

GDPR National Legislation Survey

2017



GDPR - National Legislation Survey (May 2017)

Introduction

Less than a year from now, on May 25, 2018, the EU General Data Protection Regulation (GDPR) will directly apply in all EU Member States. The GDPR contains 50+ so-called opening clauses allowing EU Member States to put national data protection laws in place to supplement the GDPR. This survey provides an overview of the current legislative activities in terms of national data protection laws supplementing the GDPR of 27 of the 28 EU Member States (Cyprus is excluded). We will update this survey regularly throughout the coming twelve months.

Survey questions

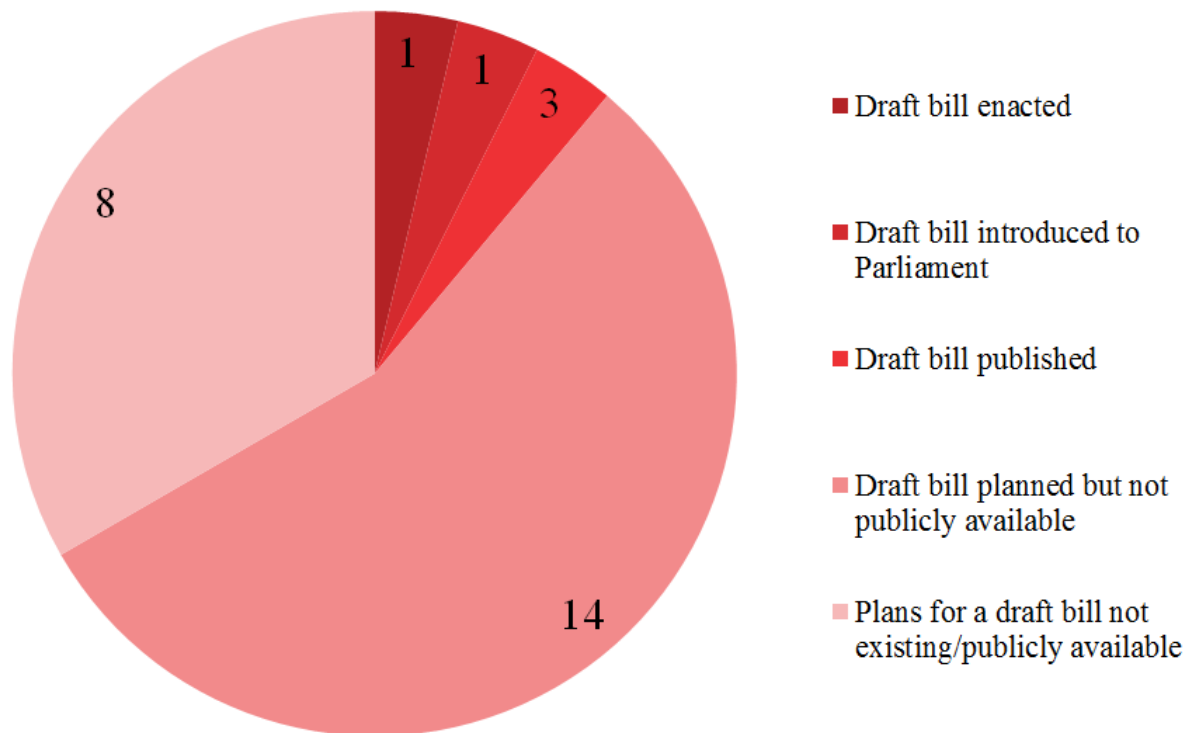
The survey is broken down into three areas:

1. General Approach - Have there been any declarations, comments or other communication of government officials, Members of Parliament or any other parties concerned with the relevant legislative processes regarding national data protection laws supplementing the GDPR that indicate how your jurisdiction intends to deal with:
 - a. its existing data protection laws in view of the GDPR?
 - b. the GDPR's opening clauses?
2. Legislative Steps - Have there been any legislative efforts (discussion papers, ministerial draft bills, drafts introduced by political parties, associations, lobby groups, etc.) to amend/abolish existing data protection laws and/or to introduce new national data protection laws supplementing the GDPR? If yes, what subject matters are covered by those laws? What is the rationale behind the amendment/abolishment/introduction of such laws? Could you please provide the relevant draft bills, etc. and links to such documents, if any.
3. Key Legal Debates - What are the most intensely debated issues in respect of the GDPR in your jurisdiction? Are there any indications on how the national legislature plans to deal with those issues (e.g. establishing more/less strict rules in specific areas)?

Findings

Three bills have so far been published: in Germany (where the bill has been finalized and approved) as well as in Luxembourg and the Netherlands.

Overview over the 27 countries in scope:



For any further questions on the survey, please contact:



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Question 1 - General Approach

<p>Have there been any declarations, comments or other communication of government officials, Members of Parliament or any other parties concerned with the relevant legislative processes regarding national data protection laws supplementing the GDPR that indicate how your jurisdiction intends to deal with:</p> <p>a. its existing data protection laws in view of the GDPR?</p> <p>b. the GDPR's opening clauses?</p>	
Austria	On May 12, 2017, the Austrian Government published a legislative proposal to repeal the existing Data Protection Act 2000 and to adopt a new Data Protection Act that will implement, in the most part, only the mandatory opening clauses.
Belgium	We are not aware of any documents, i.e. draft bills, that have been published in respect of amending or abolishing existing Belgian data protection laws. We, however, understand that a draft bill amending or replacing the current Data Protection Act would be currently discussed at ministerial level.
Bulgaria	<p>There has not been any official opinion or guidelines of the Bulgarian Data Protection Authority (DPA), or government officials, members of parliament or any other parties with respect to the existing data protection laws in view of the GDPR.</p> <p>We are not aware of any declarations, comments or other communication with respect to GDPR's opening clauses.</p>
Croatia	<p>According to the Government's Normative Actions Plan for 2017, the Croatian Government plans to propose the draft Act on Implementation of GDPR in the third quarter of 2017. Furthermore, according to the Croatian Personal Data Protection Agency, the existing Personal Data Protection Act will need to be amended and the provisions incompatible with the GDPR will need to be removed. It is, however, unknown at this point how or when this will be done and what measures, if any, will be imposed by this new Act.</p> <p>At the moment, there is still no information available as to what the approach towards the GDPR's opening clauses will be.</p>
Czech Republic	<p>The Czech Ministry of Interior in cooperation with the Office for Personal Data Protection (DPA) are preparing an amendment to the current Act on Personal Data Protection (Act) and other related laws which will reflect the GDPR. According to a legislative work plan of the Czech Government for 2017, the Ministry of Interior shall submit the draft amendment to the Government no later than 31 August 2017. Following the standard legislative procedure, the amendment is intended to come into force in May 2018.</p> <p>Due to lack of time, the Ministry of Interior suggested to fulfil the legislative obligations in respect of the GDPR by an amendment to the Act, whereas the DPA considered the possibility to come up with a new</p>

