

Overview of the latest development regarding the national GDPR acts

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Member State	What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR? 13, 14, 16	Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No	Will there be exemptions from Art. 34 GDPR's notification obligation in case of a data breach pursuant to Art. 23 GDPR in your jurisdiction? Yes, No	Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR)? Yes, No	Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.	This local law information was put together by Reed Smith and...
Austria	16	No, there will not be any special rules. The Data Protection Amendment Act 2018 just sets out that the existing Arbeitsverfassungsgesetz is a regulation according to Art. 88 GDPR	No	No	Article 19 (5) of the Data Protection Amendment Act 2018 sets out that no penalties can be imposed on public	Mr. Philipp Spring: spring@bindergroesswang.at
Belgium	N/A	N/A	N/A	N/A	N/A	Ms. Stéphanie de Smedt: stephanie.de.smedt@loyensloeff.com
Bulgaria	No expressed rules are adopted yet.	Yes			N/A	Ms. Violetta Kunze: violetta.kunze@dgkv.com
Croatia	not specified yet	not specified yet (but likely Yes)	not specified yet (but likely Yes)	not specified yet (but likely Yes)	not specified yet	Ms. Marija Gregoric: marija.gregoric@babic-partners.hr
Cyprus	Not determined yet. (Definition of "Information Society Services" will be considered for the purpose of determining the age for minor's consent)	As regards the context of employment, the Commissioner is considering to introduce an implementing provision combining A.10 and A. 88 of the GDPR	Yes, by decision of the Commissioner there will be exceptions where the collection of personal data is performed for the purposes of defense, national needs or national security of the Republic or for the prevention, detection, investigation and prosecution of criminal offences	It is not confirmed yet, but there is a suggestion by the Commissioner for a provision under which the designation of a Data Protection Officer will be applicable in companies with more than 200 employees.	The Cyprus DPA is considering to introduce an implementing provision providing for the combination of filing systems of public authorities and bodies for reasons of public interest	Mr. Nicholas Ktenas: nicholas.ktenas@neo.law
Czech Republic	13	No	Yes	No	Administrative fines for public authorities may be imposed only up to CZK 10 milion (approx. EUR 358,000).	Mr. Robert Nespurek: robert.nespurek@havelholasek.cz
Denmark	Not yet known	Not yet known			Not yet known	Ms. Susanne Stougaard: Sus@bechbruun.com
Estonia	The Ministry of Justice intends to propose the age of 13.	No			Estonian law does not recognize the concept of administrative fines and thus such fines cannot be imposed in the way as set out in GDPR and thus Estonia is subject to the relevant exemption. Thus, in Estonia the fine is imposed by the DPA in misdemeanour proceedings	Ms. Pirkko-Liis Harkmaa: pirkko-liis.harkmaa@cobalt.legal
Finland	Either 13 or 15	Yes	No	No	The administrative sanctions will be imposed by a new "sanctions board", integrated into the Data Protection Authority, which may hold an oral hearing before imposing sanctions	Mr. Jukka Lang: jukka.lang@dittmar.fi
France	<p>16</p> <p>The French Government has chosen not to use the leeway left to the Member States regarding the age for minor's consent in relation to Information Society Services. Therefore, the draft law does not contain any provision on the age of consent, and the 16-year threshold set forth by the GDPR applies.</p> <p>In addition, according to the CNIL guidelines, if the users of the services are minors, appropriate mechanisms of vigilance must be implemented, for example through awareness messages, or a combined system of control of user's age and involvement of the parents (for example, through parental control).</p>	<p>No answer to date</p> <p>The French draft law does not provide special rules for processing of employment data in implementation of Art. 88 GDPR.</p> <p>As of now employment data is construed by the CNIL as normal personal data to the exception of the social security number and healthcare related data.</p>	<p>Yes</p> <p>The draft law (Art. 15) sets forth exemptions to the data breach notification obligation for data processing operations that are necessary to meet a legal requirement or for the performance of a task carried out in the public interest, for purposes of protecting national security, national defence or public security. An implementing decree will set out precisely the list of data processing and categories of data processing covered by the derogation.