



EUROPEJSKIE STOWARZYSZENIE
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OKRĘGOWA IZBA
RADCÓW PRAWNYCH W GDAŃSKU

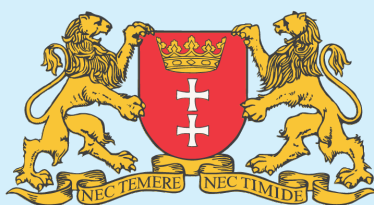
Twinning of Lawyers

protecting of personal data theory and practice

July 4 - 7, 2019

Conference report

High Patronage
Aleksandra Dulciewicz
Prezydent Miasta Gdańska



GDAŃSK

Conference partners



Projekt dofinansowany ze środków Krajowej Rady Radców Prawnych
III miejsce w Konkursie na Najlepszy Projekt Zagraniczny Okręgowych Izb Radców Prawnych

Introduction



Jerzy Mosek
Dean
Gdańsk Bar
of Attorneys-at-law

On behalf of the Gdańsk Bar of Attorneys-at-law I am honoured to present the Report from “Twinning of Lawyers” project. This event was conducted in Gdańsk on July 4 – 7, 2019 together with the European Association of Lawyers (AEA-EAL) and with the huge personal engagement of Colleagues – attorneys-at law from Gdańsk Bar. The Twinning project was granted with the Third Award in the Competition for the Best Foreign Initiative of the Regional Bars of Attorneys-at-law receiving donation from the Polish National Bar of Attorneys-at law. It was an exceptional experience of lawyers’ community from so many various countries of two continents: Asia and Europe. I am convinced that this work that has been initiated by us will result in the future with development of what is the most valuable: underlining the significance of law and lawyers in democratic countries, our role in protecting rights and freedoms of citizens. It is hard to overestimate the cooperation of lawyers from diverse parts of the world, exchange of experiences and common elaboration of standards.



Maria Ślęzak
President
European Association
of Lawyers
(AEA-EAL)

On behalf of the European Association of Lawyers (AEA-EAL) I am delighted to introduce the Report on “Twinning of Lawyers” managed together with the Gdańsk Bar of Attorneys-at-law. Lawyers from twelve countries of Asia and Europe were hosted at homes of their colleagues in Gdańsk, participated in the conference on theory and practice of protection of personal data, celebrated together with us the Day of Attorney-at law as well as discovered the beauty of the city of Gdańsk and its surroundings. Twinning of Lawyers is a huge success both of our Association and the Gdańsk Bar of Attorneys-at-law, which is going to be continued together with this year’s participants. They already proposed to organize next year similar events in their countries. I do hope that this initiative will be sustained for with the aim to improve the administration of justice and developing mutual professional contacts between our members.



Idea of the Twinning



For many years the Gdańsk Bar of Attorneys-at-law has been actively participating in twinning of "Western Lawyers". The idea of this twinning is based on deep cooperation between lawyers from partnering cities: Erlangen in Germany, Bilbao in Spain, Rennes in France, Leuven in Belgium, Exeter in the United Kingdom and Verona in Italy. In the framework of the cooperation, every year one of the partnering cities organizes a conference with ac-



companying program. The main rule is that lawyers from the hosting city welcomes colleagues at their homes and take care of the guests during the stay. Basing on these experiences and acting together with the European Association of Lawyers (AEA-EAL) we decided to enhance this tested idea to the East. The direct impulse was granting our "Eastern Project" with the Third Award in the Competition for the Best Foreign Initiati-



ve of the Regional Bars of Attorneys-at-law by the Polish National Bar of Attorneys-at law. The conference was preceded by a number of meetings of the Foreign Affairs Commission and intensive contacts with the AEA-EAL on preparation of the conference. It has to be underlined that number of participants exceeded our expectations. Apart from lawyers from Belarus, Moldova, Ukraine and Russia, their participation confirmed colleagues from Azer-



baijan, Georgia, Kazakhstan and Uzbekistan. We also welcomed lawyers from partnering countries like Spain, Germany and the United Kingdom. Success of the project was proved by declaration on organizing similar event by representatives of Bar Associations from Azerbaijan, Georgia and Odessa (Ukraine). We do hope that the Gdańsk event will become a beginning for creation a new project, based on "Western Twinning" and covering bars from Eastern and Western Europe as well as from Asia.