	<p>draft bill which would completely replace the existing Act. Eventually, the DPA agreed, however, to only amend the current legislative framework.</p> <p>As the publicly available information regarding the draft amendment is of a general nature, there are currently no suggestions as to how the GDPR's opening clauses will be dealt with.</p>
Denmark	<p>The Danish Data Protection Act will cease to exist as of 25 May 2018.</p> <p>There has not yet been any specific declaration in respect of the GDPR's opening clauses. The first substantive progress is likely to be when draft bills are published in the Autumn.</p>
Estonia	<p>The Estonian Data Protection Inspectorate drafted an overview of the status of implementation of the GDPR in Estonia on 14th October 2016 by which the Estonian Data Protection Inspectorate gave its recommendations on how the GDPR should be implemented in Estonia.¹</p> <p>The Inspectorate also publishes, on an ongoing basis, guidance materials and instructions regarding the GDPR requirements (however, only available in Estonian).² Materials published so far cover the following topics: 1) when is the appointment of a data protection officer required; 2) tasks, knowledge and skills required for data protection officers; 3) what is the right to data portability?; 4) breach notifications; 5) registration of processing activities; 6) data protection by design and by default.</p> <p>However, there have not yet been any public declarations, comments or communication from Estonian legislative bodies that would indicate how Estonia intends to deal with currently existing data protection laws in view of GDPR or with the GDPR's opening clauses. The Estonian Ministry of Justice is currently preparing the draft implementing act and is planning to introduce it by the end of the first half of 2017.</p>
Finland	<p>On February 17, 2016 the Ministry of Justice set up a working group to:</p> <ol style="list-style-type: none"> 1. review the existing Finnish Data Protection Act (that implemented Directive 95/46/EC) in light of the GDPR and to determine whether such general Act on data protection is still needed and if yes, to prepare the required changes to the Act. 2. untangle the GDPR's opening clauses provided to the Member States and propose how these opening clauses will be dealt with. 3. coordinate and co-operate in the preparatory work to implement the required changes to the specific national legislation on the processing of personal data. For example, in the areas of protection of personal data in an employment context or the processing of patient data it is estimated that there are up to seven hundred laws and government regulations in force that regulate the processing of personal data in these cases. Pekka

¹ http://www.aki.ee/sites/www.aki.ee/files/elfinder/article_files/ylevaade_reformist_14102016.pdf.

² <http://www.aki.ee/et/eraelu-kaitse/euroopa-andmekaitse-reform>.

	<p>Nurmi, the head of the working group, provides further background in a blog post.³</p> <p>As of now, there is no further information on the working group's work available. The working group is due to finish its work on 31 May 2017 and then publish the proposed changes in form of a government bill. The webpage of the Ministry of Justice provides some information.⁴</p>
France	<p>The French Government has created a taskforce, led by the Ministry of Justice, to analyse the consequences of the GDPR and to reshape the existing French Data Protection Act ("FDPA"), according to a report published on 22 February 2017. It highlights some concerns regarding the cooperation procedures between the European Data Protection Authorities on sanctions, in particular the figure of the penalties. They will follow the Art. 29 Working Party guidelines and national provisions. Generally speaking, the report emphasised that: <i>"Several concepts referred to in the Regulation will have to be clarified by the Art. 29 Working Party in order to allow a uniform application of the Regulation among the Member States of the European Union."</i></p> <p>The French Data Protection Authority's ("CNIL") annual report, published on 27 March 2017, specifies that a new Data Protection Act must be adopted. A bill will have to be presented by Parliament by June 2017 to ensure the implementation of the GDPR in May 2018.</p> <p>The major changes according to the report are:</p> <ol style="list-style-type: none"> 1. Repeal of articles in the FDPA which conflict with GDPR provisions. For example, Articles relating to data protection definitions, rules and principles, most provisions relating to the rights of individuals and undertakings' obligations. 2. Redefinition of the CNIL's applicable procedures which will be impacted by the GDPR (in particular its sanctions and penalties). 3. Adoption of new provisions on matters covered by the opening clauses, such as: <ol style="list-style-type: none"> a. Art. 8 (1) GDPR (<i>Conditions applicable to child's consent [...] : " Member States may provide by law for a lower age for those purposes provided that such lower age is not below 13 years."</i>) b. Art. 9 (4) GDPR (<i>special categories of personal data</i>) : <i>"Member States may maintain or introduce additional conditions, including limitations, with regard to the processing of genetic data, biometric data or data concerning health."</i> c. Art. 10 GDPR (<i>Processing of personal data relating to criminal convictions and offences</i>) d. Art. 36 GDPR (<i>Prior consultation</i>)

³ <http://oikeusministerio.fi/fi/index/blogi/6Km6t6RUd/2017/vry1Vd3ix.html.stx>.

⁴ http://www.oikeusministerio.fi/fi/index/valmisteilla/lakihankkeet/informaatio-oikeus/henkilotietojensuojakansallisenlainsaadannontarkistaminen_0.html.

Germany	<p>Germany enacted a law (1) to revise the existing Federal Data Protection Act and (2) to introduce a new national data protection law supplementing the GDPR. For further details on the content of the new law, see our response to question 2.</p> <p>As concerns guidance, there is some rather high-level information on the GDPR available, for instance, from the Federal Commissioner for Data Protection and Freedom of Information⁵ as well as more specific guidance issued by the state data protection authorities (DPAs).</p> <p>As an example, the Bavarian DPA regularly releases guidance notes on selected GDPR topics (such as the appointment of data protection officers, privacy impact assessments, codes of conduct, access rights, consent provided by children and international data transfers).⁶ Furthermore, the Bavarian DPA published an outline of the future legal framework for data protection in the employment context in which it also comments on the new national data protection law supplementing the GDPR.⁷</p> <p>The joint body of the 16 German state data protection authorities ("<i>Düsseldorfer Kreis</i>") on 13/14 September 2016, commented on the validity of consent under the GDPR.⁸ According to this guidance, consent legally obtained under the existing German data protection laws shall remain valid under the GDPR in accordance with Recital 171 of the GDPR. Still, the <i>Düsseldorfer Kreis</i> stressed that consent would need to be in line with the requirement of consent being voluntary as well as in line with the national minimum age requirement (16 except as stated otherwise by national law) in order to enjoy validity under the GDPR.</p>
Greece	<p>There have not been any declarations about Greece's existing data protection laws in light of the GDPR.</p> <p>There is, however, a legislative committee looking at opening clauses. Unofficial sources are saying that the work of the committee has fallen behind schedule. They also confirmed that focus has been placed on processing in an employment context and also on the processing of data for scientific/statistical purposes.</p>
Hungary	<p>In January 2017, the Hungarian DPA proposed to the Ministry of Justice the setting up of a common expert working group to discuss legislative steps relating to the GDPR. The DPA has designated its contact persons for the working group. No information is publicly available on whether the Ministry has responded to the DPA's proposal.</p>

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<https://www.bfdi.bund.de/SharedDocs/Publikationen/Faltblaetter/Datenschutzgrundverordnung.html?nn=5217040>.