</p> <p>In addition Art. 19 of the draft law sets forth that the communication of a data breach to the data subject may be delayed, limited or not issued as long as such measure is necessary and proportionate in a democratic society, taking due account of the fundamental rights and the legitimate interests of the concerned data subject, where such communication could endanger public security, national security or the rights or freedoms of others or hinder the proper conduct of investigations and legal proceedings necessary to prevent, detect or prosecute criminal offenses or to execute criminal sanctions.</p>	<p>Yes</p> <p>Art.19 of the draft law incorporates part of the content of Art. 37 of the GDPR by stating that a single data protection officer may be appointed for several public authorities or bodies, taking account of their organisational structure and size.</p> <p>Moreover, French courts acting in the exercise of their judicial functions are exempted from the obligation to appoint a data protection officer.</p>	<p>French Government has chosen to maintain certain preliminary notification obligation for the processing of specific sensitive data, for example for biometric data necessary to identify or verify the identity of individuals, for genetic data, or for processing using the registration number in the National registry of natural persons (NIR).</p>	Mr. Daniel Kadar: dkadar@reedsmith.com
Germany	16	Yes	Yes	Yes	Appointment of data protection officer for organizations where 10 or more employees are processing personal data	Mr. Andreas Splittgerber & Ms. Friederike Detmering: asplittgerber@reedsmith.com fdetmering@reedsmith.com

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Greece	N/A	No information available yet	No information available yet	No information available yet	N/A	Ms. Doretta Frangaki & Ms. Christina Nikiforaki: tfrangaki@reedsmith.com, cnikiforaki@reedsmith.com
Hungary	16	N/A	Yes. Under the proposal, the notification obligation may be delayed, limited or omitted if that is necessary for, amongst others, the effective conduct of criminal proceedings, the prevention and detection of crimes, the execution of sanctions against perpetrators of crimes, the effective protection of public security and the internal and external security of the state, and the protection of fundamental rights.	The proposal specifies detailed rules on the conference of data protection officers, which serves as a continuous professional forum where data protection officers and the Hungarian Data Protection Authority may keep contacts and cooperate in the creation of unified legal practice in the implementation of data protection laws. The conference shall be convened once a year at least.	(a) supervision of the grounds for data processing; unless provided otherwise in the applicable laws or EU legislation, data processors shall, at least in every third year from the start of the data processing, supervise if the processing of personal data is necessary in reaching the purposes of the data processing; (b) Rights of a deceased person: the rights of a person in relation to his personal data (i.e. right of access, right of correction, right of deletion, etc.) may be enforced by a duly authorised third party within five years from the death of the person; (c) Data breach: notification on the data breach shall be reported to the Hungarian Data Protection Authority through the special online survice created for these purposes.	Mr. Ádám Mátyus: adam.mattus@lakatoskoves.hu
Ireland	A consultation process has been completed and the results of the consultation, which recommended that the digital age of consent should be 13, have been submitted to the Government.	TBC	Yes. The General Scheme envisages that there will be certain exemptions from Article 34 contained within the Data Protection Bill itself and that there will be a power for further exemptions from Art 34 to be provided for in secondary legislation.	Yes. The General Scheme envisages that the Minister for Justice and Equality will have the power to specify categories of controller for whom the appointment of a Data Protection Officer will be mandatory.	Proposed that public authorities and public bodies will not be liable to administrative fines for breach of the GDPR, except where they are acting as an 'undertaking' (as this term is defined in competition law).	Mr. Adam Finlay: adam.finlay@mccannfitzgerald.com
