



Overview of the latest  
developments regarding the  
national GDPR acts

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# Overview of the latest development regarding the **national GDPR acts**



## Austria

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

16

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

**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

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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?

**NO**

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

**NO**

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

Article 19 (5) of the Data Protection Amendment Act 2018 sets out that no penalties can be imposed on public

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This local law information was put together by Reed Smith and Mr. Philipp Spring:  
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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

[Bill Data Protection Amendment Act 2018](#)

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Information status

Nov-17

# Overview of the latest development regarding the **national GDPR acts**



## Belgium

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What is the age for minor’s consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

N/A

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

N/A

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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?

N/A

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

N/A

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Please name one local “specialty” resulting from the local GDPR adjustment laws in your jurisdiction.

N/A

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This local law information was put together by Reed Smith and Ms. Stéphanie de Smedt: [stephanie.de.smedt@loyensloeff.com](mailto:stephanie.de.smedt@loyensloeff.com)

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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

Bill in draft (but not published yet)

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Information status

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# Overview of the latest development regarding the **national GDPR acts**



## Bulgaria

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

**NO** expressed rules are adopted yet.

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

**Yes**

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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?

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

**N/A**

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This local law information was put together by Reed Smith and Ms. Violetta Kunze:  
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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

No draft yet.

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Information status

Jul-17

# Overview of the latest development regarding the **national GDPR acts**



## Croatia

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR? 13, 14, 16

not specified yet

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

not specified yet (but likely

**Yes,**

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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?

not specified yet (but likely

**Yes,**

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

not specified yet (but likely

**Yes,**

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

not specified yet

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This local law information was put together by Reed Smith and Ms. Marija Gregoric: [marija.gregoric@babic-partners.hr](mailto:marija.gregoric@babic-partners.hr)

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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

No draft yet.

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Information status

Nov-17

# Overview of the latest development regarding the **national GDPR acts**



## Cyprus

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR? 13, 14, 16

Not determined yet. (Definition of "Information Society Services" will be considered for the purpose of determining the age for minor's consent)

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

As regards the context of employment, the Commissioner is considering to introduce an implementing provision combining A.10 and A. 88 of the GDPR

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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**, 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

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

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.

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

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

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This local law information was put together by Reed Smith and Mr. Nicholas Ktenas: [nicholas.ktenas@neo.law](mailto:nicholas.ktenas@neo.law)

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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

1st draft bill prepared by Cyprus DPA. Still under consideration and review. Not published

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Information status

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# Overview of the latest development regarding the **national GDPR acts**



## Czech Republic

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

13

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

**NO**

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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**

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

**NO**

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

Administrative fines for public authorities may be imposed only up to CZK 10 milion (approx. EUR 358,000).

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This local law information was put together by Reed Smith and Mr. Robert Nespurek:  
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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

[Draft government bill not yet in the Parliament](#)

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# Overview of the latest development regarding the **national GDPR acts**



## Denmark

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

Not yet known

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

Not yet known

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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?

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

Not yet known

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This local law information was put together by Reed Smith and Ms. Susanne Stougaard:  
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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

No draft yet.

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Information status

Jul-17

# Overview of the latest development regarding the **national GDPR acts**



## Estonia

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

The Ministry of Justice intends to propose the age of 13.

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

**NO**

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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?

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

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

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This local law information was put together by Reed Smith and Ms. Pirkko-Liis Harkmaa:  
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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

The Ministry of Justice has drafted a conceptual paper on the new legal framework for the protection personal data. Currently the paper is subject to intra-governmental coordination. At the moment no draft law has been published yet.

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# Overview of the latest development regarding the **national GDPR acts**



## Finland

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

Either 13 or 15

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

**Yes**

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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?

**NO**

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

**NO**

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

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

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This local law information was put together by Reed Smith and Mr. Jukka Lang: [jukka.lang@dittmar.fi](mailto:jukka.lang@dittmar.fi)

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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

[Draft bill](#)

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Information status

Jan-18

# Overview of the latest development regarding the **national GDPR acts** France

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

16 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. 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).

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

**NO** answer to date The French draft law does not provide special rules for processing of employment data in implementation of Art. 88 GDPR. 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.

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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** 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. 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.

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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** 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. Moreover, French courts acting in the exercise of their judicial functions are exempted from the obligation to appoint a data protection officer.

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

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).

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This local law information was put together by Reed Smith and Mr. Daniel Kadar:  
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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

France has [adopted a draft law](#) on December 13, 2017 which will be examined by the French Parliament under the fast-track procedure for the adoption of the law.

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## Germany

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

16

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

Yes

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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

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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

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

Appointment of data protection officer for organizations where 10 or more employees are processing personal data

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This local law information was put together by Reed Smith and Mr. Andreas Splittgerber & Ms. Friederike Detmering:  
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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

[Law](#)

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## Greece

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

N/A

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

No information available yet

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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?

