

Updates On The Protection Of Personal Data In Light Of Law 25/11

حماية المعطيات ذات الطابع الشخصي على ضوء القانون 11/25

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Abstract:

In light of the increasing use of digital means, and the growing circulation of information across networks, personal data has become exposed to many risks, which necessitated the intervention of the Algerian legislator to establish legal rules to protect it, starting with Law 18/07 as a general framework for protecting people's data and personal information. After that, and in line with the rapid digital developments, Law 25/11 was issued to complete the aforementioned law by establishing a set of procedural and institutional developments that aim to impose greater protection on personal data.

key words: *Personal data – Processing –National Authority-Biometric – Protection.*

الملخص:

في ظل تزايد اللجوء للوسائل الرقمية وتنامي تداول المعلومات عبر الشبكات، أصبحت المعطيات ذات الطابع الشخصي عرضة لمخاطر كثيرة، الأمر الذي استدعى تدخل المشرع الجزائري لوضع قواعد قانونية لحمايتها، بدأها بالقانون 07/18 كإطار عام لحماية بيانات الأشخاص ومعلوماتهم الشخصية، بعد ذلك ومواكبة للتطورات الرقمية المتسارعة تم إصدار القانون 11/25 ليكمل القانون المذكور، من خلال تكريس مجموعة من المستجدات الإجرائية والمؤسسية التي تهدف إلى فرض حماية أكبر على المعطيات ذات الطابع الشخصي. الكلمات المفتاحية: المعطيات الشخصية، المعالجة، السلطة الوطنية، بيومتری، الحماية.

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Introduction:

Many international legislations have adapted their legal system to technological and digital developments, especially in the areas of informatics and communications, by paying attention to the protection of privacy and the protection of personal data and clarifying how to deal with it and the sanctions that follow when exposed to it, all in order to enhance cybersecurity and the protection of personal data of individuals.

In turn, the Algerian legislator has stressed the protection of personal data since the constitutional amendment of 2016 and the amendment of 2020, in accordance with article 47 of the Constitution, in which the constitutional legislator affirmed the protection of the private life of individuals. In accordance with this constitutional protection, Act No. 18-07 on the protection of natural persons in the field of human rights is enshrined in law addressing personal data was followed by the recent amendment 25-11, which added and strengthened these protections further by filling gaps, clarifying practical procedures and strengthening legal safeguards.

This study aims to explain the most important new procedural provisions introduced by Law 25-11 and to this end we considered the following problem: **Did the Algerian legislator, by introducing Law 25/11, impose adequate protection on data of a personal nature in light of the large spread of cybercrime?**

As the subject of the study is a reading of a new law, we have relied on the analytical method.

In order to answer the problem, we decided to divide the topic into two subjects:

In the first section, we discussed the procedural developments of the Law 25/11, we discussed in the first part the general context and the renewal of the law, and the second in which we dealt with the tightening of obligations on those responsible for processing.

The second section: We discussed the latest developments in the control of personal data by strengthening the role of the national authority, and then organizing the processing of data in the security and judicial fields.

Section I:

Procedural Developments Of Law 25/11

Law No. 25/11 supplemented Law No. 18/07, in which the legislator emphasized greater protection of personal data and the risk of compromising it, considering that most transactions and services are based on data collection. analysis and processing for different purposes, which makes it unheard of to multiple parties. in this paper, we will address the basic principles of protecting personal data, a requirement or not, and then address the emphasis on the obligations of those responsible for processing a second demand.

A) The General Context And Renewal Of The Law:

The Algerian legislator intervened to strengthen the legal framework for the protection of personal data by issuing Law No. 25-11, which aims to keep pace with digital transformations and provide effective protection for personal data.

1) Motives For The Promulgation Of Law 25/11:

This modification was in response to several factors, the most important of which are:

a- keeping pace with the rapid development of technology.

b- increased risk of data leakage.

c- the need to comply with international standards (such as GDPR)¹:

The European General Data Protection Regulation, which was created in 2018, aims to protect the personal data of individuals, by enforcing strict control over institutions inside and outside Europe, and obliging them to follow everything stipulated in this regulation, with penalties for those responsible for processing in case of violation.

d. Strengthening the protection of fundamental rights and freedoms:

Article 47 of the 2020 constitutional amendment affirms the right to privacy, the protection of private life and the inviolability of correspondence and communications in all its forms. Although the text of the article does not² explicitly refer to digital data, this is implied by the fact that the use of modern means of communication has become widespread in all areas of life.

e- Digitization Of Public Administrations:

Recently, the state's quest to digitize administrative life has emerged, through the gradual abandonment of traditional administrative work, and the trend toward electronic work and zero paper, and this is shown through the laws and decrees that adopted it, up to the introduction of the High Governorate of digitization, a public institution of a special nature aimed at designing the strategy the National digitization Commission, in consultation with the concerned sectors, institutions, the economic sector and civil society, works to develop all its resources related to digital life and the modernization of Algerian administrations.³

f- Promoting Digitalization In The Judicial Work:

The Algerian legislator not only digitized the administrative work, but also devoted this to judicial work, and this was reflected in the laws issued after 2020, including the amendment of the Civil and Administrative Procedure Code,⁴ in which the legislator for the first time devoted digitization in the administrative dispute by including the possibility of filing the petition electronically, and an electronic platform was created

under the Ministry of Justice to exchange petitions and memoranda in civil materials⁵.

Therefore, the digital work of state institutions increases the risks of hacking and holds them responsible for protecting personal data and data, so the legislator sought to increase protection by amending Law 18/07 and supplementing it with effective protection mechanisms through Law 25/11.

2) New Legal Terms:

Although the legislator does not provide definitions of legal terms, because this is the function of jurisprudence, what is noted in Law 18/07 on the protection of personal data, provides a definition of a set of terms related to the processing of data under Article III of the law, such as the definition of personal data, the person concerned, and the processing of data of a nature personally, ⁶In accordance with the amendment of article III by the Algerian legislator to article 25/11 of the law, the legislator added a set of terms, as follows:

1) Biometric Data:

The Algerian legislature defines biometric data in article 02 of Law 25/11 as personal data resulting from technical processing, which relates to the physical, physiological or behavioral characteristics of a natural person, which allows for its sole definition⁷.

In the sense that it is physiological or behavioral that can distinguish the individual, such as: Fingerprint, face image, ear fingerprint, tone of voice, gait of the person, pulse of the heart...

These biometric data are quantifiable, and this feature plays an important role in determining an individual's biometric identity. in order to give this data a correct result, it must be accurate and individual, because each individual has characteristics that distinguish him from other people in the world, and this enables the biometric system to know the data of people⁸.

2) Identification Of Personality Characteristics:

Analyze or evaluate certain aspects of personality, or predict that person's behavior at work, economic conditions, health, personal interests, location tracking, etc., known as a Profiling profile.

3) Use Of A Pseudonym:

Processing personal data in such a way that it is not possible to attribute it to a particular person without the use of additional information.

4) The Competent Authority:

Is every public body that is competent to prevent and detect crimes, carry out investigations, criminal follow-up and apply penalties, and includes every authority that has the powers of the public authority and the public force for the prevention and detection of crime.

5) Violation Of Personal Data:

Any breach of security that, incidentally or illegally, leads to the destruction, loss, alteration, disclosure or unauthorized access to personal data transmitted, stored or otherwise processed.

6) Use Of A Pseudonym:

Processing personal data in such a way that it is not possible to attribute it to a particular person without the use of additional information; also called pseudonymisation.

7) International Organizations:

Any external entity and its entities, governed by international law that is a partner in the processing of data⁹.

B) Is To Increase Obligations On Those Responsible For Processing:

Through this law, the Algerian legislator has stressed the need to crack down on those responsible for processing by obliging them to follow a set of procedures, as follows:

1) The Creation Of The Position Of Data Protection Representative DPO:

Law 25/11 establishes the position of Data Protection Officer, a key position in the personal data protection system, which is confirmed by the European Data Protection Regulation GDPR.

a) The Appointment:

Article 41 bis of Law 25/11 stipulates that each institution is obliged to appoint a representative for the protection of personal data, selected on the basis of:

- ❖ Specialist knowledge of the law.
- ❖ Understand everything about protection of data.
- ❖ Ability to perform tasks to the fullest.
- ❖ The ability to form a link between the national authority and institutions¹⁰.

The processing officer may, where necessary, support the data protection representative with specialists in the automated media to assist him in his tasks, and may resort to the sub-processor to assist the data protection representative in the reconciliation processes, provided that a contract is concluded with a service provider that includes a clause on confidentiality and protection of personal data.

A data protection representative of a personal nature cannot be appointed from outside the Authority, and the appointment shall be made by an internal administrative decision.¹¹

A single data protection representative can be appointed to several competent authorities responsible for processing, given their organizational structure and size¹².

Appointment of a Joint Delegate:

The law allows for the appointment of one joint delegate to several bodies or authorities under two main conditions:

1 - A Uniform Or Similar Organizational Structure Such As:

- Ministry of several state departments.
- Several companies in the same sector.

