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Ordinance
of 9 July 2002
on the Data Protection Act
(Data Protection Ordinance)

On the basis of Art 8 (3), Art 9 (2), Art 11 (1) and (5), Art 15 (6), Art 20 (2), Art 28 (3), and Art 42 of the DSG (*Datenschutzgesetz*, Data Protection Act) of 14 March 2002, Liechtenstein Law Gazette 2002 no 55¹, the government hereby decrees

I. Processing of personal data by private individuals**A. Right of access**

Art 1

Modalities

1) Each person requesting information from a file controller as to whether data relating to him is being processed (Art 11 DSG) shall, as a general rule, make his request in writing and provide proof of his identity

2) The request for access and the giving of information may happen electronically if the file controller expressly provides for this and takes adequate measures to

- a) ensure the identification of the data subject, and
- b) protect the personal data of the data subject from access by unauthorised third parties when giving the information ²

¹ LR 235 1

² Art 1 (2) amended by LGBl 2009 no 209

3) The data subject may inspect the data on-site in agreement with the file controller or at the suggestion of the file controller. The information may also be provided orally provided the data subject consents and has been identified by the controller.

4) The information or the decision establishing a restriction on the right of access (Art 12 and 13 DSG) shall be communicated within 30 days after receipt of the request for information. In the event the information cannot be provided within 30 days, the file controller must notify the person making the request of this circumstance and inform him of the period within which the information will be provided.

5) In the event one or several files are kept jointly by multiple controllers, the right of access may be exercised with each controller, unless one of the controllers is responsible for responding to all requests for information. In the event the file controller is not authorised to provide information, he shall forward the request to the competent person.

6) In the event the requested data is being processed by a third party as part of a mandate for the file controller, the principal shall forward the request for information to the third party for a response if he is not capable of providing the information himself¹.

7) In the event data is requested relating to deceased persons, the information shall be provided if the person making the request demonstrates an interest in the information and that no overriding interests of relatives of the deceased person or third parties oppose such provision. A close relationship or marriage with the deceased person shall establish an interest.

Art 2

Exceptions to the no-cost provision

1) As an exception, an appropriate participation in costs may be requested if

- a) the person making the request has already received the desired information in the twelve months prior to making the request and cannot demonstrate a legitimate interest in a renewed providing of the information. A legitimate interest shall in particular exist if the personal data has been modified without notifying the data subject,

¹ Art 1 (6) amended by LGBl 2009 no 209

b) the providing of the information requires a particularly high amount of work

2) The maximum participation shall be 300 Swiss francs. The person making the request shall be informed of the amount of the participation and may withdraw his request within ten days.

B. File registration

Art 3¹

Registration and updating

The registration of files with the Data Protection Office must contain the information listed in Art 15 (5) DSG. The file controller must regularly update such information.

The Data Protection Office shall be notified of any changes on an annual basis.

Exceptions from obligation to register²

Art 3a³

a) Files

There shall be no obligation to register files pursuant to Art 15 DSG for

- a) files of suppliers or customers, provided that they do not contain any sensitive personal data or personal profiles,
- b) files whose data is used exclusively for purposes not relating to the data subject, such as in research, in planning, and in statistics,
- c) archived files that are only used for historical or scientific purposes,

¹ Art 3 amended by LGBl 2008 no 320

² Heading before Art 3a inserted by LGBl 2009 no 209

³ Art 3a amended by LGBl 2009 no 209

- d) files exclusively containing data that has been published, or which the data subject has himself made accessible by the public and has not expressly prohibited its processing,
 - e) data that serves exclusively the purpose of meeting the requirements of Art 11,
 - f) accounting data,
 - g) auxiliary files for the staff management of the file controller as far as it does not contain sensitive personal data or personal profiles
- 2) The file holder shall take the measures necessary to be able to provide (on request) the Data Protection Office or the data subject with the information pursuant to Art 15 (5) DSG concerning files that are not subject to a duty to register

b) Files used by the media¹

Art 4

Files used by the media

Files need not be registered if

- a) such files are used exclusively for publication in the editorially-controlled section of a periodically-published media organ and their data is not disclosed to third parties without the knowledge of the data subjects,
- b) such files are being used by journalists exclusively as a personal work aid