⁶ https://www.lida.bayern.de/en/privacy_eu.html (English version website with documents available only in German).

⁷ https://www.lida.bayern.de/media/baylda_ds-gvo_20_employment.pdf.

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<https://www.bfdi.bund.de/SharedDocs/Publikationen/Entschliessungssammlung/DuesseldorferKreis/FortgeltungBisherErteilterEinwilligungen.html?nn=5217016>.

	There have not been any other specific declarations regarding the GDPR's opening clauses.
Ireland	<p>It is anticipated that, through the combination of the GDPR and the proposed Irish Data Protection Bill, the existing Data Protection Acts 1988 and 2003 will be repealed.</p> <p>There has not been anything specifically relating to the GDPR's opening clauses (as far as we are aware).</p>
Italy	There have been no official declarations made by those involved in the legislative process.
Latvia	At this stage no information has been made publicly available as to how the Latvian legislature intends to deal with the existing data protection laws in light of the GDPR nor the GDPR's opening clauses.
Lithuania	<p>The Ministry of Justice of the Republic of Lithuania is preparing a draft of data protection laws to ensure compliance with the requirements of the GDPR. The State Data Protection Inspectorate (Inspectorate) is also involved in this process. The suggested amendment project of the Law on Legal Protection of Personal Data (Law on Data Protection) has been prepared by the Inspectorate and submitted to the Ministry of Justice for review and approval. Once the project is approved by the Ministry of Justice it will be made public (i.e. before submitting the project to the Government). However, this project is in very early stages and no information regarding this reform has been announced.</p> <p>The Inspectorate will also submit proposals to amend two Resolutions for the Government of the Republic of Lithuania:</p> <ol style="list-style-type: none"> 1. Resolution of the Government (20 February 2002, No. 262) Regarding the Reorganisation of the State Register of Personal Data Controllers, Approval of its Regulations and of the Procedure of Notification by the Personal Data Controllers of the Processing of Personal Data; 2. Resolution of the Government (25 September 2001, No. 1156) Regarding the structural reform of the State Data Protection Inspectorate, providing authorisation, approval of the State Data Protection Inspectorate's regulation and partial amendment of related resolutions of the Government. <p>The Inspectorate will prepare and approve the following projects on the orders of the Inspectorate's director:</p> <ol style="list-style-type: none"> 1. Confirmation of the notification about data breach rules; 2. Confirmation of the list of processing operations which are subject to a data protection impact assessment; 3. Confirmation of accreditation criteria; 4. Confirmation of the certification criteria; 5. Confirmation of the accreditation criteria of the certification offices; 6. Confirmation of the standard data protection conditions.

	<p>Other legislation will be drafted, amended or repealed as needed.</p> <p>No further information relating to opening clauses is available.</p>
Luxembourg	<p>The Luxembourg Government and the National Commission for Data Protection (CNPD) confirmed that GDPR will fully apply in Luxembourg law. Thus, the already existing 2002 Luxembourg Data Protection Act will be amended and/or repealed.</p> <p>There has been no indication as to how the Luxembourg government intends to deal with the opening clauses to the GDPR yet.</p>
Malta	<p>No official communication has been issued to date.</p>
Netherlands	<p>In February 2017, a draft Act to adapt existing data protection laws in line with the GDPR was published for public consultation, but was then declared 'controversial' and will hence only be discussed after the new administration has taken over the reigns. The process of formation of a new government is still ongoing so the expectation is that it will be a couple of months before the Act will be voted on in Parliament.</p> <p>Previously, on 9 December 2016, the Dutch government published a draft bill proposing a Dutch GDPR Implementation Act (<i>Uitvoeringswet Algemene verordening gegevensbescherming</i>) on the official government website. The Dutch GDPR Implementation Act (Implementation Act) is a ministerial draft bill and was open for consultation until 20 January 2017. The consultation round resulted in 67 responses (NB: online consultation rounds are open to the public). The Implementation Act seeks to implement the GDPR as of 25 May 2018 (the same day as the GDPR enters into force).</p> <p>With regard to existing Dutch data protection laws in view of the GDPR, the Implementation Act determines that the draft bill aims to replace the Dutch Personal Data Protection Act. The Netherlands intends to deal with the GDPR's opening clauses in the draft bill. With regard to the opening clauses, it is stated on the government website that when implementing European regulations (in general), the starting point is "policy neutrality". This means that current national law will be maintained, insofar as this is possible in light of the specific regulation.</p>
Poland	<p>The Polish Ministry of Digitisation (Ministry) is working on the adaptation of Polish legislation in line with the provisions of the GDPR. Initially, the Ministry has organised several meetings with various industry associations and bodies to discuss the shape and scope of the required changes in national data protection law. According to public statements as well as some unofficial information, the planned changes will include, among others, the following:</p> <ol style="list-style-type: none"> 1. introducing a new data protection authority, 2. a special procedure for issuing decisions by the supervisory authority, including imposing fines and penalties, 3. sector specific provisions, 4. opening clauses, in particular a clause based on Art. 8 (1) GDPR.

