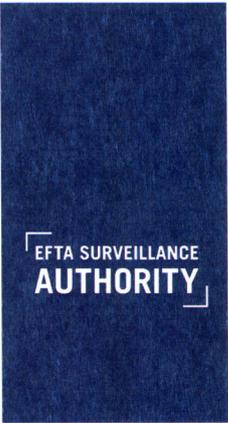


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Brussels, 18 March 2015
Case No: 77105
Document No: 750725



EFTA SURVEILLANCE
AUTHORITY

Norwegian Ministry of Local Government and Modernisation
Postboks 8112 Dep
N-0032 Oslo
Norway

Dear Sir/Madam,

**Subject: Implementation by Norway of the Data Protection Directive
(independence of supervisory authority)**

The Internal Market Affairs Directorate of the EFTA Surveillance Authority (“the Directorate”) is currently carrying out an examination of the independence of national supervisory authorities within the meaning of the Data Protection Directive¹ in the EEA EFTA States.

This examination was prompted by, *inter alia*, recent developments in case law relating to the independence of national supervisory authorities, most notably *C-288/12 European Commission v Hungary*,² *C-614/10 European Commission v Republic of Austria*³ and *C-518/07 European Commission v Federal Republic of Germany*.⁴

In order for the Authority to examine and assess the case, the Norwegian Government is invited to provide the following information:

1. Please describe the organisational structure of the supervisory authority.
2. Please explain the relationship between the State and the supervisory authority, and any links between the two.
3. Is the supervisory authority free from any direct or indirect influence from the State?
4. Is the data protection authority free to exercise its functions free from any direct or indirect directions from the State?
5. Does the State exercise any kind of scrutiny in relation to the supervisory authority? If so, please specify the nature of any such scrutiny.
6. How are the managing member(s) and staff of the supervisory protection authority appointed?
7. Is there any supervision on the State's part of the supervisory authority's members and/or staff, activities, its resource management, administration and/or HR issues, working conditions etc.? Please specify the extent and the nature of any such supervision.

¹ The Act referred to at point 5e og Annex XI to the EEA Agreement, *Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data*.

² Judgment of 8 April 2014, not yet published.

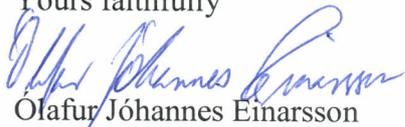
³ Judgment of 16 October 2012, published in the electronic reports of cases.

⁴ Judgment of 9 March 2010, ECR I-01885

8. What are the conditions for bringing the terms served by members of the supervisory authority to an end?
9. Has the term served by any member of the supervisory authority ever been brought to an end prior to the expiry of a specific term?

The Norwegian Government is invited to submit the above information, as well as any other information it deems relevant to the case, so that it reaches the Authority by *18 April 2015*. Please enclose copies of any relevant national legislation, including English translations if available.

Yours faithfully



Olafur Jóhannes Einarsson

Director

Internal Market Affairs Directorate