¹ Heading above Art 4 inserted by LGBl 2009 no 209

Art 4a¹*c) Files for which a data protection officer is appointed*

1) File controllers shall be exempt from any obligation pursuant to Art 15 (6) to register files if they

- a) appoint a data protection officer for the company who meets the requirements of paragraph (2) and of Art 13a, and
- b) they inform the Data Protection Office on the appointment of the data protection officer

2) The file controller may appoint an employee or a third party to be the data protection officer. The latter must not carry out other activities that are incompatible with his duties as data protection officer, and he must have the necessary technical knowledge

3) The Data Protection Office shall publish a list of the data protection officers designated to it by the file controllers in accordance with paragraph (1)(b)

Art 4b²*Simplified registration*

1) The Data Protection Office may at the request of the controller of files that are subject to registration permit simplified registration if in view of the data to be processed the personality of the data subjects does not seem to be in danger. The following criteria shall be taken into consideration in particular during assessment

- a) the purpose of processing,
- b) the data that is processed,
- c) the data subjects,
- d) the recipient in the event of forwarding, and
- e) the duration of storing the data

¹ Art 4a inserted by LGBl 2009 no 209

² Art 4b inserted by LGBl 2009 no 209

- 2) The simplified registration shall contain the following data
- a) name and address of the file holder
 - b) purpose and full designation of the file,
 - c) the body where the right of information can be exercised

C. Disclosure abroad

Art 5¹

Publication in electronic form

If data is made accessible to the general public on the territory of the European Economic Area by way of automated information and communication services with the purpose of informing the public, this shall not be considered to be a cross-border data flow

Art 6²

Approval of data transfers

1) Applications for the approval of cross-border data transfers pursuant to Art 8 (3) DSG shall be submitted by the file controller to the Ministry of Justice

2) The Ministry of Justice shall forward the application in terms of paragraph (1) to the Data Protection Office for comment. The latter shall examine the guarantees and the standard data protection rules and shall inform the Ministry of Justice about the result of its examination within 30 days from receipt.

3) If the guarantees or standard data protection rules offer adequate protection, the government shall grant approval to the file controller.

¹ Art 5 amended by LGBl 2009 no 209

² Art 6 amended by LGBl 2009 no 209

4) If approval has been granted, it shall apply to all further data transfers that

- a) are made under the same guarantees, provided that the categories of recipients, the purpose of processing, and the data categories remain essentially unchanged,
- b) happen within the same legal person or company or between legal persons or companies that are under joint management, as long as the data protection rules continue to offer adequate protection

5) There shall be no need for approval where data is transferred in application of standard terms and conditions pursuant to Annex 1. In those cases, the Data Protection Office shall be informed by the file controller about the transfer of data using these standard terms and conditions.

6) The file controller shall take adequate measures to ensure that the recipient will comply with the guarantees and data protection rules.

Art 7¹

List of non-EEA member states with adequate data protection legislation

1) The list of non-EEA member states whose legislation offers adequate data protection is contained in Annex 2.

Art 8

Exemptions from the obligation to declare files

1) Notification shall not be required for the transmission of files for purposes not relating to the data subjects, in particular for the purposes of research, planning, and statistics, provided that the form in which the results are published do not allow the identity of the data subject to be established.

2) The transmission of files to states with equivalent data protection legislation shall not require notification, unless the files contain sensitive data or personal profiles.

¹ Art 7 amended by LGBl 2009 no 209

D. Technical and organisational measures

Art 9

General measures

1) Whoever processes personal data or makes available a data communications network as a private individual shall ensure the confidentiality, availability, and accuracy of the data, in order to guarantee an appropriate degree of data security. He shall in particular protect the systems from the following risks

- a) unauthorised or accidental destruction,
- b) accidental loss,
- c) technical errors,
- d) forgery, theft, or unlawful use,
- e) unauthorised modification, copying, access, or other forms of unauthorised processing

2) The organisational and technical measures must be suitable. Such measures must in particular take the following criteria into account

- a) the purpose of the data processing,
- b) the type and scope of the data processing,
- c) an assessment of the potential risks to the data subject,
- d) the current state of technology

3) Such measures shall be reviewed periodically

4) The Data Protection Office may make recommendations in this regard in the form of handbooks ¹

¹ Art 9 (4) amended by LGBl 2008 no 320

Art 10

Special measures

1) Especially when conducting automated processing of personal data, file controllers shall take the organisational and technical measures suitable to meet the following objectives

