

Paragraph №1. On December 28, 2011, Law of Georgia on Personal Data Protection has been adopted and based on this law, fairly new standards of protection of right to privacy, in compliance with the best international practice has been established in the country. In addition, there has been established completely new institution - Supervising Authority for Personal Data Protection, which constitutes legislative innovation for the Georgian legal field.

In accordance with the statute of the Administration (department) of the Ministry of Internal Affairs of Georgia (hereinafter referred to as – Ministry), a new Structural Unit of Supervising Group for Personal Data Protection has been established in the Ministry. The unit is authorized to assess and make detailed analysis of the conditions, existing standards and risks of personal data protection, prepare recommendations related to the personal data protection issues and distribute them to the relevant structural units of the Ministry, actively cooperate with Personal Data Protection Inspector, etc.

In addition to abovementioned, based on Law of Georgia on Personal Data Protection, there has been adopted Instruction for Personal Data Processing and Protection in the Ministry of Internal Affairs of Georgia, declaring the vision of the Ministry regarding the personal data processing and protection. Moreover, taking into consideration the principle of the storage data within reasonable terms, the Order of the Minister of Internal Affairs (in compliance with legitimate purposes) determined in detail the specific terms of storage and archiving the information protected in databases of the Ministry.

Paragraph №2. The issue of processing personal data (photographing) during crossing (entry/exit) the state borders of Georgia has been regulated by the Ministry. According to the current regulation, during crossing the state border of Georgia by individual in the border crossing points, along with passport control, photographing of that individual is conducted only in cases of exceptions, in accordance with rule determined by relevant bylaws. Namely, in the state border of Georgia, photographing is conducted, when:

1. There is an information that, the person has committed or will commit crime or other offence;
2. There is a reasonable ground to think, that the person has committed or will commit crime or other offence;

3. The person has similar appearance to the person wanted or lost;
4. The person is citizen of the country to which Georgia has the visa regime;
5. There is a visa regime between destination country of the person (during the transit in Georgia) and Georgia;
6. There is a visa regime between the departure country of the person (including transit countries) and Georgia.

Paragraph №5. Along with the development of the modern technologies in digital era, for the proper protection of personal data, number of arrangements have been performed by the Ministry. Namely, in the system of the Ministry, regulations regarding the access to the informational resources of the data of the central informational bank has become stricter. According to the current regulation, holding any position in the Ministry does not automatically grants the access to the specific database. In order to obtain such access, there is a specific procedure in the Ministry. Namely, heads of the structural units of the Ministry shall refer to the special structural unit entitled to grant such access (Information-Analytical Department) and in case of existence of the justifiable request, it makes decision to grant equipment for generating single-use numeral passcode (Digipass) on case-by-case basis (in case of necessity, the decision is made by the mutual agreement with the structural unit of the Ministry responsible for the personal data protection). It is also noteworthy that granting the access to the specific file-based system for the employees of the Ministry is based on their job-related necessity. Regarding the protection of database, existence of the differentiated rules is worth mentioning. Specifically, storage of the database in the Ministry is performed in active (in shorter term) and archived (in longer term) forms, which means that standards of the access to the information is divided respectively. While obtaining access to the information, existing in the active form, is available in more simplified manner depending on job-based necessity, the access to the information in archived form, is granted as exception only in case of uttermost necessity.

In addition, policy of the Ministry of Internal affairs of Georgia on information security has been established by relevant legislation. Namely, physical and environmental safety has been determined as one of the main objective of the information security policy of the Ministry, which includes conditions of the physical safety, also safety of the offices, rooms, and major facilities, physical access control, safety of the networks and equipment, support of equipment, rules of their removal from exploitation and abolishment, etc.

In the information security perspective, it is also important, that in order to increase security and

reliability of the informational system (computers, computer networks, software, computer resources) in the Ministry, every computer connected to internet/intranet and their users are connected to the security domain of the Ministry.

It is also noticeable that Ministry conducts so-called logging (marking) of the information on each case of processing data. This process enables to identify the processor of the information. The term for storage of the data in the respective database of the Ministry is 5 (five) years and the term for archiving – 5 (five) years as well.

In addition to abovementioned, according to the Order of the Minister of Internal Affairs, employees of the Ministry are prohibited to obtain, use or distribute data from the central informational bank of the Ministry without their job-related purposes. In accordance with the disciplinary regulation of the Ministry, such act constitutes disciplinary violation, for which disciplinary liability is determined. Herewith, in case of possession of the information regarding the search, use and distribution of the information existing in the portal by employees with the respective level of access to the informational resources of the Ministry without their job-related purposes, heads of the structural unit of the Ministry, territorial organ, State Subordinate Agency of the Ministry – Border Police and Legal Entities of the Public Law of the Ministry have the obligation to inform about it the General Inspection Department of the Ministry immediately.

Paragraph №6. In order to enhance the special protection of the personal data of the vulnerable groups in digital age, legislation amendment package is planned to be drafted, which will be specifically focused on regulating issues related to processing of the personal data of the minors. The Ministry of Internal Affairs of Georgia is actively involved in the process of preparing the abovementioned amendment package.