

Examination of Persons' Complains and Requests Concerning Receipt of Documents and Consultancy

Description of the administrative service

The State Data Protection Inspectorate (hereinafter referred to as the "Inspectorate") provides the administrative service of requests for information and/or documents, consultancy and examination of persons' complaints concerning actions or omission of action of the Inspection in relation to the following:

1) enquiries (both natural persons and legal persons) requesting to provide information on the Inspector's activities, provide documents at the disposal of the Inspectorate and/or processed by the Inspectorate in fulfilment of the functions set out in the laws or other regulations;

2) requests for consultancy falling within the competence of the Inspectorate in relation to application of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), the Republic of Lithuania Law on Legal protection of Personal Data, the Republic of Lithuania Law on Electronic Communications, the Republic of Lithuania Law on Legal Protection of Personal Data, Processed for the Purposes of Prevention, Investigation, Detection or Prosecution of Criminal Offences, or the Execution of Criminal Penalties, or National Security, or Defence and their implementing legal acts or other legal acts governing the right of natural persons to protection and privacy of personal data, except for the issues the supervision and implementation of which falls with other public institutions according to the competence established by the legal acts submitted by data subjects, data controllers, data processors and other natural or legal persons;

3) persons' complaints concerning possible infringement of the rights and legitimate interests of the person indicated in the complaint by the actions, omission of action or administrative decisions of the Inspectorate, its civil servants and employees working under employment contracts.

Recipients of the administrative service

Natural and legal persons.

Method of provision of the administrative service

The service is provided by electronic and non-electronic means.

Provision of the administrative service

The service is provided free of charge.

Result of the administrative service

1. Provided information requested by the person, issued document.
2. Provided consultancy.
3. Examined complaint and information on the adopted decision of administrative procedure provided to the person.

Legal acts governing provision of the administrative service

1. Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on

the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ 2016 L 119, p. 1).

2. Code of Administrative Offences of the Republic of Lithuania.
3. Republic of Lithuania Law on Legal protection of Personal Data.
4. Republic of Lithuania Law on Legal Protection of Personal Data, Processed for the Purposes of Prevention, Investigation, Detection or Prosecution of Criminal Offences, or the Execution of Criminal Penalties, or National Security, or Defence.
5. Republic of Lithuania Law on Electronic Communications.
6. Republic of Lithuania Law on Cyber Security.
7. Republic of Lithuania Law on Public Administration.
8. Republic of Lithuania Law on the Right to Obtain Information from State and Municipal Institutions and Agencies.
9. Resolution No 1156 of the Government of the Republic of Lithuania of 25 September 2001 “On the Grant of Powers to the State Data Protection Inspectorate and Approval of the Regulations of the State Data Protection Inspectorate “.
10. Resolution No 875 of the Government of the Republic of Lithuania of 22 August 2007 “On the Approval of the Rules for the Examination of Applications of Persons and Service Thereof in Institutions, Agencies of Public Administration and Other Entities of Public Administration”.
11. Order No 1T-34(1.12.E) of the Director of the State Data Protection Inspectorate of 8 March 2019 “On the Approval of the Description of the Procedure for Consultancy at the State Data Protection Inspectorate”.
12. Order No 1T-159(1.12.E) of the Director of the State Data Protection Inspectorate of 2 October 2019 “On the Approval of the Description of the Procedure for Servicing of Persons at the State Data Protection Inspectorate”.

Form of initiation of the administrative form

1. Form of the request for provision of information or issue of a document.
2. Form of the request for consultancy.
3. Form of the complaint concerning possible infringement of the rights and legitimate interests of the person indicated in the complaint by the actions, omission of action or administrative decisions of the Inspectorate, its civil servants and employees working under employment contracts (hereinafter referred to as the “Complaint”).

Form of the requests or complaint, example of completion and content

Requests or the Complaint may be submitted/lodged in writing (by appearing at the Inspectorate, sending by mail, fax or via a courier).