- a) entry control unauthorised persons are to be denied entry to establishments where personal data is being processed,
- b) data storage medium control unauthorised persons are to be denied the possibility of reading, copying, or removing data storage media,
- c) transport control upon the disclosure of personal data and the transport of data storage media, the unauthorised reading, copying, modification, or deletion of data is to be prevented,
- d) disclosure control recipients of data to whom personal data is disclosed via data transmission institutions must be identifiable,
- e) memory control unauthorised input into memory and unauthorised inspection, modification, or deletion of saved personal data shall be prevented,
- f) user control the use of automated data processing systems by unauthorised persons via data transmission facilities shall be prevented,
- g) access control the access of authorised persons is to be restricted to the personal data required to fulfil their duties,
- h) input control in automated systems, it must be subsequently reviewed which personal data was input by which persons at what time

2) Files shall be structured in such a manner that data subjects can exercise their right for information and their right to correction

Art 11

Log keeping

1) File controllers shall log the automated processing of sensitive data and personal profiles in cases where the preventive measures are insufficient to guarantee protection of the data. Data processing must in particular be logged in cases where it would otherwise be impossible to determine subsequently whether the data was processed for the purposes for which it was collected or disclosed. The Data Protection Office may also recommend the logging of data processing in other cases¹

2) The log shall be kept up-to-date for one year. The log shall only be accessible to offices and private individuals responsible for monitoring the observance of data protection regulations and may only be used for this purpose.

Art 12²*Processing regulations*

1) The controller of an automated file requiring registration (Art 15 DSG) that is not exempt from registration under Art 3a, 4, or 4a shall draft processing regulations.

2) The processing regulations shall in particular describe the data processing and control procedures and shall list all relevant documents on the planning, creation, and operation of the file. It shall contain the information necessary for the obligation to register (Art 15 (5) DSG) as well as information on

- a) the body responsible for data protection and data security,
- b) the origin of the data,
- c) the purpose for which the data is regularly disclosed,
- d) the control procedures and in particular the technical and organisational measures pursuant to Art 9 through 11,
- e) a description of the data fields and the organisational units that have access to them,

¹ Art 11 (1) amended by LGBl 2008 no 320

² Art 12 amended by LGBl 2009 no 209

- f) the type and amount of access by the users of the file,
 - g) the data processing measures, in particular the procedures for correcting, restricting the communication on, anonymising, saving, storing, archiving, or destroying the data,
 - h) the configuration of the data processing tools,
 - i) the procedure to exercise the right to receive information
- 3) The file controller shall update the regulations at regular intervals

Art 13

Disclosure of data

The file controller shall notify the recipient the up-to-date status and reliability of the personal data disclosed by him, unless such information is evident from the data itself or from the circumstances

E. Data protection officer¹

Art 13a²

Duties and position of the data protection officer

- 1) The data protection officer shall in particular have the following duties
- a) He shall examine the processing of personal data and recommend correctional measures if he finds that data protection rules have been violated. He shall report to the Data Protection Office in terms of Art 30 DSG if he notes grave violations of the data protection rules or if his recommendations are not followed in due time and the violation continues
 - b) He shall keep a list of files in terms of Art 15 DSG that are kept by the file controller, this list shall be put at the disposal of the Data Protection Office or data subjects who have applied to that effect

¹ Heading before Art 13a inserted by LGBl 2009 no 209

² Art 13a inserted by LGBl 2009 no 209

- 2) The data protection officer
- a) shall exercise his functions in a professionally independent manner without being subject to instructions by the file controller,
 - b) shall have the resources available to carry out his duties,
 - c) shall have access to all files and data processing as well as to all information that he needs for carrying out his duties

II. Processing of personal data by the authorities

A. Right of access

Art 14

Modalities

Art 1 and 2 shall mutatis mutandis apply to requests for information directed at the authorities

Art 15

Requests for information to embassies and consulates of the Principality of Liechtenstein abroad

The embassies and consulates of the Principality of Liechtenstein abroad shall not provide any information. Any requests for information directed to such embassies and consulates shall be forwarded to the Office of Foreign Affairs for a response. That Office shall be the competent body for all files of missions of the Principality of Liechtenstein abroad.