Italy	16	Yes			NA	Mr. Iacopo Destri: iacopo.destri@c-lex.it
Latvia	13	No. Currently annotation to the draft law states that additional measures with respect to Art. 88 GDPR will not be implemented. This, however, may be subject to change.	Yes. The draft law provides for a possibility to incorporate exemptions from Art. 34 in other laws. However, currently no specific exemptions from Art. 34 have been provided.	No. Currently annotation to the draft law states that additional measures with respect to Art. 37(IV) GDPR will not be implemented. This, however, may be subject to change.	According to the draft law public officials will also be liable for violations in the field of data protection with a fine up to 200 currency units (currently EUR 1000).	Mr. Sarmis Spilbergs: sarmis.spilbergs@ellex.lv
Lithuania	16	Yes	No, the draft of the law does not set forth such exemptions.	No, the draft of the law does not set forth such specific rules.	According to the draft of the Law, it is forbidden to disclose personal identification code publicly and to process it for the purpose of direct marketing.	Mr. Jaunius Gumbis & Ms. Migle Petkeviciene: jaunius.gumbis@ellex.lt, migle.petkeviciene@ellex.lt
Luxembourg	The Draft Bill does not provide for any special rules in this respect. It is therefore expected that 16 years old limit will apply, as provided in article 8 GDPR.	The Draft Bill does not provide for any special rules in this respect.	The Draft Bill does not provide for any special rules in this respect.	The Draft Bill does not provide for any special rules in this respect.	Regarding the reform of the local data protection authority ("CNPD") and the attribution of powers; it should be noted that – according to the Draft Bill – the CNPD will be able to impose a periodic penalty payment ("astreinte") in the event that a responsible entity does not comply with the CNPD's administrative decisions.	Ms. Véronique Hoffeld: veronique.hoffeld@loyensloeff.com
Malta	N/A	No	No	No	N/A	Ms. Annabel Hili: annabel.hili@gvzh.com.mt
Netherlands	16	No	Yes. Pursuant to Article 41 of the Bill, the rights and obligations mentioned under Article 34 of the GDPR (as well as under 12 to 21 of the GDPR) do not need to be upheld by the Controller insofar as this is necessary and proportionate for the realization of the exceptions listed under Article 41 of the Bill, for instance national security and national defence. Moreover, Article 42 of the Bill provides that Article 34 of the GDPR will not apply to financial institutions as referred to as in the Dutch Financial Supervision Act (Wet op financieel toezicht).	Article 39 of the Bill imposes a confidentiality obligation upon the DPO	In accordance with Article 87 of the GDPR, Article 46 of the Bill provides for restrictions re the processing of citizen numbers under (only permitted on grounds of respective law). Furthermore, exceptions currently existing under the Dutch Data Protection Act (<i>Wet bescherming persoonsgegevens</i>) that allow specific types of special categories of data to be processed by a specific category of controllers (e.g. employers, insurers and hospitals), or for specific purposes (e.g. identification purposes or sick leave management) have been maintained in the Bill (under chapter 3).	Ms. Kim Lucassen: kim.lucassen@loyensloeff.com,
Poland	13	Yes. The current draft version of the Act – Provisions Implementing the Personal Data Protection Act stipulates that it will be possible to process employment personal data on the basis of a consent (only when they relate to employment relationship and, at the same time, lack of consent cannot cause negative consequences for employees). The consent will have to be expressed in a written or electronic statement. On the same basis it will be permitted to process biometric data. The edraft also stipulates that video surveillance will be permitted in order to ensure work safety.	Yes	No. The draft Act – Provisions Implementing the Personal Data Protection Act, however, specifies, who exactly is a public authority and body (Art. 37(1)(a) GDPR), and gives more details about the obligation to communicate the contact details of the data protection officer to the supervisory authority (term, form).	N/A	Ms. Agnieszka Kocon: agnieszka.kocon@laszczuk.pl

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Portugal	N/A	N/A			N/A	Mr. Manuel Durães Rocha & Mr. João Gonçalves de Assunção: manuel.rocha@abreuadvogados.com; joao.g.assuncao@abreuadvogados.com
