

### APPLICATION FORM FOR ACCREDITATION AS A DATA PROTECTION AUTHORITY

Application to the Credentials Committee for accreditation as a data protection authority pursuant to the resolutions adopted at the 23<sup>rd</sup> International Conference of Data Protection and Privacy Commissioners at Paris on 25<sup>th</sup> September 2001.

**Notes:**

- (a) Please complete application in French or English.
- (b) Please keep answers brief and to the point.
- (c) Please ensure that all 33 questions are answered
- (d) If you retype the form, please include the numbered questions with your answers. It is possible to avoid such retyping by getting the electronic application form in French or in English upon request by e mail at [credentials@privacy.org.nz](mailto:credentials@privacy.org.nz).

**Details of applicant**

1. Name and postal address of authority

The Icelandic Data Protection Authority, Raudararstigur 10, 104 R, Iceland

2. Contact person for this application:

(a) Name

Hordur Helgi Helgason, Deputy Commissioner

(b) Email address

hordur@data.protection.is

(c) Direct telephone number

+354 510 9600

(d) Fax contact

+354 510 9606

**Type of application**

3. The application is for accreditation as:

(a) national Authority

YES/NO

(b) sub-national Authority

YES/NO

(c) Authority within an international, if yes which one.....

YES/NO

## Description of applicant

4. Description of Authority (e.g. commissioner, commission, board etc)

Commissioner and a five member board.

5. Is the Authority a public body?  YES  NO

6. Geographical jurisdiction

The Republic of Iceland.

7. Sectoral coverage (i.e. does the applicant's jurisdiction cover the entire public and private sectors? If only part of a sector or if there are significant activities not covered, please specify)

Entire public and private sectors.

8. Is the role of the Authority mainly concerned with data protection and privacy?

YES  NO

## Legal basis

9. Title of law under which the Authority is constituted

Act on the Protection of Individuals with regard to the Processing of Personal Data No. 77/2000.

10. Is this principally a data protection law?  YES  NO

11. Status of the law (e.g. statute, regulation, executive order)

Statute.

12. Which body made the law?

The Icelandic Parliament, Althingi.

13. What body has the power to amend or revoke the law?

The Icelandic Parliament, Althingi.

**Autonomy and independence**

14. Who appoints member(s) of the Authority? (Please explain if a different process applies to the presiding member from other Authority members in this question and in subsequent questions.)

The Minister of Justice shall appoint five persons to the board of the Authority, and the same number of alternates. The Minister shall appoint the chairman and the vice-chairman without nomination. They shall be lawyers with the qualifications required for the office of district court judge. The Supreme Court of Iceland shall nominate one board member, and the Icelandic Society for Information Processing shall nominate another board member possessing expert knowledge of electronic data processing and technology. The alternate members shall have the same qualifications as the principal members. The Minister, having received the recommendations of the board, shall appoint the Commissioner.

15. What process is followed?

(see answer to 14.)

16. For what term are appointments made?

The board is appointed for a term of four years at a time and the Commissioner for a term of five years at a time.

17. Does the law under which the Authority operates explicitly state that it acts independently? YES/NO

18. May the member(s) be removed before expiry of their term? YES/NO

19. If yes, who may remove members of the Authority before expiry of their term?

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20. Are there limited reasons specified in the statute, or in another law, providing the permitted grounds for removal?

No provisions in statute for removal of members before term expiration.

21. What are the grounds for removal?

No provisions in statute for removal of members before term expiration.

22. Does the Authority possess the following powers (briefly describe and give statutory references)

(e) to initiate an investigation with seeking provision YES/NO

details: Art. 37. Section 1 and Section 3. Part 2 and Art. 38.

(f) to report to the head of State, head of Government or legislature  YES  NO

details: Art. 37. Section 3. Part 6.

(g) make public statements  YES  NO

details: Art. 37. Section 3. Parts 3 through 7.

23. Does the Authority (and its staff) have immunity from legal suit for actions performed in the course of their duties?

No, the Authority and staff are subject to the Law like any other citizens.

24. Applicants may list any other measures set out in the statute or in other laws which guarantee the Authority's independence (for example if the law provides specifically that the Authority's finances are protected).

**Consistency with international instruments**

25. Does the Authority explicitly implement any international instrument (for example if the law under which the Authority operates specifies that it implements such international instrument)?  YES  NO

If "yes", which of the following does it principally implement?

(a) OECD Guidelines (1980)  YES  NO

(b) (i) Council of Europe Convention No 108 (1981)  YES  NO

(ii) Council of Europe Additional Protocol (8 November 2001)  YES  NO

(c) UN Guidelines (1990)  YES  NO

(d) EU Directive (1995)  YES  NO

26. Does the law instead, or additionally, implement any general or specific international instrument? (If so, list the international body and the instrument)

No, only EU Directive 95/46/EC.

27. Have significant questions been raised about the extent to which the law is consistent with the international instruments which are claimed to be implement in answer to questions 25 and 26? (Applicants should supply further information to assist the Committee including a description of any measures under way to address these inconsistencies.)

No significant questions been raised about consistency with Dir. 95/46/EU.