B. File registration

Art 16

Proper registration

1) The responsible authorities (Art 20 DSG) shall register all files they keep with the Data Protection Commissioner prior to commencing processing. The registration shall contain the following information ¹

- a) the name and address of the competent authority,
- b) the name and complete designation of the file,
- c) the body at which the right to information can be asserted,
- d) the legal basis and purpose of the file,
- e) the categories of the personal data being processed,
- f) the categories of recipients of the data,
- g) the categories of persons dealing with the file, i.e. third parties entering data into the file and authorised to modify the file,
- h) a general description enabling a preliminary assessment of whether or not the measures in terms of Art 9 DSG to ensure the security of processing are adequate ²

2) The responsible authority shall regularly update such information and shall report any changes on an annual basis

Art 17³

Exceptions from the obligation to register

1) The following files shall not be subject to registration, provided that the authorities use such files exclusively for internal administrative purposes

- a) manual correspondence registers,
- b) files from contractors or clients, provided such files do not contain sensitive data or personal profiles,

¹ Art 16 (1) introductory sentence amended by LGBl 2008 no 320

² Art 16 (1)(h) amended by LGBl 2009 no 209

³ Art 17 amended by LGBl 2009 no 209

- c) address collections solely for the purpose of addressing mail, unless such collections contain sensitive data or personal profiles,
- d) lists of compensation payments,
- e) accounting documents,
- f) ancillary files for the personnel administration of the Principality, provided that such files do not contain sensitive data or personal profiles,
- g) library files (author catalogues, borrower and user lists),

2) The following files shall also not be subject to registration

- a) files archived at the National Archive,
- b) files presented to the public in the form of directories,
- c) files whose data is used exclusively for purposes not related to the data subjects, in particular in research, planning, and statistics

3) The authority responsible for the file shall take the measures necessary to be able to provide (on request) the Data Protection Office or the data subject with the information pursuant to Art 15 (5) DSG concerning the files that are not subject to a duty to register pursuant to paragraphs 1 and 2

Art 17a¹

Simplified and global registration

1) The Data Protection Office may on application of the authority responsible for files that are subject to a duty to register permit simplified registration if the personality of the data subjects does not seem to be in any danger in view of the data being processed. The following criteria shall be taken into account in particular

- a) the purpose of processing,
- b) the data processed,
- c) the data subjects,

¹ Art 17a inserted by LGBl 2009 no 209

- d) the recipients in the event of forwarding, and
 - e) the duration of storage
- 2) The simplified registration shall contain the following information
- a) the name and address of the competent authority,
 - b) the name and complete designation of the file,
 - c) the body where the right to information can be asserted
- 3) If an authority keeps several files for each of which simplified registration has been permitted, the files belonging to the same category shall be the subject of global registration

Art 18

Exemptions from publication

Files shall not be published in the register if such files

- a) will be used for two years or less,
- b) are stored in the National Archives,
- c) are ancillary files for personnel administration, provided the responsible authorities guarantee that such files are published internally,
- d) are accessible to the public in the form of yearbooks

C. Disclosure¹

Art 18a²

Disclosure to private individuals

1) Authorities may disclose personal data in terms of Art 23 (2) DSG on an individual basis to private individuals on oral or written application if a justified interest is credibly asserted Art 23 (4) and 24 DSG shall remain reserved

¹ Heading above Art 18a inserted by LGBl 2005 no 206

² Art 18a inserted by LGBl 2005 no 206

2) If personal data in terms of Art 23 (2) is used for idealistic purposes exclusively, in particular political, cultural, social, or scientific ones, this data may on written application also be disclosed in a way broken down by certain criteria (e.g. by years). Personal data shall be disclosed in writing.

3) The authority shall expressly point out to the applicant when disclosing the personal data that the data must not be forwarded and may only be used for the purpose given in the application.

4) If the disclosing of personal data is connected with substantial work for the authority, it may collect a fee, the amount of such fee shall be based on a rate of 100 Swiss francs per hour.