No information available yet

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

No information available yet

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

N/A

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This local law information was put together by Reed Smith and Ms. Doretta Frangaki & Ms. Christina Nikiforaki: [tfrangaki@reedsmith.com](mailto:tfrangaki@reedsmith.com), [cnikiforaki@reedsmith.com](mailto:cnikiforaki@reedsmith.com)

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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

Regulation will be automatically applicable- No information on adjustments laws in Greece

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# Overview of the latest development regarding the **national GDPR acts**

## Hungary

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

16

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

N/A

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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.** 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.

Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

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.

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

(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 surface created for these purposes.

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This local law information was put together by Reed Smith and Mr. Ádám Mátyus:  
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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

Proposed wording of the draft bill has already been published on the website of the government of Hungary.

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# Overview of the latest development regarding the **national GDPR acts**

## Ireland

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

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.

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

TBC

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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**. 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.

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**. 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.

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

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).

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This local law information was put together by Reed Smith and Mr. Adam Finlay:  
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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

[General Scheme of Bill](#) published on 12 May 2017 (this is an outline of the proposed Bill). The draft Bill is scheduled to be published before the end of 2017.

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Information status

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# Overview of the latest development regarding the **national GDPR acts**



## Italy

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

16

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

**Yes**

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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?

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

NA

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This local law information was put together by Reed Smith and Mr. Iacopo Destri: [iacopo.destri@c-lex.it](mailto:iacopo.destri@c-lex.it)

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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

No draft yet. General Guidelines on GDPR / NA Guidelines [available here](#).

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Information status

Jul-17

# Overview of the latest development regarding the **national GDPR acts**



## Latvia

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

13

Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

**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.

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**. 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.

Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

**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.

Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

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).

This local law information was put together by Reed Smith and Mr. Sarmis Spilbergs:  
sarmis.spilbergs@ellex.lv

Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

A [draft law](#), prepared by the Ministry of Justice and named "Personal Data Processing Law", has been introduced at the Meeting of State Secretaries. This is the first of legislative stages - the draft law will have to be reviewed by the Cabinet of Ministers and approved in 3 Parliament hearings.

Information status

Nov-17

# Overview of the latest development regarding the **national GDPR acts**



## Lithuania

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

16

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

**Yes**

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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?

**NO**, the draft of the law does not set forth such exemptions.

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

**NO**, the draft of the law does not set forth such specific rules.

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

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.

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This local law information was put together by Reed Smith and Mr. Jaunius Gumbis & Ms. Migle Petkeviciene:

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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

The Ministry of Justice of the Republic of Lithuania has prepared and submitted the [draft of the Law on Legal Protection of Personal Data](#) for the relevant institutions and public consideration. The draft of the local law follows GDPR requirements closely.

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# Overview of the latest development regarding the **national GDPR acts**



## Luxembourg

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

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.

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

The Draft Bill does not provide for any special rules in this respect.

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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?

The Draft Bill does not provide for any special rules in this respect.

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

The Draft Bill does not provide for any special rules in this respect.

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

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.

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This local law information was put together by Reed Smith and Ms. Véronique Hoffeld: [veronique.hoffeld@loyensloeff.com](mailto:veronique.hoffeld@loyensloeff.com)

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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

"A [draft bill](#) (n° 7184, hereafter the "Draft Bill") for the implementation of the GDPR has been published on 12 September 2017. Please note that this is only a draft bill, which may likely be amended over the different stages of the legislative process."

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Information status

Jan-18

# Overview of the latest development regarding the **national GDPR acts**



## Malta

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

16, but the Minister, after consultation with the Maltese Data Protection Commissioner, can prescribe regulations concerning the establishment of a lower age than 16 years for the processing of the personal data of a child.

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

**NO**

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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?

**NO**

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

**NO**

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

According to this draft bill, personal data processed for the purpose of exercising the right to freedom of expression and information, shall be exempt from compliance with the provisions of the GDPR, where compliance would make the pro-

cessing of such data impossible.

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This local law information was put together by Reed Smith and Ms. Annabel Hili.  
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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

A draft bill (n° 40, hereafter the "**Draft Bill**") for the implementation of the GDPR into Maltese law has been published on 14th March 2018. Please note that this is only a draft bill, which may likely be amended over the different stages of the legislative process.

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Information status

May-18

# Overview of the latest development regarding the **national GDPR acts**

## Netherlands

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

16

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

**NO**

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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**. 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).

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

Article 39 of the Bill imposes a confidentiality obligation upon the DPO

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

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 (Wet bescherming persoonsgegevens) that allow spe-

cific 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).

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This local law information was put together by Reed Smith and Ms. Kim Lucassen:  
kim.lucassen@loyensloeff.com,

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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

The GDPR Implementation Bill (Uitvoeringswet Algemene verordening gegevensbescherming, Bill) was presented to the Parliament on 13 December 2017. The Bill needs to be decided upon by the Second Chamber followed by the Upper Chamber.

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Information status

Jan-18

# Overview of the latest development regarding the **national GDPR acts**

## Poland

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

13

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

**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.

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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**

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

**NO**. The draft Act – Provisions Implementing the Personal Data Protection Act, however, specifies, who exactly is a public authority and body (Art. 37(l)(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).