2 -The Right Size:

The processing burden should not be huge to not affect the effectiveness of the treatment.

b) The Powers Of The Data Protection Representative:

1- Provide consultations to those responsible for processing and make users aware of their legal responsibilities.

2- Monitor compliance with this Law and the internal working procedures of the processing officer in the field of personal data protection, including the allocation of responsibilities and the sensitization and training of users involved in the processing and related audits.

3- Advise the institution regarding the analysis of the impact of processing on the protection of personal data and the monitoring of its implementation.

4- It is a link between the National Data Protection Authority and institutions¹³.

c) The Duty To Report To The Delegate:

The person responsible for processing shall inform the National Authority of the identity of the delegate and provide information to enable contact with him (telephone number, e-mail, place of activity,...), in order to enable the National Independent Authority to communicate directly with the delegate, and to facilitate the monitoring, auditing and response to citizen notifications¹⁴.

2) Practical Steps For Institutions:

Law 25/11 regulates the work of institutions that process people's data in order to achieve greater protection through the following:

a) Preparation Of Records And Books Of Processing:

In the new law, the legislator required the institutions to prepare records of processing containing all the contact details of the person responsible for the processing and his/her representative. The specific purposes and legal basis of these operations, as well as a list of the categories of recipients with whom personal data has been or will be shared, both within and outside the country, including international organizations, and to the extent possible, the time periods for the deletion of personal data, in part or in whole, and a general description of the security measures, whether technical or organizational, taken to protect such data¹⁵.

*** Preparation Of Operations ledger:**

The processor and the sub-processor shall maintain an automatic ledger containing all data processing of a personal nature, as accomplished by transmission, publication or any other form of availability, approximation or interconnection, as well as closure, encryption, scanning or destruction.

*** The Importance Of Operations Ledger:**

The operations book shall ensure the identification of the justification, date and time of the above-mentioned operations, the identification of the person who used, accessed or disclosed these data, and the identity of the addressees, and shall be placed at the disposal of the national authority at its request, and shall be used to verify the legitimacy of processing and internal control and ensure the safety and security of the data for the requirements of the criminal procedures¹⁶.

b) Mandatory Study Of The Impact Of Processing And Violation Of Data Of A Personal Nature:

1- Conditions For Processing Data:

The law requires organizations to perform data protection impact assessment, or DPI, before launching any treatment deemed to be high-risk, and the administrator must comply with the following:

- Conduct a comprehensive study of the processing processes, including an accurate description of the risks to the rights and freedoms of professionals¹⁷, and the measures planned to address those risks.

- Develop security measures to ensure the protection of personal data
- Provide evidence of the application of the current legislation.
- Taking into account the nature, scope, context and objectives of the processing.
- Develop appropriate internal technical and regulatory measures to ensure the protection of sensitive and biometric data¹⁸.

- Protection of data of a personal nature from accidental or unlawful destruction, accidental loss, damage, publication or unauthorized access.

2- In The Event Of A Breach Of Data:

The person responsible for processing shall notify the National Authority within five days of his knowledge of the matter. if the notification is made outside this period, the reasons for the delay shall be included.

The processor must notify¹⁹ the person responsible for the processing as soon as he learns of the breach of data of a personal nature.

The notification referred to in this article shall include at least the following information:

- Describe the nature of the breach data of a personal nature,
Describe the possible consequences of the violation of personal data.
Describe the proposed measures to mitigate the consequences.

If the processor or sub-processor is unable to provide all this information at the same time, it may be communicated gradually²⁰.

The person responsible for the processing shall document any breaches of personal data, their effects and corrective actions taken.

Compliance with these requirements must be proved before the national authority²¹.

Notify the concerned about the consequences of the breach of his personal data, with the need to include the information of the person responsible for the processing and his contact data. however, this notification must not hinder the measures of prevention and detection of crimes or the security work²².

The processor and the sub-processor shall cooperate with and consult the national authority before any processing of data that will form part of a new file, in the event that the processor has not taken measures to mitigate the risks, or when the processing involves a high risk to the rights and freedoms of the persons concerned treatment that needs to be consulted²³.

c) Organizing The Transfer Of Data Abroad:

The Algerian legislator has been keen to protect personal data transferred abroad and has stressed that the countries concerned provide adequate protection of data, rights and freedoms, applicable legal requirements, security measures and the existence of a national authority in those countries to protect personal data²⁴.

In the absence of adequate guarantees in the foreign country, the competent authority may transfer or authorize the transfer of personal data provided that the transfer is necessary, the transferred data shall be retained for the agreed period and, where necessary, for the period necessary to accomplish the purposes for which it was requested.