Art 18b

Disclosure via remote access¹

1) Subject to Art 23 (4) and 24 DSG, authorities may disclose by public remote access the following personal data of employees or of persons that are under their supervision or that fulfil public duties:

- a) the name or firm name,
- b) the business address, the business telephone number and facsimile number, and the business e-mail address,²

2) With the exception of sensitive personal data and personal profiles, other personal data than those listed in paragraph 1 may be disclosed if

- a) the data subject has after being informed beforehand on the planned disclosure not exercised his right to have the data blocked in terms of Art 24 DSG,
- b) it can be assumed under the given circumstances that disclosure is in the interest of the data subject, or
- c) the data subject has made his data accessible to the general public.³

¹ Heading for Art 18b inserted by LGBl 2005 no 206

² Art 18b (1) inserted by LGBl 2005 no 206

³ Art 18b (2) inserted by LGBl 2005 no 206

3) Otherwise, authorities may only disclose personal data by public remote access if ¹

- a) the rights of the data subjects are not endangered, and²
- b) the Data Protection Office has given its consent ³

Art 19

Disclosure of data abroad⁴

1) Authorities shall notify the Data Protection Officer of the transmission of files and regular disclosure of personal data abroad unless such transmissions and disclosures are required by a law or the data subjects have knowledge of such transmissions and disclosures ⁵

2) Written notification shall be made prior to disclosure. Such notification shall contain the following information

- a) the name and address of the body disclosing the personal data,
- b) the name and address of the recipient of the data,
- c) the name and complete designation of the file,
- d) the categories of the personal data being disclosed,
- e) the group and approximate number of the data subjects,
- f) the legal basis and purpose of the data processing by the recipient,
- g) the type and frequency of disclosure,
- h) the date of initial disclosure

3) The disclosure of data of the same category to various recipients for the same processing purpose may be the subject of a global notification

¹ Art 18b (3) introductory sentence inserted by LGBl 2005 no 206

² Art 18b (3)(a) inserted by LGBl 2005 no 206

³ Art 18b (3)(b) inserted by LGBl 2005 no 206 and amended by LGBl 2008 no 320

⁴ Heading for Art 19 inserted by LGBl 2005 no 206

⁵ Art 19 (1) amended by LGBl 2008 no 320

D. Organisational and technical measures

Art 20

Principles

1) The responsible authorities shall take the organisational and technical measures in accordance with Art 9 through 11 which are necessary to protect the privacy and fundamental rights of persons about whom data is being processed

2) The responsible authorities shall notify the data protection officer or, if there is none, the Data Protection Office without delay of all projects for the automated processing of personal data so that data protection requirements can be taken into account immediately ¹

3) The responsible authority must co-operate with the Data Protection Office in determining the measures in accordance with paragraph (1) ²

Art 21

Processing regulations

1) The responsible authorities shall draft processing regulations for automated files which

- a) contain sensitive data or personal profiles,
- b) are used by more than one authority,
- c) are made accessible to foreign authorities, international organisations, or private individuals, or
- d) are linked to other files

¹ Art 20 (2) amended by LGBl 2009 no 209

² Art 20 (3) amended by LGBl 2008 no 320

2) The responsible authority shall set forth its internal organisation in the processing regulations. The authority shall in particular define its data processing and control procedure and list all documents on the planning, creation, and operation of the file. The regulations shall contain the information necessary for registration (Art. 16) as well as information on

- a) the body responsible for the protection and security of the data,
- b) the origin of the data,
- c) the purposes for which the data is regularly disclosed,
- d) the control procedures, especially organisational and technical measures in terms of Art. 20,
- e) a description of the data fields and the organisational units with access to such data fields,
- f) the type and scope of user access to the file,
- g) the data processing procedures, in particular the procedures for correcting, restricting the communication on, anonymising, storing, preserving, archiving, and destroying the data,
- h) the configuration of the data processing tools,
- i) the procedure for exercising the right for information¹

3) The regulations shall be updated regularly. Such regulations shall be made available to the competent control authorities in a form comprehensible to such authorities.

Art. 22

Data processing by a third party

1) An authority may have personal data processed by a third party provided that data protection is guaranteed.

2) Authorities which have personal data processed by third parties shall remain responsible for ensuring data protection. Such authorities shall ensure that the data is processed in accordance with the mandate, especially in matters relating to the use and disclosure of the data.

¹ Art. 21a (2) amended by LGBl. 2009 no. 209

3) If the third party is not subject to the Data Protection Act, the competent authority must ensure that other legal provisions guarantee an equivalent degree of data protection. In the event no such protection exists, the competent authority shall ensure such protection by contract.

Art 23¹

Data protection advisor and data protection officer

1) The government shall designate at least one data protection advisor. This advisor shall have the following tasks:

- a) to support the competent body and users,
- b) to promote employee notification and training,
- c) to co-operate in the enforcement of data protection provisions.