### Appropriate functions

28. Does the Authority possess functions in any of the following areas (briefly describe and give statutory references):

(a) compliance (e.g. audit, inspection)

YES  NO

details: (see answer to 22. e )

(b) approvals (e.g. prior-checking, notification)

YES  NO

details: Art. 31, 32 and 37, Section 3, Part 1.

(c) redress for individuals (e.g. complaints, conciliation enforcement)

YES  NO

details: Art. 37, Section 2.

(d) sanctions available to Authority (for example, prosecution and enforcement)

YES  NO

details: Art. 40 (cessation of processing), Art. 41 (daily penalties).

(e) guidance (e.g. compliance advice)

YES  NO

details: Art. 37, Section 3, Part 5.

(f) public education

YES  NO

details: Art. 37, Section 3, Part 3.

(g) policy advice for government

YES  NO

details: (see answer to 22. f )

(h) studies or research (e.g. into developing technologies, privacy issues)

YES  NO

details: Art. 37, Section 3, Parts 2 and 3.

### Additional comments

29. Applicants are invited to offer any further comments that they wish.

The DPA's powers are very wide-ranging, for example to enter any house or data processing facility, without a court order.

**Other materials**

30. List any attachments which will accompany the application as an electronic attachment or to follow by post.

31. If law under which the Authority operates is accessible on the Internet, please give the reference

URL: (accessible from personuvernd.is)  
<http://www.althingi.is/lagas/nuna/2000077.html> (in Icelandic)  
<http://www.personuvernd.is/tolvunefnd.nsf/pages/1E685B166D04084D00256922004744AE>  
(preliminary English translation)

32. If a recent annual report of the Authority (or a similar recent publication outlining typical activities) is available on the Internet, please give the reference

URL: (accessible from personuvernd.is)  
<http://www.personuvernd.is/tolvunefnd.nsf/pages/A07C7FA870A3940200256B4700626572>  
(in Icelandic)

**Research use**

33. With the consent of applicants, the Committee proposes to make copies of the applications available to appropriate researchers approved by the Committee to facilitate a study on data protection. Please indicate whether you agree to this use:

- I agree to this application being released to a researcher  YES/NO

**Making the application**

The application should be emailed to the credentials committee at [credentials@privacy.org.nz](mailto:credentials@privacy.org.nz)

If sent as an email attachment it should be in M/S Word.

If unable to email the application, it should be posted to:

**Credentials Committee**  
**C/- Privacy Commissioner**  
**P O Box 466**  
**Auckland**  
**New Zealand**

The Committee needs access to a copy of the law under which the Authority is constituted. This need not be supplied in hard copy if it is available on the Internet and listed at question 31. If the law itself is not in English or French, it will be useful to supply an English or French summary or translation if one exists.

**Use of information**

The information in this form will be used for processing the application and will be disclosed to members of the committee and their staff (being the commissioners from New Zealand, France and the United Kingdom) and future committees. It may be also disclosed also to the Data Protection Authorities which participate to the international conference and approved researchers. Any personal data contained in the form is available for access and correction in accordance with the applicable data protection laws of current and future committees. In the first instance it is subject to the New Zealand Privacy Act 1993.

**ACCREDITATION OF DATA PROTECTION AUTHORITY  
CHECKLIST FOR THE CREDENTIALS SUB-GROUP**

1 Name of Authority

**Icelandic Data Protection Authority,  
Iceland**

2 Does the authority have clear and wide ranging data protection functions covering a broad area of economic activity (eg not just an advising body or a body operating in a narrow field such as medical privacy)?

**Yes**

Notes

3 Legal Basis.  
Is the authority a public body established on an appropriate legal basis (eg by statute or regulation)?

**Yes**

Notes

4 Autonomy and Independence?  
Is the authority guaranteed an appropriate degree of autonomy and independence to perform its functions (eg the power to make public statements and protection from removal from office)?

**Yes**

Notes

5 Consistency with International Instruments.  
Is the law under which the authority operates compatible with at least one of the international instruments dealing with data protection and privacy (eg EU Directive, OECD Guidelines, Council of Europe Convention)?

**Yes**

Notes

**EU Directive 95/46/EC**

6 Appropriate Functions.  
Does the authority have an appropriate range of functions with the legal powers necessary to perform those functions (eg the power to receive and investigate complaints from individuals without seeking permission)?

**Yes**

Notes

7 Does the Sub-group recommend accreditation?

**Yes**

Notes

8 If accreditation is recommended what is the accreditation as?

**National authority (within the UN criteria)**

Notes

9 If accreditation is as an authority within an international/supranational body does the recommendation include voting rights?

**Not applicable**

Notes

10 If accreditation is not recommended does the Sub Group recommend that accreditation is refused or is more information needed before a decision can be made?

**Not applicable**

Notes

11 If accreditation is not recommended and the application is from an authority with narrow functions does the Sub Group recommend that, at the discretion of the conference host, observer status is granted?

**Not applicable**

Notes



If more information is required what is this:

Signed on behalf of the Sub-  
group:

Blair Stewart

Date 22 May 2002

Marie Georges

Date 9 juillet 2002

Date

Note: 2 signatures required for recommendations for accreditation.  
3 signatures required for recommendations for refusal