

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RESOLUTION (73) 22

ON THE PROTECTION OF THE PRIVACY OF INDIVIDUALS VIS-A-VIS ELECTRONIC DATA BANKS IN THE PRIVATE SECTOR

*(Adopted by the Committee of Ministers on 26 September 1973
at the 224th meeting of the Ministers' Deputies)*

The Committee of Ministers,

Considering that the aim of the Council of Europe is to achieve a greater unity between its member States;

Conscious of the already widespread and constantly increasing use of electronic data processing systems for records of personal data on individuals;

Recognising that, in order to prevent abuses in the storing, processing and dissemination of personal information by means of electronic data banks in the private sector, legislative measures may have to be taken in order to protect individuals;

Considering that it is urgent, pending the possible elaboration of an international agreement, at once to take steps to prevent further divergencies between the laws of member States in this field;

Having regard to Resolution No. 3 on the protection of privacy in view of the increasing compilation of personal data into computers, adopted by the seventh Conference of European Ministers of Justice,

Recommends the governments of member States :

- (a) to take all steps which they consider necessary to give effect to the principles set out in the Annex to this resolution;
- (b) to inform the Secretary General of the Council of Europe, in due course, of any action taken in this field.

ANNEX

The following principles apply to personal information stored in electronic data banks in the private sector.

For the purposes of this resolution, the term "personal information" means information relating to individuals (physical persons), and the term "electronic data bank" means any electronic data processing system which is used to handle personal information and to disseminate such information.

1.

The information stored should be accurate and should be kept up to date.

In general, information relating to the intimate private life of persons or information which might lead to unfair discrimination should not be recorded or, if recorded, should not be disseminated.

2.

The information should be appropriate and relevant with regard to the purpose for which it has been stored.

3.

The information should not be obtained by fraudulent or unfair means.

4.

Rules should be laid down to specify the periods beyond which certain categories of information should no longer be kept or used.

5.

Without appropriate authorisation, information should not be used for purposes other than those for which it has been stored, nor communicated to third parties.

6.

As a general rule, the person concerned should have the right to know the information stored about him, the purpose for which it has been recorded, and particulars of each release of this information.

7.

Every care should be taken to correct inaccurate information and to erase obsolete information or information obtained in an unlawful way.

8.

Precautions should be taken against any abuse or misuse of information.

Electronic data banks should be equipped with security systems which bar access to the data held by them to persons not entitled to obtain such information, and which provide for the detection of misdirections of information, whether intentional or not.

9.

Access to the information stored should be confined to persons who have a valid reason to know it.

The operating staff of electronic data banks should be bound by rules of conduct aimed at preventing the misuse of data and, in particular, by rules of professional secrecy.

10.

Statistical data should be released only in aggregate form and in such a way that it is impossible to link the information to a particular person.