authors:

Lawyer Jarosław Niewiołowski

Chair of the Foreign Affairs Commission

Lawyer Małgorzata Jaskólska

Member of the Foreign Affairs Commission

Twinning's program

Thursday, July 4, 2019

Arrival of participants

Friday, July 5, 2019

09:00 – 09:45 Registration of participants

09:45 – 10:00 **Opening and welcome speeches**

- Welcome address by Aleksandra Dulkiewicz, President of the City of Gdańsk

- Jerzy Mosek, Dean of the Regional Bar of Attorneys-at-law in Gdańsk

- Maria Ślęzak, President of the European Association of Lawyers (AEA-EAL)

10:00 – 12:00 I session - European and non-European regulations and practices on data protection

10:00 - 10:20 **Protection of personal data in Poland. GDPR in cross-border proceedings**

Michał Widawski, member of the Foreign Affairs Commission, Regional Bar of Attorneys-at-law in Gdańsk

10:20 - 10:40 Consent of minors in GDPR. Protection of Personal Data

Ignacio Delgado Gonzalez, Bilbao Bar Association (Spain)

10:40 - 11:00 **Regulation on protection of personal data in Russian Federation**

Alexey Sozvaryev, Deputy Dean of the Kaliningrad Bar Association

11:00 - 11:20 **Personal Data Protection in Uzbekistan**

Sadikov Shukhrat - First Deputy Chairman of the Republican Collegium of Advocates (Uzbekistan)

11:20 - 11:40 **Privacy in professional activity of lawyers in Kazakhstan**

Sergey Sizintsev, Republican Collegium of Advocates (Kazakhstan)

11:40 - 12:00 Discussion

12:00 - 13:00 Lunch

13:00 - 15:00 **II session - Regulations and practices on data protection in non-EU countries**

13:00 - 13:20 **Essence of the principle of collegiality and its importance.**

Tornike Bakradze, Georgian Bar Association (Georgia)

13:20 - 13:40 **Regulations on data protection in Moldova**

Marina Bzovi, Republican Collegium of Advocates (Moldova)

13:40 - 14:00 **Regulation on protection of personal data in Belarus**

Victor Chaichic, Chairman of the Republican Collegium of Advocates (Belarus)

14:00 - 14:20 **Right of a lawyer to information and protection of personal data in Ukraine**

Maxym Popov, Deputy Chair of the Commercial Law Committee of the Odessa Regional Bar Council (Ukraine)

14:20 - 14:45 **Guarantees for protection of the personal data in the law of Azerbaijan**

Anar Baghirov, Chairman of the Azerbaijan Bar Association

14:45 - 15:00 Summary and closing of the conference.

19:00 - 23:00 - Dinner in Restaurant Filharmonia (Ołowianka 1 str.)

Saturday, July 6, 2019

09:00 – 11:00 – Visiting of the Museum of II World War

11:00 – 14:00 – Guided tour around the Old Town of Gdańsk

14:00 - 15:30 - lunch

16:00 - 19:00 - participation in a yearly picnic of attorneys-at-law

19:00 - 22:00 - visit in Sopot city

GDPR in theory and practice of countries participating in Twinning of Lawyers (1)



lawyer
Michał Widawski

Conference participants had a chance to learn the principles of protection personal data in twelve countries comparing on how they apply international rules and their relation to standards set by General Data Protection Regulation of the European Parliament and the Council (EU)2016/679.

