

Rule for personal data destruction after the removal of state registration of the information system of personal data

Approved by Decision No. 238 dated
December 17, 2010 of the Cabinet of Ministers
of the Republic of Azerbaijan

1. General provisions

1.1. Rule for personal data destruction after the removal of state registration of the information system of personal data (hereinafter referred to as the “Rule”) was drawn up in accordance with the Decree No.275 dated June 4, 2010 of the President of the Republic of Azerbaijan on “Application of the Law of the Republic of Azerbaijan on Personal Information”, the Cabinet of Ministers of the Republic of Azerbaijan.

1.2. This rule determines the procedure of personal data destruction after the removal of state registration of the information system of personal data.

1.3. This rule only applies to all carriers of personal data that have passed state registration in accordance with the Law of the Republic of Azerbaijan on “Personal Information”.

1.4. If need be, the operator of the state register of information systems of personal data (hereinafter referred to as “Register operator”) should control destruction of this data.

2. Imposing a ban on information stored in the information system

2.1. Immediately after receiving notification about the liquidation of state registration of information systems of personal data sent by Register operator to the proprietor of personal information (hereinafter referred to as the “Proprietor”) or operator of personal information (hereinafter referred to as “operator”), proprietor or operator takes the following preliminary actions with regard to this information system:

- ceases collection, processing, distribution and issue of personal information;
- stops relations with other information systems;
- prohibits access to the information system;
- notifies in writing the Register operator on taken preliminary actions.

2.2. Protection of personal information shall be secured by proprietor or operator until the process of destruction of personal information has terminated.

3. Destruction of personal information

3.1. Personal information stored in the information system is destructed without any delay. In exceptional cases, destruction of personal information can be suspended temporarily by Register operator.

3.2. The process of destruction of personal information is performed by proprietor or operator.

3.3. Destruction of personal data stored in the information system is performed in the following manner:

- destruction of personal data in paper form via appropriate cutting machines,
- burning of personal data in paper form;
- destruction of personal data in paper form via chemicals;
- destruction of electronic information carriers via mechanical action, precluding its recovery;
- formatting of electronic information carriers via mechanical action, precluding its recovery;
- deletion of information stored in electronic information carriers via special software precluding its recovery.

3.4. Methods of destruction of personal data stored in the information system are determined by proprietor or operator in accordance with this Rule.

3.5. During destruction process several methods can be used step-by-step.

3.6. In case of availability of copies of personal data stored in or outside the information system, such copies are also destructed in accordance with this Rule.

3.7. Destruction of personal data shall be performed by following the requirements set forth in the legislation thereon.

3.8. Costs of destruction of personal data stored in the information system are borne by proprietor.

3.9. Destruction of personal data stored in the information system shall be completed within five business days and relevant statement shall be drawn up indicating the time spent by people who performed and observed destruction process, actions taken during destruction process, place of destruction, method (methods), people who performed and observed destruction process, category of personal data remained in the information system and reasons of storing of information which is not destroyed, each copy of this statement shall be submitted to Register operator.

3.10. If necessary, the proprietor or operator of personal data may apply to the register operator for the extension of their destruction, presenting the reason for delay.