2) If authorities want to be released from their obligation to register their files, Art 4a and 13a on the data protection officer shall apply.

E. Specific provisions

Art 24

Collection of personal data

1) In the event the person questioned is legally obligated to provide information, the authority collecting the personal data must inform that person of the consequences of refusing to provide information or providing false information.

2) In the event the person questioned is not legally obligated to provide information, the authority systematically collecting the personal data through the use of questionnaires must inform that person that providing information is voluntary.

¹ Art 23 amended by LGBl 2009 no 209

Art 25

Personal identification number

1) Authorities which introduce a personal identification number for the administration of their files shall create a random number to be used for the fulfilment of its own duties. A random number shall indicate any definite or uniquely invertible number of characters assigned to every person who is registered in a file and which does not allow for any conclusions about the person.

2) The use of the personal identification number by another authority or private individuals must be approved by the relevant authority.

3) Approval may be granted when there is a close relationship between the intended form of data processing and the form of data processing for which the personal identification number was created.

4) Otherwise, the use of the Old Age and Surviving Dependant Insurance number (AHV number) shall be regulated by the appropriate legislation.

Art 26

Disclosure of data

The responsible authority shall notify recipients of the data of the up-to-date status and reliability of the personal data disclosed to them unless such information is evident from the data itself or the circumstances.

IIa. Video surveillance¹

Art 27²

Approval of video surveillance

1) An application for the approval of video surveillance in terms of Art 6a DSG shall be submitted in writing to the Data Protection Office and shall in particular include the following information

- a) the name and address of the video surveillance controller,
- b) a description of the purpose and the necessity of video surveillance,
- c) a detailed plan showing the number of surveillance devices, their positioning, and the resulting field of coverage,
- d) a detailed description of the functioning of video surveillance showing the way the system works (in particular capturing, transfer, recording and evaluation),
- e) a list of the persons and bodies that have access to the video surveillance system or the data resulting from it,
- f) the operating times of the video surveillance system,
- g) a detailed description of how the video surveillance system and the contact responsible for it are going to be made public to the data subjects, and
- h) further information that seem necessary in individual cases for the proper assessment of the application for approval

2) The Data Protection Office may demand further information from the applicant if this seems necessary to assess the application

3) The Data Protection Office may grant approval for a maximum period of five years. Such approval may be extended if an application with the information given in paragraph (1) is submitted to that effect no later than three months before the period of validity of such approval expires

¹ Heading above Art 27 inserted by LGBl 2009 no 209

² Art 27 amended by LGBl 2009 no 209

4) The Data Protection Office shall be notified forthwith of any changes to the information in terms of paragraphs (1) and (2) In the event of major changes, new approval shall be required in all cases

III. The file register, the Data Protection Office and the Data Protection Commission¹

A. The file register and file registration²

Art 28

The file register

1) The register kept by the Data Protection Office shall contain the information in accordance with Art 3, 4b, 16 and 17a³

2) The register shall be public and may be inspected at the Data Protection Office free of charge⁴

3) A list of registered files shall be published on the Internet⁵

4) The Data Protection Office shall keep a list of the file controllers that have been released from their obligation to register their files in terms of Art 4a This list shall be published on the Internet together with the respective contact data of the data protection officer⁶

¹ Heading above Art 28 amended by LGBl 2008 no 320

² Heading above Art 28 amended by LGBl 2008 no 320

³ Art 28 (1) amended by LGBl 2009 no 209

⁴ Art 28 (2) amended by LGBl 2008 no 320

⁵ Art 28 (3) amended by LGBl 2004 no 221

⁶ Art 28 (4) inserted by LGBl 2009 no 209

Art 29

File registration

1) The Data Protection Office shall register files if complete registration was submitted meeting formal requirements. Prior to registering the file, the Data Protection Office shall conduct a summary review of the lawfulness of data processing.¹

2) If the file to be registered violates data protection provisions, the Data Protection Office shall recommend the modification, suspension, or cessation of the intended data processing. It shall postpone registration until the legal situation has been clarified.²

3) If a file controller fails to register his file or such registration is incomplete, the Data Protection Office shall set a deadline for him to meet his obligations. Upon expiration of the deadline, the Data Protection Office may recommend the registration ex officio of the file or the suspension of data processing activities based on the information at his disposal.³