Poland. Protection of personal data is regulated by the GDPR, acts implementing GDPR including act from May 10, 2018, which were presented in the first speech discussing its subjective and territorial scope basic rights and obligations, the legality of transfers of personal data outside the EEA, as well as the provisions on document protection introduced.

Spain. Basque lawyers have reported the protection of personal data in Spain, i.e. organic law No. 3/2018 of December 5, 2018 implementing the GDPR. The supervisory body is Agencia Española de Protección de Datos, which cooperates with the authorities in autonomies. Legislative work is underway on drones, applications, fingerprints and other specific issues. The speech focused on the issue of consent given on behalf of minors.



lawyer Ignacio
Delgado Gonzales



lawyer Alexey
Sozvaryev

Russia. The processing of personal data is specified in federal act 152 of 27.07.2006 on personal data. In addition to the Act, a number of regulations specifying its provisions were adopted. Separate regulations concern, among others, personal data processing by lawyers. Recent changes have matched the law to the GDPR. The supervisory authority is Roskomnadzor. Particularly criminal sanctions are related to copying of ID cards.

Uzbekistan. The regulations applied so far based on the constitution of December 8, 1992 and detailed acts, such as banking, insurance and professional secrets. In June 2019, a law on the protection of personal data was adopted that approaches them to the GDPR. A central supervisory authority was established. In October new regulations are about to come into force.



lawyer Sukhurat
Sadikov



lawyer Siergiej
Sizintsev

Kazakhstan. The protection of personal data is regulated by Act No. 94V of 21.05.2013. During the presentation, the rules of data processing were presented, including regulations regarding law offices. Special rights have been granted to lawyers on obtaining information. The country has no single supervisory authority on personal data. The maximum fine is EUR 19,000.

GDPR in theory and practice of countries participating in Twinning of Lawyers (2)

Georgia. The most important act regarding the protection of personal data is the Act of 12.12.2011 - the law on the protection of personal data, as well as act of 19.07.2013 - on the activities and procedure for the transfer of powers by the Personal Data Protection Inspector. The supervisory body is the State Inspector. The speech presented the principles of personal data protection by lawyers.



lawyer Tornike
Bakradze



lawyer Marina
Bzovii

Moldova. Current provisions were passed in February 15, 2007 - the Personal Data Protection Act and are based on Directive No. 95/46 / CE. Works are underway to amend the law in line with the GDPR. The project imposes severe penalties of up to EUR 0.5 million, which raise government concerns. Current fines are low up to EUR 1250. The supervisory authority is Centrului Național pentru Protecția Datelor cu Caracter Personal.

Belarus. The Act of 10.11.2008 on information computerization and protection of information as well as Act of 21.07.2008 are being adapted to EU regulations. The supervisory body is the Operational Analytical Center - regulating activities in the field of data protection. Works are underway to adopt the new law.



lawyer Wiktor
Chaicic



lawyer Maxym
Popov

Ukraine. The protection of personal data is based on the Act of 1.06.2010 and Directive 95/46/CE. As a result of the 2014 agreement, Ukraine has committed itself to comply more closely with EU regulations. Currently, a fine of up to EUR 1000 is foreseen for violating applicable regulations, which is one of the lowest sanctions in Europe

Azerbaijan. The provisions of the Act on personal data of 1998, amended according to international regulations, among others by Presidential Decree of 4.06.2010. Parliament is working on provisions shaped on the GDPR. It is planned to unify supervision, currently entrusted to several authorities. It is assured that the experience gained at the conference will be taken into account by the country.