	<p>However, the first draft of the law made available for consultation at the end of March was heavily focused on procedural issues around the creation and powers of the new data protection authority. An amended and expanded version of the draft is expected in July/August 2017.</p>
Portugal	<p>There have been informal comments at public conferences in relation to the GDPR where the President of the Portuguese Data Protection Authority (CNPD) mentioned that the existing data protection laws would likely be amended or replaced. In relation to the GDPR's opening clauses, the President of the CNPD mentioned that these would likely be addressed in future legislation and/or recommendations.</p>
Romania	<p>According to publicly available sources, no such declarations/comments/communications have been made by those involved in the legislative process.</p>
Slovakia	<p>On 7 November 2016, the Slovak Office for Personal Data Protection (DPA) published "preliminary information" on a new Act on Personal Data Protection which is a general document containing basic facts underlying the proposed legislation (the draft bill has not yet been published).</p> <p>The National Union of Employers has stated in its official comment on the "preliminary information" that the GDPR's opening clauses should only be used where it is necessary, without imposing additional administrative burden on the parties concerned. We have however not found any declarations of government officials or the DPA in respect of the opening clauses.</p>
Slovenia	<p>There has not been any official communication from government officials and Members of the Parliament. Only the Information Commissioner (<i>Informacijski pooblaščenec</i>) has recently made a statement on its webpage outlining the role of the GDPR and its most important implications. The statement is focused on the increased scope of rights of the data subject, new obligations of the data controllers (e.g. data breach notification duty), the one-stop-shop principle and codes of conduct.</p> <p>Until now there has not been any official communication with regard to the GDPR's opening clauses. The competence for preparation of legislative acts is given to the Slovenian Ministry of Justice (<i>Ministrstvo za pravosodje</i>), which has not yet began the preparation. According to an explanation of a responsible person at the Ministry of Justice, the Ministry is planning to prepare a new Personal Data Protection Act (<i>Zakon o varstvu osebnih podatkov</i>), the scope of which will be limited to the matters under the opening clauses of the GDPR. The public consultations are planned to start in September 2017 and the new Act should be adopted by May 2018.</p>
Spain	<p>No draft bill of the new local data protection law has been published yet. A draft bill is expected to be published within the next weeks.</p> <p>The Director of the Spanish Data Protection Agency has stated that they intend to pass a new local data protection law to further</p>

	<p>supplement the GDPR. This would probably mean the abolishment of the current Spanish Data Protection Act.</p> <p>There has been no official announcements regarding the GDPR's opening clauses. However, the Spanish Data Protection Agency has published some guidelines regarding the duty of information towards data subjects, the drafting of contracts between data controllers and data processors, and anonymisation.</p>
Sweden	<p>The government's view is that the current Swedish Personal Data Act (PDA), based on Directive 95/46/EC and the Swedish Data Inspection Board's regulations issued under the PDA, will have to be repealed and replaced by the GDPR and that supplemental national law is required.</p> <p>The government has appointed several committees which are tasked with investigating the necessary national adaptations and supplements to the GDPR. A committee report was released 12 May 2017 containing a proposal for a new Swedish Data Protection Act supplementing the GDPR. For further details on the content of the proposal, see our response to question 2.</p>
UK	<p>With the GDPR taking effect from 25 May 2018, an important question for the United Kingdom is the GDPR's application following the vote to leave the European Union. As the GDPR takes effect before the UK has left the EU, a key question for the UK is how EU legislation will be implemented post-Brexit. The Government announced in December 2016 its intention to apply the GDPR from May 2018, which will mean the GDPR will be in force before the UK has left the EU.</p> <p>The ICO has issued a guide titled "Preparing for the General Data protection Regulations (GDPR) : 12 steps to take now" and continues to provide consultation documents on GDPR topics. The current Data Protection Act 1998 will be replaced by the GDPR. The ICO has commented that the data protection principles set out in the GDPR are similar to those in the Data Protection Act, but that the GDPR adds a certain degree of detail and a new accountability mechanism. For example, the ICO has said that the UK will need to refresh its approach to consent as the GDPR is more prescriptive.</p> <p>When the GDPR was finalised, the Government said that it will make use of the opening clause for consent found in Article 8 (1) and reduce the age of consent to 13. In the ICO's recent consultation document on consent, there is an indication that the age of consent will be lowered to 13.</p> <p>On 12 April 2017, the Department of Culture, Media and Sports (DCMS) released a consultation paper seeking views on the GDPR derogations. The consultation closed on 10 May 2017 and the responses are currently being considered.</p> <p>techUK's response to the DCMS consultation paper is provided below.</p>

	<div><p>techUK response to DCMS Call for Views c</p></div>
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Question 2 - Legislative Steps

Have there been any legislative efforts (discussion papers, ministerial draft bills, drafts introduced by political parties, associations, lobby groups, etc.) to amend/abolish existing data protections laws and/or to introduce new laws in light of the GDPR?


If yes, what subject matters are covered by those laws? What is the rationale behind the amendment/abolishment/introduction of such laws?

Could you please provide the relevant draft bills, etc. and links to such documents, if any.

Austria	<p>Yes, the Austrian Government has published a legislative proposal.⁹</p> <p>The rationale is that the existing Data Protection Act 2000 is becoming largely obsolete with the start of the application of the GDPR.</p>
Belgium	<p>The Belgian Data Protection Authority (the Belgian Privacy Commission) is quite active regarding the GDPR and dedicated a new section on its website for the GDPR, including (i) practical guidance in 13 steps for businesses to prepare for the GDPR, (ii) FAQs in relation to certain aspects of the GDPR, (iii) a draft recommendation on data protection impact assessment, including a public consultation, etc.</p> <p>We are not aware of any indication from the Belgian legislator in respect of dealing with the above issues.</p>
Bulgaria	<p>In view of the current political status in Bulgaria and the upcoming elections for Members of the Parliament, there have not been any legislative efforts.</p>
Croatia	<p>There have been no legislative efforts thus far to amend/abolish existing data protection laws.</p>
Czech Republic	<p>Currently, there are no publicly available drafts of laws nor any discussion papers. Once a draft has been submitted to the Government, the amendment will be published on the Government's website during September 2017.</p> <p>The Ministry of Interior has decided to amend the existing data protection laws instead of introducing new legislation.</p>
Denmark	<p>Any legislative efforts are expected to be after May 2017, possibly in Autumn 2017.</p>
Estonia	<p>There have been no legislative efforts to amend/abolish data protection laws and/or to introduce new laws in light of the GDPR, except from Estonian Data Protection Inspectorate who has published recommendations on how GDPR should be implemented in Estonia.¹⁰</p>

⁹ https://www.parlament.gv.at/PAKT/VHG/XXV/ME/ME_00322/index.shtml

¹⁰ http://www.aki.ee/sites/www.aki.ee/files/elfinder/article_files/ylevaade_reformist_14102016.pdf.

