

**Decree n°2007-3003 of November 27<sup>th</sup>, 2007** on the functioning of the The National Authority for Protection of Personal Data.

The President of the Republic,  
Upon proposition by the Minister of Justice and Human Rights,  
Having regard to the Organic Act n°2004-63 of July 27<sup>th</sup>,2004 on the protection of personal data and in particular the article 75,  
Having regard to the Act n°83-112 of December 12<sup>th</sup>, 1983 on the General Status of civil servants amended by the Act n°2003-20 of March 17<sup>th</sup>, 2003,  
Having regard to the Decree n°2006-1245 of April 24<sup>th</sup>,2006 on the attribution and the withdrawal of functional employment of central administration,  
Having regard to the opinion of the Minister of Finance,  
Having regard to the opinion of the Administrative Tribunal,  
Enacts:

**Article 1:**

The present decree determines the functioning of the The National Authority for Protection of Personal Data.

**Article 2:**

The "Instance" shall be composed as follows:

- A President chosen among the eminent persons known for their knowledge in the field;
- A member chosen among the members of the Chamber of Deputies;
- A member chosen among the members of the Chamber of Advisors;
- A representative of Prime Minister's office;
- Two magistrates from the third degree;
- Two magistrates from the Administrative Court;
- A representative from the Ministry of Interior;
- A representative from the Ministry of Defence;
- A representative from the Ministry in charge with communication technology;
- A researcher from the Ministry in charge with Scientific Research;
- A doctor from the Ministry in charge with Public Health;
- A member from the Higher Comite for Human Rights and Fondamental Freedous;
- A member chosen among experts in Communication Technology.

The President and the Members of the "Instance" are appointed by decree for three years upon proposal of the Minister of Justice and Human Rights.

The meetings of the "Instance" are carried out in camera.

The President of the Instance can invite, for consultation purposes, all persons, whose presence is judged useful due to their experience relating to the subject on the agenda.

**Article 3**

The The National Authority for Protection of Personal Data.

meets on convocation by its president at least quarterly and each time he considers it to be necessary. The "Instance" can only meet in a legal manner in the presence of the majority of its members.

In the case of lack of quorum, the "Instance" meets a second time within a minimum of seven days of the first meeting, whatever the number of members present.

The President of the "Instance" can ask for the replacement of any member who is absent from the meetings three times consecutively without a reason for absence.

#### **Article 4**

In the case of hindrance or absence of the President of the "Instance", he designates his substitute among the two full time members. In the case of impossibility, the oldest one provisionally ensures the presidency of the Instance.

#### **Article 5**

The President of the The National Authority for Protection of Personal Data. decides on the agenda of the day of its meetings and oversees them. The decisions of the "Instance" are decided by the majority vote of the members present and in the case of equality, the President shall have the casting vote.

#### **Article 6**

The President of the "Instance" can ask one or more members to study or follow up certain subjects relating to his attributions.

The President of the "Instance" can also designate, by contract, experts in the domain of personal data protection in order to ensure certain specific missions within the framework of the "Instance" attributions.

In all cases, these contracts are submitted for prior approval to the Minister of Human Rights.

#### **Article 7**

The members of the "Instance" continue to exercise their original profession except for the President of the "Instance" as well as one of the two third grade magistrates and one of the two magistrates from the Administrative Tribunal who exercise their attributions full time.

#### **Article 8**

The salary of the President of the "Instance" is fixed by decree.

An indemnity fixed by decree is given to the members, in addition to the indemnities and advantages related to their grade,.

#### **Article 9**

The President of the "Instance" is its legal representative; he orders the receipts and expenses. He manages the Instance financially and administratively.

#### **Article 10**

The President of the "Instance" can delegate a part of his attributions as well as his signature to the staff under his authority.

#### **Article 11**

A permanent Secretarial office is created within the The National Authority for Protection of Personal Data. and is responsible for the following:

- The reception of declarations and applications for authorization, opinions and complaints,
- The preparation of the files submitted to the "Instance",
- The organization of the "Instance "meetings,
- The writing up and the storage of the minutes,

- The execution of all the missions which are confided by the "Instance" or its President,
- The storage of the "Instance" documents,
- The assistance of the President of the "Instance" in the administrative and financial management.

#### **Article 12**

The permanent Secretarial office is managed under the authority of the President of the "Instance" by a General Secretary benefiting from the same indemnities and advantages as the director of Central Administration.

The General Secretary is appointed by decree, upon proposal of the Minister in charge with Human Rights according to the conditions of the Decree n°2006-1245 of April 24<sup>th</sup>,2006 afore mentioned.

#### **Article13**

The budget of the "Instance" is linked to the budget of the Ministry in charge with Human Rights. Its receipts are composed of:

- Aid provided by the state,
- Receipts coming from the activities and services of the "Instance",
- Donations given to the "Instance" according to the laws and the regulations in force,
- Other receipts attributed to the "Instance" by the laws or the regulations. Its expenses are composed of:
  - Yearly and permanent payments related to the management of the administrative affairs of the "Instance",
  - Temporary and exceptional expenses of the "Instance".

#### **Article 14**

The employees of the "Instance" are regulated by the General Status of Civil Servants.

#### **Article 15**

The Minister of Justice and Human Rights and the Minister of Finance are each responsible for what concerns them in the execution of the present decree which will be published in the "Journal Officiel de la République Tunisienne".

Tunis, November 27<sup>th</sup>,2007

**Zine El Abidine Ben Ali**