Requests or the Complaint may be submitted using the electronic item delivery system eDelivery (delivery in the eDelivery system has legal and evidentially effect which is equivalent to delivery of registered mail).

Requests or the Complaint may be provided electronically (by providing a document or enquiry signed by an electronic signature by e-mail ada@ada.lt, making an enquiry using the electronic service system of the State Data Protection Inspectorate (hereinafter referred to as the “EPS”) or by clicking on the link “Order the service online”.

Electronically provided requests or the Complaint must be drawn up so that the Inspectorate could recognise the format and content of the electronic document, identify the electronic signature and the persons who has provided the request.

An electronic notification confirming that the requests or the Complaint have been received and forwarded for examination under the competence is sent the persons who submitted

the requests or the Complaint through the electronic service system (EPS), to the indicated e-mail address. The person is notified of performance of the service in the EPS section “My services”.

Responses to the requests or the Complaint are provided in the same way as they are received unless the person wishes to receive the response otherwise.

Information and documents which must be provided by the person

The person provides the completed form of the request or the Complaint and other information and/or documents which may affect provision of the service. If a representative of the person applies with the request or the Complaint, he/she must provide a document evidencing representation.

Information and documents which the service provider may receive by itself

Information and documents which are available to the Inspectorate or which may be obtained by the Inspectorate from other institutions.

Address of the website of the administrative service provider (link)

<https://vdai.lrv.lt/>

Other notes and information concerning the administrative service

1. Requests for provision of information or issue of a document are examined according to the competence. If the Inspectorate cannot deal with the issues set out in the request, the Inspectorate does not examine the request and forward it to the competent authority not later than within 5 working days from the date of receipt of the request by the Inspectorate by giving a notice to the person and specifying the reasons of forwarding the request.

2. Requests for consultancy are examined within the remits of competence. If the Inspectorate is not authorised to provide a written consultation on the issue described in the enquiry, the Inspectorate forwards the enquiry to the competent authority by e-mail not later than within 5 working days from the date of enquiry of the request by the Inspectorate by giving a notice to the person and specifying the reasons of forwarding the enquiry.

3. Complaints are examined on the basis of expertise. If the Inspectorate cannot take an administrative procedural decision on the issue described in the Complaint on the basis of its competence, the Inspectorate does not examine the Complaint and forwards the Complaint to the competent authority not later than within 5 working days from the date of receipt of the Complaint by the Inspectorate by giving a notice to the person and specifying the reasons of forwarding the Complaint.

Key words

Consultation, provision of information, issue of documents, protection of personal data.

Administrative service provider

1. Administration Division of the Inspectorate
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2. Law Division of the Inspectorate

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3. Administration Division of the Inspectorate
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Duration of provision of the administrative service

1. The information requested by the person is provided, the documents requested by the person are issued not later than within 20 working days from the date of receipt of the request for provision of information or issue of a document by the Inspectorate. If examination of the request is related to setting up of a commission, convening of a meeting or other cases due to which provision of a response to the person may last longer than 20 working days, the term may be extended for up to 20 working days.

2. A written consultation is provided not later than within 20 working days from the date of receipt of the enquiry by the Inspectorate.

A consultation by e-mail is provided not later than within 20 working days from the date of receipt of the enquiry by the Inspectorate. If the enquirer indicates objective circumstances due to which provision of the consultation within 20 working days would be not acceptable to him/her, the consultation is prepared and sent by e-mail within the time limit indicated by the enquirer but not earlier than within 5 working days.

3. A Complaint is examined and information on the taken decision is provided to the person not later than within 20 working days from the date of receipt of the Complaint by the Inspectorate.

Where, for objective reasons, the administrative procedure cannot be completed within the afore-mentioned time limit, the time limit may be extended but for not more than 10 working days. The person is notified of extension of the term of the administrative procedure within 2 working days from the date of adoption of the decision on extension of the administrative procedure in writing and the reasons for extension are specified.