

original profession, except the president of the instance as well as one of either third ranked magistrates or one of either magistrates of the administrative court full-time practicing.

Art. 8 - The remuneration of the president is set by decree.

An allowance is granted by decree to the members in addition to the allowances and benefits linked to the grade.

Art. 9 - The president of the national instance for protection of personal data is also its legal representative; he orders the expenses and receipts and runs the instance administratively and financially.

Art. 10- The president may entrust some of his duties or all of them, as well as the power of signature to the personnel under his responsibility.

Art. 11- A permanent secretariat is established within the national instance for protection of personal data. It shall :

- receive the statements of the authorizations, notices and complaints requests,
- prepare the files submitted to the instance,
- organize the instance meetings,
- draw up and keep the reports,
- achieve all the duties entrusted by the instance or its president,
- keep the instance documents,
- assist the president in the administrative and financial management.

Art. 12 - Under the president's supervision, the permanent secretariat is run by a secretary general having the allowances and benefits granted to a central administration director.

The secretary general is appointed by decree, on a proposal from the Minister charged of human rights, in accordance with the conditions provided for by the above mentioned decree n° 1245-2006 dated 24 April 2006.

Art. 13 - The instance has a budget linked to the budget of the Ministry charged of human rights. Its receipts are made up of:

- the subsidies granted by the state,
- the receipts generated by the instance activities and services,
- the donations furnished to the instance according to the legislation and regulations in force,
- the other receipts granted to the instance by law or the regulations. Its expenses are made up of:
  - the annual and permanent payments relating to the management of administrative affairs of the instance,
  - the temporary and exceptional expenses of the instance.

Art. 14 - The instance personnel are governed by the general status of the personnel of the state, local collectivities and public establishments having an administrative nature.

Art. 15 - The Minister of Justice and Human Rights and the Minister of Finance, each in his respective capacity,

shall implement the decree herein which shall be published in the Official Gazette of the Republic of Tunisia.

Tunis, 27 November 2007.

**Zine El Abidine Ben Ali**

**Decree n° 2007-3004 dated 27 November 2007, fixing the conditions and procedures of declaration and authorization of personal data treatment.**

The President of the Republic,

On a proposal from the Minister of Justice and Human Rights,

Having regard to organic law n° 2004-63 dated 27 July 2004, relating to the protection of personal data and notably articles 7, 8 and 81,

Having regard to decree n° 93-982 dated 3 May 1993, relating to the administration and its users, as completed by decree n° 2007-1259 dated 21 May 2007,

Having regard to decree n° 94-1692 dated 8 August 1994, relating to the administrative forms,

Having regard to decree n° 2007-1260 dated 21 May 2007, fixing the cases when the silence of the administration is deemed approval,

Having regard to decree n° 2007-3003 dated 29 November 2007, fixing the modalities of functioning of the national instance of protection of data with personal nature,

Having regard to the opinion of the administrative court.

Decreases the following :

Article one – The decree herein shall fix the conditions and procedures of prior declaration and authorization request of personal data treatment as well as the withdrawal of authorization and the treatment prohibition procedures.

**Chapter one**

**Common provisions**

Art. 2 - Every operation of personal data treatment shall be submitted to a prior declaration or to an authorization in the cases provided for in the abovementioned organic law relating to the personal data protection.

Art. 3 - The prior declarations and authorizations of personal data treatment shall be presented through a form in paper format or electronic version put at the public's disposal.

The forms shall personally be signed by the person in charge of the treatment if he is a natural person and by the legal representative on behalf of a legal entity.

Art. 4 - The declaration and authorization request shall directly be deposited at the national instance of personal data protection for a receipt or dispatched through registered letter with acknowledgment of receipt or by any other mean leaving writing record.

Art. 5 - The national instance of personal data protection may ask for additional data or other necessary documents for the declaration examination or to rule on authorization request.

In case of lack of sufficient data protection is observed, the instance may require to the declarant or authorization applicant to provide supplementary guarantees.

Art. 6 – In case when data, supplementary guarantees or other necessary documents are required according to article 5 of the decree herein, the national instance of personal data protection shall fix for the concerned delay to provide what has been required. In this case, the legal delay expiry for the declaration examination or to rule on authorization request shall be interrupted. The delay shall be re-counted starting from the date of providing what has been required, the explicit denial by the concerned or the delay expiry provided to this effect by the instance without providing what has been required.

Art. 7 – In case when the concerned does not provide what has been required within the fixed delay, the instance shall examine the declaration or rule on authorization request in its state.

#### Chapter two

##### **The declaration**

Art. 8 – The declaration form prior to the personal data treatment shall comprise the following data :

- full name and address of the person in charge of the treatment, sub-contractor and their agents for the natural person and if it is a legal person, the company name, the head office, the legal representative identity and the trade registry number, in case of need,

- the concerned persons by the personal data identities and addresses,

- treatment objectives and norms,

- the personal data treatment categories, place and date,

- the personal data which treatment is envisaged and as well as their origin,

- the persons or authorities who may deal with the data in discharge of their duties,

- the beneficiaries of the personal data treatment ,

- place of conservation of personal data subject of the treatment and duration,

- the taken measures to ensure the confidentiality of personal data and safety,

- the description of data bases to which the person in charge is connected,

- the commitment to treat the personal data in conformity with the provided legal provisions,

- the declaration that the conditions of Tunisian nationality, residence in Tunisia and absence of criminal background are met by the person in charge of the personal data treatment, sub-contractor and their agents.

Art. 9 – Without prejudice to the provisions of article 6 of the decree herein, the national instance of personal data protection shall examine the declaration within a delay not exceeding a month following the deposit date. The opposition default within the provided delay shall be deemed as approval.