B. The Data Protection Office⁴Art 30⁵

Cancelled

Art 31⁶

Cancelled

¹ Art 29 (1) amended by LGBl 2008 no 320

² Art 29 (2) amended by LGBl 2008 no 320

³ Art 29 (3) amended by LGBl 2008 no 320

⁴ Heading before Art 30 amended by LGBl 2008 no 320

⁵ Art 30 cancelled by LGBl 2008 no 320

⁶ Art 31 cancelled by LGBl 2008 no 320

Art 32

Documentation

1) Government offices shall present all bills relating to the processing of personal data and data protection to the Data Protection Office. The departments and the Chancellery shall notify him of their decisions and their data protection directives in anonymised form.¹

2) The Data Protection Office must have sufficient documentation for his activities. It shall operate an independent information system for documentation, archiving, and the file register.²

3) The Data Protection Commission shall have access to the scientific documentation of the Data Protection Office.³

Art 33⁴*Fees*

1) A fee shall be charged for official opinions prepared by the Data Protection Office depending on the actual amount of work done. Depending on the complexity of the matter, an hourly rate of between 100 and 500 Swiss francs shall apply. The Data Protection Office shall inform the person obliged to pay the fees about the probable hourly rate in advance.

2) The handling of approvals in terms of Art. 27 shall be subject to a fee of between 100 and 500 Swiss francs per video surveillance system depending on the amount of work required to handle the application. The fee for the extension of approvals shall be one half of the fee of paragraph (1).

3) No fees shall be charged to authorities.

¹ Art. 32 (1) amended by LGBl. 2008 no. 320

² Art. 32 (2) amended by LGBl. 2008 no. 320

³ Art. 32 (3) amended by LGBl. 2008 no. 320

⁴ Art. 33 amended by LGBl. 2009 no. 209

Art 34

Review of the processing of personal data

1) In order to conduct investigations in accordance with Art 29 and 30 DSG, and in particular to review the lawfulness of data processing, the Data Protection Office may request the following information from the file controller ¹

- a) organisational and technical measures (Art 9 through 11 and 20) taken in the past or planned in the future,
- b) provisions with regard to correcting, restricting the communication on, anonymising, storing, and destroying personal data,
- c) the configuration of data processing tools,
- d) links to other files,
- e) the manner in which the data is disclosed,
- f) a description of the data fields and the organisational units with access to such data fields,
- g) the type and extent of user access to file data

2) In the event of disclosures abroad, the Data Protection Office may request additional information, in particular on the processing capacities of the recipient of the data or the data protection measures taken ²

C. The Data Protection Commission

Art 35

1) The Commission may request the submission of processed data

2) The Commission shall notify the Data Protection Office of its decisions ³

3) Otherwise, the General Act on Administrative Procedure shall apply

¹ Art 34 (1) introductory sentence amended by LGBl 2008 no 320

² Art 34 (2) amended by LGBl 2008 no 320

³ Art 35 (2) amended by LGBl 2008 no 320

IV. Final provision

Art 36

Entering into force

This Ordinance shall come into force concurrently with the Data Protection Act

Government of the
Principality
signed *Rita Kieber-Beck*
Deputy Prime Minister

Annex 1¹
(Art 6 (5))**Standard contractual clauses that
offer adequate data protection**

Standard contractual clauses that offer adequate protection in terms of Art 6 (5) shall be contract clauses in accordance with

- a) Commission Decision 2001/497/EC of 15 June 2001 on standard contractual clauses for the transfer of personal data to third countries under Directive 95/46/EC
- b) Commission Decision 2002/16/EC of 30 June 2003 on standard contractual clauses for the transfer of personal data to processors established in third countries under Directive 95/46/EC

¹ Annex 1 amended by LGBI 2009 no 209

Annex 2¹
(Art 7)**List of non-EEA states whose data protection legislation offers adequate data protection**

- Argentina,
- Guernsey,
- Jersey,
- Canada,
- Isle of Man,
- Switzerland,
- United States of America in the framework of the Decision of the European Commission 520/2000/EC of 26 July 2000 on the adequate protection of personal data provided by the Safe Harbour Privacy Principles and related Frequently Asked Questions,

¹ Annex 2 inserted by LGBl 2009 no 209