Romania	N/A	N/A	At the moment, the only legislative project in the data protection field is the amendment of Law no. 102/2005 regarding the organisation and functioning of the National Supervisory Authority for Personal Data Processing. This law project was published on 05.09.2017 and doesn't contain any provisions regarding the notification procedures.	On 23.09.2017 the National Supervisory Authority for Personal Data Processing issued the Guidelines for the application of the General Data Protection Regulation by the data controllers. Even if the entity is not expressly required to designate a data protection officer, ANSPDCP recommends this appointment, taking into account the beneficial effect of the officer's activity to ensure compliance with the General Data Protection Regulation by that data controller or processor.	N/A	Ms. Cristiana Fernbach: cristiana.fernbach@stratulat-albulescu.ro
Slovakia	16	No	No	No	When processing personal data and for the purpose of identifying natural person, universal identification number (birth number) may be used, provided that it is necessary for achieving the given purpose. In case of its processing based on consent of the data subject, the consent must be explicit and this cannot be excluded by a separate regulation. It is forbidden to publish universal identification number under any circumstances.	Mr. Ondrej Majer: ondrej.majer@havelholasek.cz
Slovenia	15	No	No	Yes	Article 11 of the draft law sets out special rules regarding the processing of personal data of deceased persons.	Ms. Sandra Kajtazovic: kajtazovic@rppp.si
Spain	13	No			a) Specific data treatments ruling: video-surveillance, whistleblowing, contact details within legal entities, financial solvency of individuals, marketing exclusion lists or Robinson lists, corporate transactions, etc. b) DPO: specification of situations considered covered under Art.37.1 GDPR. c) Fining procedure: description of the formalities related to the fining procedure; division of breaches in: minor, serious and very serious. d) No economic fines for public administrations. e) Ruling of processing of data of deceased persons. f) Safety measures for the public sector to be ruled under the National Security Scheme regulation. g) Guidance as regards when to conduct a risk assessment. h) Application of the GDPR to the representative when the data controller or data processor is not established in the UE.	Mr. Norman Heckh:nheckh@ramoncajal.com
Sweden	No proposal yet (however, the Report suggests 13) Update 2017-10-17: Nothing new to provide. The suggestion in the report still stands.	No proposal yet (not mentioned in the Report) Update 2017-10-17: Nothing new to provide.	Update 2017-11-02: Not that has been reported at the moment, however it is proposed that the government will be authorized to issue regulations limiting rights and obligations in accordance with Art. 23 GPDR, which could include exemptions from Art. 34 GDPR's notification obligation.	Update 2017-11-02: Yes, minor legislative supplement to the rules in the GDPR.	No proposal yet (however, the Report suggests that a data subject's right of information and access to personal data under the GDPR, articles 13-15, shall not apply to such personal data that a controller of personal data may not disclose to a data subject due to what is prescribed by an Act or other statutory instrument, or as otherwise stated in a decision which has been issued based on a statutory instrument. Likewise, a controller of personal data who is not a public authority may not provide data to a data subject if such data would have been confidential under the Swedish Freedom of Information and Official Secrets Act (SFS 2009:400) if the controller of personal data would have been a public authority.	Mr. Björn Heigis: bjorn.heigis@roschier.com
United Kingdom	13	Yes, special categories of personal data (health & criminal convictions) exempt from obligation to obtain consent. Access rights exempt certain types of employment data			Art 22 (Automated Individual Decision Making): The UK are proposing to include an additional exemption based on section 12(2)(b) of the Data Protection Act 1998 such that automated decision making can occur provided that an individual is informed that the decision making process has occurred in such a way and is able to request that the decision is reconsidered on a non-automated basis.	Ms. Cynthia O'Donoghue & Mr. Philip Thomas: codonoghue@reedsmith.com , pthomas@reedsmith.com

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