Finland	<p>The Ministry of Justice has written on its website that the working group that has been set up shall take into consideration the current Government Program's objective to abstain from passing additional national legislation in implementing EU regulation and thus also consider whether some of the current sector-specific legislation could be given up.¹¹</p> <p>Other than what is stated above and in Question 1, there has been a public debate on the GDPR but only a few pressing comments on the expected legislative steps. The debate may become more detailed once there are concrete official initiatives that could be subject to such debate.</p>
France	<p>The "Digital Republic Act" (Lemaire Law) of October 7, 2016 already anticipates some provisions of the GDPR, such as:</p> <ul style="list-style-type: none"> a. Right to be forgotten; b. the right for individuals to give instructions relating to the storage, erasure and disclosure of their personal data after their death; c. Increased sanctioning powers for the CNIL: maximum fines are increased from €150,000 to €3 million in case of data protection infringements; d. Right to portability. <p>Please find below (in French language only) :</p> <ul style="list-style-type: none"> ○ the Lemaire Law¹² ○ the parliamentary information report¹³ concerning the consequences of the GDPR vis-à-vis the actual regulatory framework regarding data protection ○ the CNIL annual report¹⁴
Germany	<p>The German lawmakers on May 12, 2017 passed a bill that shall revoke the existing Federal Data Protection Law (FDPA - <i>Bundesdatenschutzgesetz</i>) and enacts a new national data protection law supplementing the GDPR (Amendment Act). The Amendment Act had already been passed by the German parliament (<i>Bundestag</i>) on April 27, 2017, and was approved by the Federal Council representing the German states in the national legislative process (<i>Bundesrat</i>).</p> <div style="text-align: center;">  <p>Draft Bill Germany, April 2017</p> </div> <p>The German legislature has made extensive use of opening clauses.</p>

¹¹ http://www.oikeusministerio.fi/fi/index/valmisteilla/lakihankkeet/informaatio-oikeus/henkilotietojensuojakansallisenlainsaadannontarkistaminen_0.html.

¹² https://www.legifrance.gouv.fr/affichTexte.do;jsessionid=495DC3C1DF411A0623D70A87FCB381EA.tpdila08v_3?cidTexte=JORFTEXT000033202746&categorieLien=id.

¹³ <http://www.assemblee-nationale.fr/14/pdf/rap-info/i4544.pdf>.

¹⁴ https://www.cnil.fr/sites/default/files/atoms/files/cnil-37e_rapport_annuel_2016.pdf.


	<p>Some notable provisions of the Bill relate to:</p> <ul style="list-style-type: none"> • <i>Protection of Employee data</i> <p>Comprehensive rules on data protection in the employment context have been established. Those rules seemingly build on the current rules under the FDPA as well as the rules and legal opinions that had been formed by German legal literature, courts and DPAs. The Amendment Act specifies the requirement for consent being voluntary and allows for the processing of sensitive personal data of employees for purposes of an employment relationship if such processing is required in order to exert rights or comply with duties under employment law, social law or social protection law and if there is no overriding interest of the data subject.</p> <ul style="list-style-type: none"> • <i>Data protection officer</i> <p>The Amendment Act retains the currently existing thresholds and criteria for the requirement to appoint a DPA. Hence, a company will remain to be required to appoint a DPA if it permanently employs at least 10 employees who are concerned with the automated processing of personal data.</p> <ul style="list-style-type: none"> • <i>Data protection officer</i> <p>Data subject rights, such as right of information, right of access and right to be forgotten are further restricted. For example, right of access is restricted if the personal data is only stored for compliance with statutory or contractual retention obligations or if the personal data only serve the purpose of data security and data protection control. Right of erasure does not apply if erasure requires an unreasonably high effort due to the specific type of storage.</p>
Greece	A legislative committee has been set up regarding GDPR's opening clauses, but for the time being no (official or unofficial) draft has been published/ leaked or publicly discussed.
Hungary	There have been no announcements.
Ireland	The Irish government has published details of the proposed Data Protection Bill, to give full effect to the GDPR and also to transpose Directive 2016/680 ¹⁵ . A summary of the proposals is also available ¹⁶ .
Italy	The Italian Data Protection Authority (<i>Garante per la Protezione dei Dati Personali</i>) has published documents on its website summarising



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[http://www.justice.ie/en/JELR/General_Scheme_of_Data_Protection_Bill_\(May_2017\).pdf/Files/General_Scheme_of_Data_Protection_Bill_\(May_2017\).pdf](http://www.justice.ie/en/JELR/General_Scheme_of_Data_Protection_Bill_(May_2017).pdf/Files/General_Scheme_of_Data_Protection_Bill_(May_2017).pdf).

¹⁶

http://www.algoodbody.com/insightspublications/General_Scheme_of_Data_Protection_Bill_Published_2017.

	main changes introduced by GDPR. In particular, said documents provide a description of the data protection officer role, data breach notifications and the right of data portability. However, these information documents only summarise relevant topics and do not provide for guidelines or practical advice on GDPR implementation.
Latvia	The Latvian data protection authority, Data State Inspectorate (DSI), has indicated that at the moment discussions between the DSI and the Ministry of Justice regarding the implementation of the GDPR are taking place, however, no publicly available drafts have been created or issued. The DSI also informally indicated that the first drafts might be made publicly available in Summer 2017, however no definitive timeline has been set yet. Thus, at this stage it is not possible to predict whether the existing Personal Data Protection Law will be amended or replaced by a new law in light of the GDPR.
Lithuania	No legislative efforts have been announced, however the Ministry of Justice and the State Data Protection Inspectorate are preparing a draft of data protection laws to ensure they meet the requirements of the GDPR.
Luxembourg	<p>There is a bill in Parliament which is still subject to discussions and debates and has not been approved yet. This bill mainly concerns the amendment of the existing law regarding data collection and data surveillance. The CNPD recently gave positive feedback on the bill.</p> <p>The rationale for this is administrative simplification and better protection of the data subject. It aims at giving the CNPD greater power to control the way data is collected and processed, while reducing the administrative burden by reducing the cases where an authorisation has to be sought from the CNPD.</p> <p> Project Bill dated 31 August 2016 amending</p>
Malta	There has been nothing announced as the GDPR will be directly applicable in Member States with effect from 25 May 2018.
Netherlands	<p>On 9 December 2016, the Dutch government published a ministerial draft bill (freely translated the “Implementation Act regarding the General Data Protection Regulation”) on the official government website.</p> <p>The aim of the Implementation Act is to implement the GDPR in policy-neutral way. In order to implement the GDPR in our national legislation, the draft bill aims to replace the Dutch Personal Data Protection Act (and intends to follow the Dutch Personal Data Protection Act as close as possible, with two specific exceptions: (a) changes as to how appointments are made at the competent supervisory authority; and (b) processing of biometric data for the sole purpose of identifying a natural person will be allowed).</p>