Data of a personal nature received from a foreign State or an international organization cannot be transferred back to another State without the consent of the sending State, but this condition can be dispensed with in case of necessity or threat to the security of the State concerned²⁵, and the receiving authority shall be informed immediately.

Section II:

The Latest Developments In Monitoring The Protection Of Personal Data

Under this law, the legislator is concerned with imposing administrative and penal control on institutions by strengthening the role of the national authority, in addition to regulating the processing of data in the security and judicial fields.

A) The Role Of The National Authority For The Protection Of Personal Data:

The National Authority for the Protection of Personal Data was established by Law 18/07, which aims to ensure that the processing of personal data complies with the law and to ensure the protection of the private rights and freedoms of persons. With the promulgation of Amendment 25/11, the legislator strengthened the role of the National Authority.

A) The Importance Of National Authority:

Under article 22 of Law 18/07, an independent administrative authority has been established under the President of the Republic, located in Algiers, to protect personal data, with a moral personality and financial and administrative independence.

In accordance with Article 23 of Law 18/07, the President of the Republic shall appoint by presidential decree the members of the National Authority for the Protection of Personal Data for a renewable term of five years. The Authority shall consist of 16 members, the members of the National Authority shall be selected on the basis of their legal and/or technical competence in the field of personal data processing, and to enhance its performance. the Authority shall have the right to employ any qualified person whose experience it deems necessary to carry out its functions effectively.

In order to ensure its administrative functioning, article 27 of Act No. 07-18 provides that the National Authority shall be supported by an Executive Secretariat, which shall be administered by an Executive Secretary, with the assistance of specialized

officials, all of whom shall take the oath of office before the Algerian Judicial Council before assuming their duties. the body responsible for providing administrative, technical and logistical support to the National Authority for the Protection of Personal Data²⁶. the employees of the National Authority are composed of the corps of observers and the corps of auditors²⁷.

B) Functions Of The National Authority In Accordance With Law 25/11:

1) Broader Supervisory Powers:

In accordance with Law 18/07, as amended and supplemented, the National Authority seeks to ensure that the processing of personal data complies with the provisions of the law, by granting licenses and receiving declarations related to data processing²⁸. It also works to provide a media role, represented by informing the persons concerned²⁹ and those responsible for processing of their rights and duties³⁰.

The National Authority is responsible for carrying out the tasks stipulated in Law 18/07. In addition, the legislator has strengthened its role through Chapter Five under the title of oversight. The legislator has confirmed through Article 45 bis 12 that in carrying out its tasks, it assigns one of its members to carry out all necessary investigations and examinations, in all ways that enable it to do so, except for not interfering in the powers of the judiciary.

2) Creating Regional Poles:

According to the text of Article 27 bis, the National Authority has been provided with regional poles that undertake the task of oversight and auditing at the level of institutions that process data of a personal nature, and this is an important gain for the National Authority, enabling it to be brought closer to citizens, and increasing the effectiveness of oversight of those responsible for processing.

C) Regulating data processing in the security and judicial field:

Law 25-01 introduced Chapter Five bis under the title "Processing personal data for the purposes of preventing and detecting crimes, conducting investigations, inquiries, criminal prosecutions, and implementing and applying penalties."

1) Entities Authorized To Process This Data:

- 1- The judiciary (Ministry of Justice)
- 2- The departments and bodies legally authorized to investigate crimes and uncover their perpetrators.
- 3- General Directorate of National Security.
- 4- National Gendarmerie.
- 5- The security services of the Ministry of National Defense.
- 6- Justice assistants within the framework of their legal powers for a period appropriate to the tasks assigned to them.
- 7- The interests of the prison administration within the limits of its authority and jurisdiction.

2) Conditions For Automated Data Processing:

Within the framework of preventing and detecting crimes, conducting investigations and criminal follow-ups, and implementing penalties:

- 1- Respect the conditions stipulated in Article 09 of Law 18- 07, first paragraph of... A to H.
- 2- That resorting to this treatment is necessary (the principle of necessity).
- 3- Proportionality, meaning that the processing of this data is consistent with its goal (preventing crimes...).
- 4- The person responsible for the treatment must distinguish between the data related to the technologies of the people concerned, especially:
- 5- Persons who have serious reasons to believe that they have committed or are about to commit a crime.
- 6- Persons convicted of a crime.
- 7- Victims or persons who, given the facts, are believed to be victims.
- 8- Ensuring the protection of data from risks and taking all security measures and mechanisms to preserve and protect it.