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

N/A

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This local law information was put together by Reed Smith and Ms. Agnieszka Kocon:  
agnieszka.kocon@laszczuk.pl

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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

Draft bills: (i) (a) Personal Data Protection Act (PL – Ustawa o ochronie danych osobowych) and (ii) (b) Act – Provisions Implementing the Personal Data Protection Act (PL – Ustawa – Przepisy wprowadzające ustawę o ochronie danych osobowych)

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Information status

Nov-17

# Overview of the latest development regarding the **national GDPR acts**



## Portugal

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

N/A

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

N/A

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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?

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

N/A

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This local law information was put together by Reed Smith and Mr. Manuel Durães Rocha & Mr. João Gonçalves de Assunção:  
manuel.rocha@abreuadvogados.com;  
joao.g.assuncao@abreuadvogados.com

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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

No draft yet.

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Information status

Jul-17



# Overview of the latest development regarding the **national GDPR acts**



## Romania

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

N/A

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

N/A

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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?

At the moment, the only legislative project in the data protection field is the amendment of Law no. 102/2005 regarding the organisa-

tion 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.

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

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, ANSPD-CP 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.

Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

N/A

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This local law information was put together by Reed Smith and Ms. Cristiana Fernbach: [cristiana.fernbach@stratulat-albulescu.ro](mailto:cristiana.fernbach@stratulat-albulescu.ro)

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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

No draft yet.

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Information status

Jan-18

# Overview of the latest development regarding the **national GDPR acts**



## Slovakia

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

16

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

**NO**

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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?

**NO**

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

**NO**

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

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.

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This local law information was put together by Reed Smith and Št?pán Štarha, HAVEL & PARTNERS s.r.o., attorneys-at-law, [stepan.starha@havelpartners.sk](mailto:stepan.starha@havelpartners.sk), +420255000984; Jaroslav Šuchman, [jaroslav.suchman@havelpartners.cz](mailto:jaroslav.suchman@havelpartners.cz)

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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

[Draft bill](#) in Parliament (after 1st reading)

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Information status

Nov-17

# Overview of the latest development regarding the **national GDPR acts**



## Slovenia

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

15

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

**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?

**NO**

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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**

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

Article 11 of the draft law sets out special rules regarding the processing of personal data of deceased persons.

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This local law information was put together by Reed Smith and Ms. Sandra Kajtazovic:  
kajtazovic@rppp.si

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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

Currently we have a draft of the new Personal Data Protection Act ("ZVOP-2")

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Information status

Nov-17

# Overview of the latest development regarding the **national GDPR acts**



## Spain

What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?

13, 14, 16

13

Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

**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?

Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR)?

Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

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. h) Guidance as regards when to conduct a risk assessment. i) Application of the GDPR to the representative when the data controller or data processor is not established in the UE.

This local law information was put together by Reed Smith and Mr. Norman Heckh:nheckh@ramoncajal.com

Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

[Bill](#)

Information status

Jul-17

# Overview of the latest development regarding the **national GDPR acts**

## Sweden

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR? 13, 14, 16

No proposal yet (however, the Report suggests 13) Update 2017-10-17: Nothing new to provide. The suggestion in the report still stands.

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Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

No proposal yet (not mentioned in the Report) Update 2017-10-17: Nothing new to provide.

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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?

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.

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Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

Update 2017-11-02: Yes, minor legislative supplement to the rules in the GDPR.

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Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

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.

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This local law information was put together by Reed Smith and Mr. Björn Heigis: [bjorn.heigis@roschier.com](mailto:bjorn.heigis@roschier.com)

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Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

No draft yet (On 12 May 2017, the Swedish government presented SOU 2017:39 - an official report to propose a new national regulation that supplements the GDPR on a general level (the "Report").) Update 2017-10-17: The [report](#) is still under evaluation and referral.

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Information status

Nov-17

# Overview of the latest development regarding the **national GDPR acts**



## United Kingdom

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What is the age for minor's consent in relation to Information Society Services under Art.8 GDPR?  
13, 14, 16

13

Will there be special rules in your jurisdiction for processing of employment data in implementation of Art. 88 GDPR? Yes, No

**Yes**, special categories of personal data (health & criminal convictions) exempt from obligation to obtain consent. Access rights exempt certain types of employment data

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?

Will there be specific rules in your jurisdiction for the designation of a Data Protection Officer in the implementation of Art. 37(IV) GDPR?

Please name one local "specialty" resulting from the local GDPR adjustment laws in your jurisdiction.

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.

This local law information was put together by Reed Smith and Ms. Cynthia O'Donoghue & Mr. Philip Thomas: [codonoghue@reedsmith.com](mailto:codonoghue@reedsmith.com), [pthomas@reedsmith.com](mailto:pthomas@reedsmith.com)

Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision

[Draft Bill](#) published on 14 September 2016. Bill is currently in the House of Lords.

Information status

Oct-17

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