	 Wet en mvt uitvoering verordenin
Poland	<p>The Ministry of Digitisation is currently working on adapting Polish legislation to bring it in line with the provisions of the GDPR. As an initial step, the Ministry has asked other Ministries to review the laws regarding the sectors which they oversee. The aim of this exercise was to identify if any changes to those laws would be required. From the market, we learned that certain lobby groups (e.g. the insurance sector) have contacted the Ministry to advocate for changes or adjustments which they would like to see implemented (e.g. profiling exceptions for banking and insurance sectors). The results of this have not been publicly shared.</p> <p>Instead, a working draft of the new provisions of the Act on Personal Data Protection (the "Draft") was issued by the Ministry for public consultation.</p>  projekt_ustawy_o_o chronie_danych_osot
	<p>The regulatory issues covered by the Draft include, in particular:</p> <ol style="list-style-type: none"> 1. the powers of the newly established supervisory authority - Office for the Protection of Personal Data (the "Office"), including the rules of supervision of the protection of personal data by the Office and the procedure for issuing decisions by the Office; 2. civil liability for infringement of personal data laws; 3. accreditation of certification bodies and the new certification procedure for data controllers and processors; 4. appointment and notification of data protection officers; 5. opening clause based on Art. 8 (1) GDPR, lowering the child's age to 13 years. <p>To some disappointment, the draft focused rather on procedural issues around the creation and powers of the supervisory body, rather than opening clauses. The Draft received mixed opinions among Polish data protection professionals. Just to name a few, the creation of the new authority (the Office) and its powers and the discrepancies in the amounts of cash penalties for the breach of personal data protection law between public and private entities were the changes most often commented on. Therefore, after some criticism, the Ministry confirmed that the proposal would be revised and a new one shall be published in July/August 2017.</p>
Portugal	There have been no legislative efforts in Portugal.
Romania	According to publicly available sources, no such legislative efforts have been made yet in Romania.

Slovakia	<p>According to the “preliminary information”, the existing Data Protection Act should be abolished and replaced by new legislation to meet the requirements set out in the GDPR. In addition, the “preliminary information” emphasises the need to amend special laws governing the processing of personal data of individuals to prevent non-compliance with general data protection legislation. The exhaustive list of the laws that need to be amended is being prepared in cooperation with respective authorities.</p> <p>The “preliminary information” is very general in terms of the regulated areas. The draft bill should reflect new rules introduced by the GDPR, regulate procedural rules and status of the authority supervising the personal data protection, as intended by the GDPR, as well as reflect the decision-making practice of the DPA.</p>
Slovenia	There have not been any legislative efforts.
Spain	<p>The Ministry of Justice launched a public consultation to gather opinions on how to adopt the GDPR. However, neither the draft of the new local regulation nor the conclusions of the public consultation has been published. Additionally, a new local data protection regulation is currently being drafted.</p> <p>From the statements made by Director of the Spanish Data Protection Agency and several civil servants of the Spanish Data Protection Agency the local regulation will mainly aim to further develop and complement the GDPR when necessary and to abolish local regulation that might not be aligned with the GDPR.</p> <p>The Ministry has not yet published the draft of the regulation.</p>
Sweden	<p>There are no draft laws available yet. Government-appointed committees are currently working on preparing proposals for new laws based on the instructions provided by the government. The first proposal was issued 12 May 2017¹⁷ and is currently sent out on referred for consideration to the relevant bodies. The proposal is to replace the current Swedish Personal Data Act with a new Data Protection Act. The deadline for responses to the referral is set to 1 September 2017. When the referral bodies have submitted their comments, the ministry responsible drafts the bill that will be submitted to the parliament. Some notable provisions of the proposal relate to:</p> <ul style="list-style-type: none"> • <i>Children’s consent (Article 8 GDPR)</i> <p>The committee proposes that the age limit for children’s consent should be lowered to 13 in Sweden. For younger children, consent must be given by a custodial parent or the child’s consent must be approved by the custodial parent.</p> <ul style="list-style-type: none"> • <i>Processing of sensitive (special categories) personal data</i>

¹⁷ <http://www.regeringen.se/49a184/contentassets/e98119b4c08d4d60a0a2d0878990d5ec/ny-dataskyddslag-sou-201739>

	<p><i>(Article 9 GDPR)</i></p> <p>The committee proposes that in addition to the exemptions for processing of special categories of personal data support should be introduced in the Data Protection Act with regard to necessary processing of personal data in the area of employment law, health and medical care, social care, archive activities and statistics activities.</p> <ul style="list-style-type: none"> • <i>Processing of personal data concerning criminal offences (Article 10 GDPR)</i> <p>The committee proposes that that authorities should continue to be able to process personal data that concerns criminal convictions and offences or coercive measures under criminal law. For actors other than authorities to be able to process such data, there must be explicit support in an act or ordinance or in regulations or administrative orders issued by the Swedish Data Protection Authority.</p> <ul style="list-style-type: none"> • <i>Access to personal data (Article 15 GDPR)</i> <p>The committee proposes that the right to information and access to the personal data should not apply to data that is subject to secrecy regulations. As a general rule, the right to access to the personal data should not apply to personal data contained in running texts that constitute rough drafts or notes. Furthermore, the right to access to the personal data, rectification, etc. is to be restricted as regards personal data contained in archive material received for storage by the National Archives and other archiving authorities.</p> <p>The key ongoing investigations can be summarised as:</p> <ol style="list-style-type: none"> 1. The investigation regarding personal data processing within the education sector (report to be issued 1 June 2017) – This committee has been appointed to investigate which method for regulating of personal data processing within the education sector is possible and may be required in addition to the GDPR. 2. The investigation regarding personal data processing for research purposes (first report to be issued 1 June 2017, final report 8 December 2017) - This committee has been appointed to investigate which method for regulating of personal data processing for research purposes is possible and may be required in addition to the GDPR. 3. The investigation regarding the Data Protection Regulation – processing of personal data and adaptations within the Ministry of Health and Social Affairs Areas (report to be issued 31 August 2017) - This committee has been appointed to investigate the consequences of the GDPR within the areas of
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	<p>the Ministry of Health and Social Affairs and the adaptations required. This will for example cover the current Patient Data Act which sets out specific rules for health care providers' processing of personal data.</p> <p>4. The investigation regarding camera surveillance – crime prevention and data privacy (report to be issued 15 June 2017) – This committee has been appointed to analyse how the Camera Surveillance Act, rules regarding secrecy for data collected through camera surveillance and the supervision in this area must be adapted to the GDPR and Council Framework Decision 2008/977/JHA.</p> <p>Please find below the instructions provided to the committees for the investigations summarised above.</p> <ul style="list-style-type: none"> • <u>The investigation regarding personal data processing within the education sector¹⁸</u> • <u>The investigation regarding personal data processing for research purposes¹⁹</u> • <u>The investigation regarding the Data Protection Regulation – processing of personal data and adaptations within the Ministry of Health and Social Affairs Areas²⁰</u> • The investigation regarding camera surveillance – crime prevention and data privacy (<u>original instructions²¹</u> and <u>additional instructions²²</u>)
UK	<p>The Government published the Great Repeal Bill White Paper on 30 March 2017 detailing its plans in relation to EU legislation and how it will be applied in the UK post-Brexit. There is no specific mention of particular data protection legislation but the Government intends to use the Bill to convert EU law as it stands at the moment of exit into UK law before leaving the EU. There will, however, be powers to make secondary legislation to enable any corrections to laws that would otherwise not operate outside the EU legal framework. Taking the GDPR as an example, it will be converted into domestic law and, for example, references to the European Data Protection Board may be amended using secondary powers.</p>