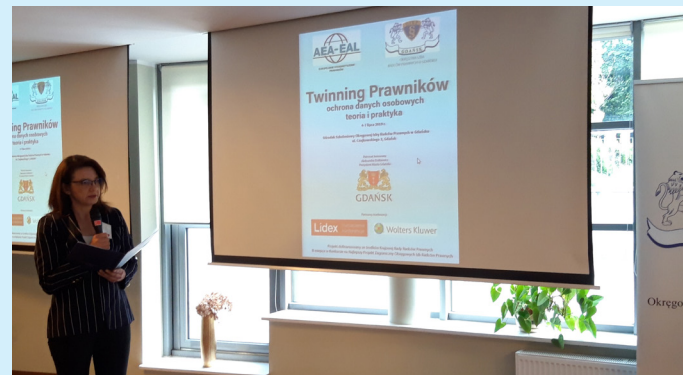
adwokat
Anar Baghirov

GDPR in theory and practice of countries participating in Twinning of Lawyers (3)

United Kingdom. Under the Act of 2018, the GDPR applies. When leaving the EU, United Kingdom will become a third country, but will indirectly retain the application of the GDPR. Sanctions for data breaches are imposed - fines in Heathrow Airport Ltd. case mentioned - GBP 120,000. The supervisory authority is the Information Commissioner's Office.

Germany. The GDPR was implemented by the federal law of 5.07.2017 BDSG. The supervisory body is the Federal Ombudsman for Data Protection and Freedom of Information as well as the Länder authorities. Works on the German act were criticized, but it is estimated that bills worked. The claim for spamming was discussed and information on sanction imposed on Knuddels.de was presented.

Information was prepared by
Lawyer Michał Widawski
Member of the Foreign Affairs Committee
Gdańsk Bar of Attorneys-at-law



Conference organizers



European Association of Lawyers (AEA-EAL)

The Association was established in 1986 by former members of the International Association of Young Lawyers (AIJA), who decided there a need to strengthen links between members, to share experience in professional matters in cross-border field as well as to broaden knowledge of European law. We pay particular attention to the practical aspects of legal practice by providing training in such areas as law firm management, legal marketing, management of contacts and the acquiring of new clients. For the past number of years, we've organized a summer university course in European business law at the College of Europe and have furnished advices and draft texts to the EU Commission on EU legal proceedings. AEA-EAL has members from various jurisdictions in Europe and outside Europe including Argentina, Austria, Belgium, China, Czech Republic, Denmark, France, Georgia, Germany, Italy, Ireland, Kazakhstan, Poland, Spain, Switzerland, the Netherlands, the United Kingdom and the United States. Growing the network of lawyers helps our members develop professional and social contacts and to expand their activities. Our statutes, which were amended recently, allow lawyers from all continents and jurisdictions, share the same fundamental values of the profession including independence, self-governance and protecting professional secrecy. We welcome you to visit our website www.aea-eal.eu and on our Facebook fb.com/europeanassociationoflawyers.



Gdańsk Bar of Attorneys-at-law

Gdańsk Bar of Attorneys-at-law (OIRP in Gdańsk) is a regional authority of the professional bar of attorneys-at law named National Chamber of Attorneys-at-law. OIRP in Gdańsk unites approximately three thousand of attorneys-at-law from Pomerania region, which membership is mandatory according to the law. The OIRP in Gdańsk supervises the proper performance of the profession by its members, conducts disciplinary proceedings in case of violation of professional ethics, and also organizes training of trainees and lifelong continuing legal education for attorneys-at-law. The aim of the activities of attorneys-at-law is to provide legal services and representing clients before courts and tribunal of all instances as well as before public bodies and administrative courts. While performing his or her profession, an attorney-at law is granted with the full independence. Fundamental values of professional ethics like professional secrecy, avoidance of conflict of interests are also protected. All attorneys-at law must have professional indemnity insurance. The Gdańsk Bar of Attorneys-at-law is a member of the European Association of Lawyers (AEA-EAL), signed Memorandums of Understanding with Verona Bar Association and Hong Kong Law Society as well as for more than ten years has been participating in twinning of regional bars from Belgium, France, Spain and the United Kingdom. In 2019 the OIRP co-organized for the first time twinning with colleagues from the East.