#### Chapter three

##### **The authorization**

Art. 10 - Before the use of video-surveillance means, an authorization shall be obtained from the national instance of personal data protection. The form of authorization request

shall comprise, in addition to the data provided for in article 8 of the abovementioned organic law relating to personal data protection, the following information :

- the trade registry number, in case of need, for legal person,

- the total description of places and means where installed,

- the objective of use of video-surveillance means.

Art. 11 – The authorization shall also be obtained from the national instance of personal data protection before the achievement of the following operations :

- the communication of personal data to third parties with default of the concerned, his heirs or guardian approval,

- the transfer of personal data abroad,

- the communication of personal data relating to health to persons or institutions carrying out scientific research in health field,

- the treatment of personal data which directly or indirectly related to racial or genetic origins, religious convictions, political, philosophical and syndical opinions or health.

The form of authorization request shall comprise, in addition to the data provided for in article 8 of the abovementioned organic law relating to personal data protection, the following information :

- the trade registry number, in case of need, for legal person,

- the personal data destined to transfer and their nature,

- the country to which personal data is transferred to.

Art. 12 - without prejudice of provisions of article 6 of the decree herein, the instance rules on the authorization request within a delay not exceeding a month following the deposit date. The answer default within the provided delay shall be deemed as an implicit refusal. The instance may decide the grant of the authorization following a commitment of the person in charge of the treatment to take necessary precautions and preventive measures. The precautions and measures shall be communicated to it in written.

The instance can only grant an authorization decision to the person in charge of the treatment subsequent to the presentation of the aforesaid commitment signed and legalized.

#### Chapter four

##### **The withdrawal of authorization and the treatment prohibition**

Art. 13 - If the person in charge of the personal data treatment or sub-contractor breach the legal obligations which he is submitted to, the instance shall decide, subsequent to an audition, the authorization withdrawal and the treatment prohibition.

The instance may, before taking a decision of authorization withdrawal and the treatment prohibition, set to him a delay to regularize the breaches.

In case of urgency and if the pursuit of the treatment subject of authorization or declaration represent a clear violation of law, the instance may temporarily prohibit the

treatment within a one-month minimum delay. During this delay, a final decision of withdrawal of authorization and the treatment prohibition shall be taken.

Art. 14 – The concerned shall be called by the instance for an audition, at least seven days before the provided date to this effect through a registered letter with acknowledgement of receipt or by any other mean leaving a written record.

Art. 15 - The Minister of Justice and Human rights shall implement the decree herein which shall be published in the Official Gazette of the Republic of Tunisia.

Tunis, 27 November 2007.

Zine El Abidine Ben Ali

## MINISTRY OF FOREIGN AFFAIRS

**Decree n° 2007-3005 dated 27 November 2007, ratifying an agreement between the Ministry of Agriculture and Water Resources of the Republic of Tunisia and the international center of higher Mediterranean agronomical studies - Mediterranean agronomical institute of Bari for the implementation of the Tunisian-Italian technical cooperation project “actions supporting fruits and vegetables production in Tunisia”.**

The President of the Republic,

Having regard to the constitution, notably article 32,

Having regard to the agreement between agreement between the Ministry of Agriculture and Water Resources of the Republic of Tunisia and the international center of higher Mediterranean agronomical studies - Mediterranean agronomical institute of Bari for the implementation of Tunisian-Italian technical cooperation project “actions supporting fruits and vegetables production in Tunisia” concluded in Rome on 15 February 2007.

Decreases the following :

Article one - The agreement between the Ministry of Agriculture and Water Resources of the Republic of Tunisia and the international center of higher Mediterranean agronomical studies - Mediterranean agronomical institute of Bari for the implementation of the Tunisian-Italian technical cooperation project “actions supporting fruits and vegetables production in Tunisia” concluded in Rome on 15 February 2007, shall be ratified.

Art. 2 - The Minister of Foreign Affairs shall implement the decree herein which shall be published in the Official Gazette of the Republic of Tunisia.

Tunis, 27 November 2007.

Zine El Abidine Ben Ali

## APPOINTMENTS

### Appointment of ambassadors.

(Published only in Arabic and French)

### Appointment of a consul general.

(Published only in Arabic and French)

## MINISTRY OF NATIONAL DEFENCE

### SECONDATION

#### Magistrate's secondation.

(Published only in Arabic and French)

### APPOINTMENT

#### Appointment of president of Tunis permanent military court.

(Published only in Arabic and French)

## MINISTRY OF FINANCE

**Order of the Minister of Finance dated 24 November 2007, fixing the organizing methods of the internal competitive examination on the basis of files for the promotion to the grade of inspector general of financial departments at the National Tobacco and Matches Corporation (Ministry of Finance).**

(Published only in Arabic and French)

**Order of the Minister of Finance dated 24 November 2007, opening an internal competitive examination on the basis of files for the promotion to the grade of inspector general of financial departments at the National Tobacco and Matches Corporation (Ministry of Finance).**

(Published only in Arabic and French)

**Order of the Minister of Finance dated 24 November 2007, opening an internal competitive examination on the basis of files for the promotion to the grade of chief inspector of financial departments at Kairouan tobacco factory (Ministry of Finance).**

(Published only in Arabic and French)

**Order of the Minister of Finance dated 24 November 2007, opening an internal competitive examination on the basis of files for the promotion to the grade of chief inspector of financial departments at the National Tobacco and Matches Corporation (Ministry of Finance).**

(Published only in Arabic and French)

**Order of the Minister of Finance dated 24 November 2007, opening an internal competitive examination on the basis of tests for the**