Finally, by analyzing the texts of this law, it becomes clear to us that the Algerian legislator has been keen to provide effective protection for personal data, especially with regard to the strict obligations that it has bound institutions to, because internal neglect of people's data poses a great danger, no less important than crimes of external hacking.

Conclusion:

Supplementary Law No. 25-11, which does not prohibit the processing of personal data, but rather frames and restricts it with a set of conditions, as it works on prevention, control, and deterrence through:

- 01- Determine who is responsible for the processing, its purpose, and the people involved.
- 02- Identify the persons qualified to view this information, its source, and the measures that must be taken to ensure the safety of processing.
- 03- Proportionality, meaning that the processing of this data is consistent with its goal (preventing crimes...)
- 04- The person responsible for the processing shall follow the steps stipulated in Law 25/11.

Recommendations:

Despite the important developments brought about by Law 25/11, there are a set of proposals to fill the gaps that may pose a risk to individuals' personal data.

- 1- Expedite the issuance of executive decrees establishing regional poles of the National Authority for the Protection of Personal Data, to ensure comprehensive field oversight.
- 2- Enforcing periodic digital auditing of the information systems of entities that process big data, in order to ensure storage safety.

3- Enacting special laws for sensitive data such as health data, to take into account the privacy of medical confidentiality.

Bibliography:

- ¹- See the official website of the National Authority for the Protection of Personal Data Accessed on 03/25/2025 at 14.00 .
- ²- Article 47/2 states: "...Every person has the right to the confidentiality of his private correspondence and communications in any form..."See Presidential Decree 20-442 containing the Constitutional Amendment of 2020, Official journal, No. 82, issued on December 30, 2020
- ³- Presidential Decree 23-314 issued on September 6, 2023, including the establishment of a high digital governorate and defining its tasks, organization and functioning, Official journal No. 59.
- ⁴- Law 22/13, amending the Code of Civil and Administrative Procedure, issued on July 12, 2022, Official journal No. 48.
- ⁵- See platform link Visited on 03/30/2026 at 15:11.
- ⁶- See Article 3, Law 18/07, relating to the protection of natural persons in the field of processing data of a personal nature, dated June 10, 2018, Official journal No. 34.
- ⁷- See Article 2 of Law 25/11, amending and supplementing Law 18/07, dated July 24, 2025, Official journal No. 48.
- ⁸- Abdelhakim Boukzoula, Khaled Tawazi, "Biometric identification technologies and their role in enhancing and building a secure digital identity", Algerian Journal of Human Security, Volume 10, Issue 01, p. 267.
- ⁹- Article 03 of Law 25/11.
- ¹⁰- See Article 41 bis of Law 25/11, mentioned above..
- ¹¹- Deliberation No. 01 issued on December 24, 2025, includes an introduction to the representative for the protection of data of a personal nature and defining his duties and methods of appointment, link to view the deliberation The link was viewed on 2/30/2026 at 1:00 p.m
- ¹²- See Article 41 bis of the aforementioned Law 25/11.
- ¹³- Article 41 bis of the aforementioned Law 25/11.
- ¹⁴- Deliberation by the National Authority for the Protection of Personal Data, previous reference.
- ¹⁵- See Article 41 bis 02, Law 25/11
- ¹⁶- Article 41 bis 03, Law 25/11.
- ¹⁷- For Article 45 bis 06.
- ¹⁸- Article 45 bis 07.
- ¹⁹- Article 3 of Law 18/07 defines it as "any natural or legal person, public or private, or any other entity that processes data of a personal nature on behalf of the person responsible for the processing,..."
- ²⁰- Article 45 bis 8.
- ²¹- Article 45 bis 9..
- ²²- Article 45 bis 10..
- ²³- Article 45 bis 11.
- ²⁴- Article 45 bis 13.
- ²⁵- Article 45 bis 14.

²⁶- Article 02 of Presidential Decree No. 73-23, dated February 14, 2023, defining the tasks of the Executive Secretariat of the National Authority for the Protection of Personal Data and the methods of its organization and operation, JR, No. 10, issued on February 15, 2023

²⁷- Article 3 of Presidential Decree No. 147-23, dated April 15, 2023, includes the Basic Law for Employees of the National Authority for the Protection of Personal Data.

²⁸- See Article 15 of Law 18/07.

²⁹- With reference to Article 32 of Law 18/07, the persons concerned enjoy the right to information, the right to access, the right to correction, and the right to object.

³⁰- With reference to Article 32 of Law 18/07, the persons concerned enjoy the right to information, the right to access, the right to correction, and the right to object.