

THE CONSTITUTION OF THE REPUBLIC OF CAPE VERDE

ARTICLES 41, 45 & 46

SECOND ORDINARY REVISION OF 2010

ARTICLE 41

(The right to identity, personality, good name, image and intimacy)

1. All citizens shall be guaranteed the rights to personal identity, the development of personality and civil capacity, which may only be limited by a judicial decision and in the cases and terms established in the law.
2. All citizens shall have the right to a good name, honour and reputation, image and the reserve of their intimacy of their personal life and that of their family.

ARTICLE 45

(The use of computer and the protection of personal data)

1. All citizens shall have the right of access to computerised data that affect them and for the same to be rectified and updated, as well as the right to be informed about the purposes of the data, in the terms of the law.
2. The use of computer means to register and process identified individual data related to political, philosophical or ideological convictions, religious beliefs, political or trade union affiliation or private life shall be prohibited, except:
 - a) by the expressed consent of the holder/data subject;
 - b) by authorisation provided by law, with assurance of non-discrimination;
 - c) for data processing of non-identifiable individual statistics purposes.
3. The law shall regulate the protection of personal data stored in computers, the conditions of access to data base, the composition and use by public and private authorities and entities of such data base or the computerised support of the same.
4. The access to computerised archives, files and registers or data base for the knowledge of personal data related to third parties, nor the transfer of personal data from one computer to another of files related to distinct services or institutions shall not be permitted, except in cases established by law or by a judicial decision.
5. In no circumstances may be attributed a sole national number to citizens.
6. All citizens shall be granted access to public computer networks, the applicable regime to the flow of trans-border data and the forms of personal data protection and others whose safeguard shall be justified by reasons of national interests, as well as the limitation to access shall be defined by law, for the defence of judicial values as provided for in paragraph 4 of Article 48.
7. Personal data contained in manual files shall have identical protection as provided for in the numbers above, in terms of the law.

ARTICLE 46

(Habeas data)

1. All citizens shall be granted *habeas data* to ensure the knowledge of the information contain in files, computer archives and registers that affect them, as well as to be informed about the purposes of the data and for the same to be rectified or updated.
2. The law shall regulate the process of *habeas data*.