases, one application was rejected because the data controller did not produce the information requested, in one of the applications no license was needed as the data was to be transmitted to a member-state and two applications were still pending by the end of the year.

3. Licenses for combination of filing systems

"Combination" is defined in the Law as a form of processing which involves the possibility of connection of the data of one filing system with the data of a filing system or systems kept by another controller or kept by the same controller for another purpose. Every combination has to be notified to the Commissioner and if at least one of the filing systems, which are to be combined, contains sensitive data or if for the combination to be carried out a single code number is to be used, the combination is permitted only with the prior license of the Commissioner.

In 2006 three applications for combination were submitted. One application was rejected and the other two are pending.

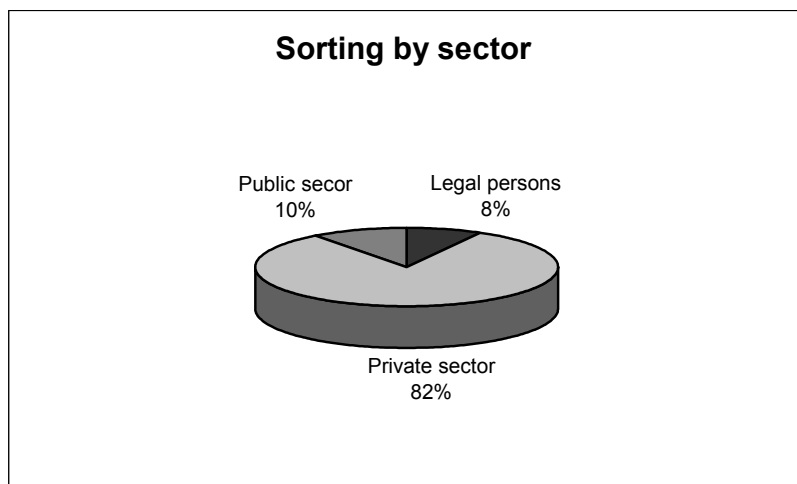
4. Complaints

The number of written complaints received in 2006 was 175. Comparatively to last year the number of complaints had a slight increase. As in 2005, in 2006 most of the complaints referred to unsolicited communications (spam) by sms, e-mail or fax.

In the following chart a breakdown for the various categories of complaints is presented:

Subject of complaint	Number of Complaints	Percentage
Consent – Right to be informed	8	6%
Video surveillance – voice recording	3	1%
Disclosure	24	14%
Confidentiality – security measures	4	2%
Right of access – right to object	5	3%
Spam (e-mail, sms, fax)	81	46%
Direct marketing	5	3%
Purpose of processing	3	1%
Collection of data	4	2%
Excessive data (principle of proportionality)	28	16%
Other (loss, period of retention, legacy)	4	2%
Incompetence	6	4%

Regarding the data controllers, in the chart here after we can find the percentage of complaints by sector:



Most of the complaints involved the private sector due to spam complaints.

Results of the complaints

Completed	112
Pending	63

The fact that 112 complaints were completed within 2006 is considered a positive result. In addition, it is expected that most of the pending complaints will be dealt with within the first months of 2007.

In the chart here below there is an analysis of the complaints:

CATEGORY OF RESULT	NUMBER	PERCENTAGE
Compliance in favor of the complainant	59	52%
Decision in favor of the complainant	1	1%
Interruption of the investigation due to compromise	4	4%
Interruption of the investigation due to lack of evidence	16	14%
Interruption of the investigation due to lack of competence	11	10%
Withdrawal of the complaint by the complainant	5	5%
Rejection due to unfounded complaint	16	12%
TOTAL	112	

5. Telephone calls

In 2006 we have received 836 telephone calls involving complaints and request of information by data controllers or data subjects. All telephone calls are recorded and many can lead to further investigation.

95 of the calls referred to unsolicited advertising by sms.

6. Recap (2004 –2006)

In the following chart we summarize the statistics of 2006 in comparison with the previous two years:

Statistics	2006	2005	2004
Total number of notifications	121	108	249
Applications for transmission of data to third countries	10	16	10
Applications for combination of filing systems	3	9	11
Complaints	175	153	80
Complaints for spam	81	93	15
Complaints examined	112	53	51
Telephone calls	836	990	467