¹⁸ http://www.regeringen.se/globalassets/regeringen/dokument/utbildningsdepartementet/barn--och-ungdomsutbildning/kommittedirektiv-personuppgiftsbehandling-inom-utbildningsomradet.pdf?_sm_au=iVV765pS17FW757Q.

¹⁹ http://www.regeringen.se/49f5af/contentassets/dafbb9ebfa5d449c8a0c56c852b4bb11/kom.dir.-2016_65-personuppgiftsbehandling-for-forskningsandamal-trycklovsversion-160707_webb.pdf?_sm_au=iVV765pS17FW757Q.

²⁰ http://www.regeringen.se/contentassets/ef9f33eb227540b6bc8c54c004d5bc77/dataskyddsförordningen--behandling-av-personuppgifter-och-anpassningar-av-författningar-inom-socialdepartementets-verksamhetsomrade.pdf?_sm_au=iVV765pS17FW757Q.

²¹ http://www.regeringen.se/493b65/contentassets/85d73a5e3e9c46bbb0725901752edb92/kommittedirektiv-kameraovervakning_webb.pdf?_sm_au=iVV765pS17FW757Q.

²² http://www.regeringen.se/49e528/contentassets/b375b0e0bdae4f3e9f35b222a82ceae0/tillaggsdirektiv-till-utredningen-om-kameraovervakning--brottsbekampning-och-integritetsskydd-ju-201514-dir.-201654?_sm_au=iVV765pS17FW757Q.

Question 3 - Key Legal Debates

What are the most intensely debated issues in respect of the GDPR in your jurisdiction?	
Are there any indications on how the national legislature plans to deal with those issues (e.g., establishing more/less strict rules in specific areas)?	
Austria	Whether to extend the obligation to appoint a DPO beyond the cases set out in the GDPR.
Belgium	<p>The Belgian Data Protection Authority (the Belgian Privacy Commission) is quite active regarding the GDPR and dedicated a new section on its website for the GDPR, including (i) practical guidance in 13 steps for businesses to prepare for the GDPR, (ii) FAQs in relation to certain aspects of the GDPR, (iii) a draft recommendation on data protection impact assessment, including a public consultation, etc.</p> <p>We are not aware of any indication from the Belgian legislature in respect of dealing with the above issues.</p>
Bulgaria	We are not aware of any debated issues in respect of the GDPR.
Croatia	There are currently no intensely debated issues in respect of the GDPR in Croatia and as such, there are no indications from the legislature on this.
Czech Republic	<p>Generally, the most intensely debated issues include application of the rules which have been introduced by the GDPR and their implementation by the parties concerned, in particular, their technical and organisational feasibility.</p> <p>As regards content of the amendment, the DPA has claimed that the amendment should deal with the status of the administrative bodies independent of the Government in the following areas:</p> <ol style="list-style-type: none"> 1. status in relation to the Government (including participation in meetings of the Government); 2. status in relation to the Chamber of Deputies; and 3. cooperation with the Ministries (e.g. approach to the birth identification numbers). <p>Further information will be available after publication of the draft amendment.</p>
Denmark	<p>The most intensely debated issues include the levels of fines, whether public authorities will be subject to fines, the obligation to appoint a DPO (which organisations will be under an obligation to appoint a DPO), sector-specific regulation (banking, health etc.).</p> <p>There have not been any indications as to how the Danish legislature wishes to deal with these issues.</p>
Estonia	There have not yet been any legislative efforts to amend/abolish existing data protection laws or to introduce new laws in the light of

	<p>the GDPR. Therefore, there have not yet been key legal debates regarding the GDPR. However, in the public media, the most debated issues concern the increased administrative fines.</p> <p>Also, it has been discussed that the Estonian Code of Misdemeanour Procedure (Code) will be amended in relation to the implementation of GDPR. Currently the Code does not allow for administrative fines as set out in GDPR. However, no draft amendments have been issued and therefore it is not clear how exactly the Code will be amended.</p>
Finland	<p>During the preparation of the GDPR, Finland made an effort to make sure that the provisions of the GDPR will enable the continuation of biobanking, compilation of wage statistics and genealogy. Particularly, Finland wanted to retain the transparency of administration by making sure that the GDPR will not affect the principle of publicity and the public's right to access official documents.</p>
France	<p>For now, there is no legal debate concerning the GDPR. However, in June 2016, the CNIL launched a public consultation on the right to data portability, the data protection officer, data protection impact and assessment and certification labels.</p> <p>In November 2016, the CNIL published the results²³ of the June 2016 public consultation. On 10 April 2017, the CNIL issued a press release²⁴ where it informed that the Art. 29 Working Party had adopted (during collaborative workshops organised in Brussels on 5th and 6th April 2017) "a final version of its first guidelines for professionals on data portability, DPO and lead authority".</p> <p>In addition, on 23 February, 2017, the CNIL launched an online public consultation²⁵ on three topics identified by the Article 29 Working Party in its 2017 action plan for the implementation of the GDPR. The three topics are consent, profiling and data breach notification.</p> <p>On 23 May 2017, the CNIL issued a press release²⁶ wherein was published a summary report²⁷ of the 396 online contributions it received concerning these three topics. The CNIL stated that guidelines concerning consent, profiling and data breach notification are under development and that final guidelines concerning PIA are expected to be published in September.</p> <p>The parliamentary information report²⁸ only states that the application of the GDPR as from May 2018 makes it necessary to adapt the actual national Data protection regulation: "the forthcoming interruption of parliamentary work will require the revision of the [FDPA] from the beginning of the new legislature and it is essential</p>

²³ https://www.cnil.fr/sites/default/files/atoms/files/resultats_de_la_consultation_publique_reglement_0.pdf.

