

Jurisdiction	Venezuela.
Date	April 8th, 2022.
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Questionnaire

I. Law concerning protection of personal information

- i. Does your country have a general law concerning the protection of personal information in the private sector at the present or in the near future?
- ii. Does your country have a general law concerning protection of personal information in the public sector at the present or in the near future?
- iii. Does your country have laws concerning protection of personal information which apply in individual (specific) sectors at the present or in the near future? (If yes, please describe outline.)

There is currently no specific data protection law, regulation, or administrative agency in Venezuela.

However, the Supreme Court has interpreted that the right to personal data under Article 28 of the National Constitution is a fundamental right that allows individuals and entities to control the access and use of their personal data by third parties. Disclosure without their consent is thus, prohibited. (URL: <http://historico.tsj.gob.ve/decisiones/scon/agosto/1318-4811-2011-04-2395.HTML>, (ruling only available in Spanish for being the official website of Venezuelan Supreme Court of Justice).

In particular, the exercise of this right is subject to the following terms:

- o Prior, free, informed, unequivocal and revocable consent must be obtained from the data subject to use or collect personal data.
- o Any personal data compilation must respond to predetermined purposes, reasons, or causes that are not contrary to law.
- Data holders must maintain personal data that is truthful, accurate, complete and updated.
- Confidentiality and non-alteration of personal data by third parties must be guaranteed.

- Access to such data by relevant authorities under the law must be guaranteed.
- International transfer of data to territories whose legislation does not guarantee a minimum protection to personal data pursuant to the principles indicated in this decision is not permitted.

Where all of the answers to the question of I.(i), (ii) and (iii) is “no”, please skip to IV.

II. The basic information of the regulation concerning protection of personal information.

- i. Please fill in the blanks below about all the law concerning personal information mentioned at I..(please add a reply column as necessary,)

The title of the law :

URL (please provide the URL officially posted by the government, English page is preferred, if available) :

Effective Date :

① The definition of “Personal Information”	
② The scope in which the law applies	
③ The territorial scope	

The title of the law :

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- ii. If there are any special instructions about the laws, please describe them.

III. OECD Privacy Principles

- i. If there are any provision of law which embody each OECD Privacy Principle in your country, please describe the outlines.

<https://www.oecd.org/sti/ieconomy/oecdguidelinesonthe protectionofprivacyandtran>

<sborderflowsofpersonaldata.htm>

- (a) Collection Limitation Principle
 - (b) Data Quality Principle
 - (c) Purpose Specification Principle
 - (d) Use Limitation Principle
 - (e) Security Safeguards Principle
 - (f) Openness Principle
 - (g) Individual Participation Principle
 - (h) Accountability Principle
- ii. If there are any sectors in which any laws exclude the application of each OECD Privacy Principle, please describe the outline.
- (a) Collection Limitation Principle
 - (b) Data Quality Principle
 - (c) Purpose Specification Principle
 - (d) Use Limitation Principle
 - (e) Security Safeguards Principle
 - (f) Openness Principle
 - (g) Individual Participation Principle
 - (h) Accountability Principle

IV. Data Localization and Government Access

In your country, are there any systems having an impact on the rights of data subjects such as comprehensive government access to personal data or Data Localization? If yes, please describe them.

No, there are no such systems.

V. The Data Protection Authority

If there is the data protection authority, please write down the name and address of the authority.

There is no data protection authority in Venezuela.