



General Assembly

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Ad Hoc Committee for the Negotiation of a Convention against Corruption

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Agenda item 3

Consideration of the draft United Nations Convention against Corruption, with particular emphasis on articles 2 (remaining definitions), 3, 4, 20, 30, 32-39 and 40-85

Proposals and contributions received from Governments

Germany: proposal for a new article

Germany proposes to add the following new article at the end of chapter VI:

“Article [...]

“Exchange of personal information

“The collection and use of personal data under this Convention shall be subject to the following provisions with regard to the domestic law of each State Party:

“(a) The receiving authority of a State Party shall use the data only for the purposes specified in this Convention and subject to the conditions determined by the transmitting authority of another State Party. In addition, the data may be used to prevent and prosecute criminal offences of considerable significance, as well as to ward off substantial danger to public security. The data shall not be retransmitted to States not parties to this Convention;

“(b) Upon request, the receiving authority of a State Party shall inform the transmitting authority of the other State Party of the use made of the data transmitted and the results achieved therefrom. Where the data are used in accordance with subparagraph (a) of this article, such information shall be furnished immediately and without prior request. The transmitting authority and the receiving authority shall keep a record of the transmission and the receipt of personal data;



“(c) The transmitting authority and the receiving authority of the States Parties concerned shall pay attention to the accuracy of the data and to ensuring their security. When collecting and using the data, they shall be bound by the principles of relevance and reasonableness and shall comply with any provisions under domestic law prohibiting transmission, as well as pay due regard to any interests of the data subject that may require protection. Inaccurate data or data that should not have been collected or processed or data that are no longer needed for the purpose for which they were transmitted shall be rectified or deleted immediately. When transmitting the data, the transmitting authority shall indicate the periods specified under its domestic law after which such data must be deleted;

“(d) Upon request, the data subject shall be informed about the data held with respect to his or her person as well as about the purpose for which they are intended to be used. He or she shall have the right to demand deletion of inaccurate data or data that should not have been collected or used. The domestic law of the State Party in the territory of which information is requested shall govern the right to information and to deletion of data. Information may be refused if the interest of the State not to supply such information outweighs the interest of the person requesting it.”
