

\*\*\*Unofficial translation\*\*\*

## **Privacy Protection (Transfer of Data to Databases Abroad) Regulations, 5761-2001**

Under my authority according to Article 36(2) of the Protection of Privacy Law, 5741-1981, and with the approval of the Constitution, Law and Justice Committee of the Knesset, I hereby enact the following regulations:

- Limitation on transfer of data
1. A person shall not transfer, nor shall he enable, the transfer abroad of data from databases in Israel, unless the law of the country to which the data is transferred ensures a level of protection no lesser, *mutatis mutandis*, than the level of protection of data provided for by Israeli Law, and the following principles shall apply:
    - (1) Data shall be gathered and processed in a legal and fair manner;
    - (2) Data shall be held, used and delivered only for the purpose for which it was received;
    - (3) Data gathered shall be accurate and up to date;
    - (4) The right of inspection is reserved to the data subject;
    - (5) The obligation to take adequate security measures to protect data in databases is mandatory.
- Conditions to the transfer of data abroad
2. Notwithstanding Regulation 1, a database owner may transfer data or enable the transfer of data from his database in Israel abroad, provided that one of the following conditions is met:
    - (1) The data subject has consented to the transfer;
    - (2) The consent of the data subject cannot be obtained and the transfer is vital to the protection of his health or physical wellbeing;
    - (3) The data is transferred to a corporation under the control of the owner of the database from which the data is transferred, and he has guaranteed the protection of privacy after the transfer; In this Paragraph, the meaning of "control" is as defined in the Securities Law, 5728-1968;
    - (4) The data is transferred to a person bound by an agreement with the owner of the database from which the data is transferred, to comply with the conditions for

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the ownership and use of the data applying to a database in Israel, *mutatis mutandis*;

- (5) The data was made available to the public or was opened for public inspection by legal authority;
- (6) The transfer of data is vital to public safety or security;
- (7) The transfer of data is mandatory according to Israeli Law;
- (8) The data is transferred to a database in a country-
  - (1) which is a Party to the European Convention for the Protection of Individuals with Regard to Automatic Processing of Sensitive Data;
  - (2) which receives data from Member States of the European Community, under the same terms of acceptance;
  - (3) in relation to which the Registrar of Databases announced, in an announcement published in the Official Gazette ("Reshumot"), that it has an authority for the protection of privacy, after reaching an arrangement for cooperation with the said authority.

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| Guarantee to ensure privacy | 3. | When transferring data according to Regulation 1 or Regulation 2, the owner of the database shall ensure, in a written guarantee by the recipient of the data, that recipient of the data is taking adequate measures to ensure the privacy of the data subjects, and that he guarantees that the data shall be transferred to no other person, whether in that country or in another. |
| Restriction to application  | 4. | The provisions of these regulations shall not apply to data transferred following a request according to the Legal Assistance between Countries Law, 5758-1998.  |
| Commencement                | 5. | These regulations shall enter into force six months after the date of their publication.   |

26<sup>th</sup> Sivan 5761 (17<sup>th</sup> June 2001)  
Meir Shitrit  
Minister of Justice