²⁴ <https://www.cnil.fr/fr/communiqu-de-presse-pleni-re-du-g29-davril-2017>

²⁵ <https://www.cnil.fr/fr/consultation-reglement-europeen>.

²⁶ <https://www.cnil.fr/fr/consentement-profilage-notification-de-violations-synthese-de-la-consultation-sur-le-reglement>

²⁷ https://www.cnil.fr/sites/default/files/atoms/files/syntheseglobale_consultation.pdf

²⁸ <http://www.assemblee-nationale.fr/14/pdf/rap-info/i4544.pdf>.

	<p><i>that a draft law can be tabled by June 2017".</i></p> <p>The Lemaire Law already went further than the GDPR by providing a new right for individuals to give instructions relating to the storage, erasure and disclosure of their personal data after their death (reference to Recital 27 GDPR).</p>
Germany	<p>There is a broad range of discussions relating to the GDPR. Criticism is typically voiced either regarding the lack of practicality and/or legal certainty (companies' perspective) or regarding the use of opening clauses that is feared to undermine the level of data protection provided for in the GDPR (a perspective often assumed by DPAs and consumer protection associations). A lot of discussions revolve around new elements such as data protection impact assessments and data portability.</p>
Greece	<p>Data security. There is no specific indication regarding how this will be dealt with. However, the Greek DPA generally tends to adopt strict views.</p>
Hungary	<p>The most intensely debated topics include data breach notification, PIA and DPA notifications.</p> <p>There have been no indications on how to address the above, however, the president of the Hungarian DPA, Mr. Attila Péterfalvi, made an unofficial comment that the Hungarian DPA would like to retain the national data protection register even after the GDPR becomes applicable.</p>
Ireland	<p>The main areas that we are seeing debated relate to the greater accountability for controllers and processors under the GDPR, the need to appoint data protection officers (and merits of voluntarily appointing DPOs), how to go about implementing privacy by design and the implications of the right to be forgotten and data portability. There have not yet been any indication on how the Irish legislator plans to deal with these issues.</p>
Italy	<p>Since no official declarations have been made by parties or authorities involved in the legislative processes, under a practical perspective, the most debated points concern:</p> <ol style="list-style-type: none"> 1. the appointment of the data protection officer and, in particular, the technical background (i.e. legal or IT) required to cover this role and the level of DPO's independence; 2. the notification of a data breach and the formalities required to comply with this obligation; 3. whether or not mandatory provisions and guidelines provided by the Italian Data Protection Authority prior to the GDPR's implementation (such as provision on cookies, marketing, profiling, video-surveillance, banking, employees' remote control) will remain in force after May 2018. <p>No official declarations have been made by parties or authorities involved in the legislative processes.</p>

Latvia	<p>Since the current personal data protection system involves registration of specific types of data processing operations and an extensive supervision of data processing by the DSI, it will be interesting to see whether some sort of data processing registration/notification system will be retained by the Latvian legislature.</p> <p>There are no indications in this respect. However, given that the Latvian legislature and authorities often tend to apply stricter rules than provided under harmonised EU Law and taking into account that the current notification (registration) procedure is more stringent and cumbersome than in other EU jurisdictions, it is possible that some sort of narrower notification system or other more stringent rules will be retained/applied in Latvia.</p> <p>As transpires from the answers above, at the moment there have not yet been either any public discussions or any legislative efforts in regard to the implementation of the GDPR. The DSI informally indicated that some issues for public discussion might be made available in Summer 2017, however no definitive timeline has yet been set.</p>
Lithuania	<p>Naturally, the drastically increased fines have raised the most debates in our jurisdiction as businesses are worried about the possibility of fines in a field which is still rather unclear. There were also debates on how new data subject rights introduced by the GDPR – right to data portability and right to be forgotten will have to be implemented. Such areas as stricter requirements for consent, requirements for child's consent and the scope of application of the GDPR have been discussed and identified as the most important upcoming changes.</p> <p>Unfortunately, this information will likely be available only in the later stages of amending the Law on Data Protection.</p>
Luxembourg	<p>There have not yet been any detailed or official indications or topics.</p> <p>There only is a general statement of the Luxembourg prime minister who confirmed that Luxembourg will welcome and apply the GDPR as an opportunity to increase the protection of customers.</p>
Malta	<p>The most intensely debated issues are:</p> <ul style="list-style-type: none"> (i) The definition of consent: Consent will now have to be proven by the data controller and will be made “by a statement or by a clear affirmative action” (Article 4(11), Regulation 2016/679). (ii) The right to erasure ('right to be forgotten'): Where there is no further legal ground for processing personal data, data subjects may request removal of their personal data “without undue delay” (Article 17, Regulation 2016/679). Organisations must therefore have the technical capacity and procedures in place to enable the removal of personal data based on a

	<p>request made under Article 17 of the Regulation.</p> <p>(iii) The increased responsibility on Data Processors: The Regulation aligns the rights and obligations of the data processor with those of the data controller. In particular, the Regulation introduces the concept of “joint and several liability” for damage suffered by the data subject. (Article 82(1), Regulation 2016/679). This means that in the event of a breach, the data subject can pursue either the data controller or processor or both parties. This may create legal uncertainty if not tackled in a back-to-back agreement between the data processor and data controller.</p> <p>(iv) The obligation to notify data protection breaches: Notification which is currently contained to the telecommunication sector by virtue of ePrivacy Directive, will apply to breaches for processing personal data following 25th May 2018. (Articles 33 and 34, Regulation 2016/679).</p> <p>(v) Cross-border transfers of personal data outside the EU: Following the CJEU <i>Schrems vs Data Protection Commissioner (Ireland)</i> judgment (6th October 2015) challenging the adequacy of the Safe Harbor standard contractual clauses, standard contractual clauses such as the EU Privacy Shield are also still debatable.</p> <p>(vi) Privacy Impact Assessments: These will now be mandatory pursuant to Article 35 of Regulation 2016/679.</p> <p>No official communication has been issued to date.</p>
Netherlands	Please see the answer for Question 2.
Poland	<p>The most intensely debated issues are as follows:</p> <ol style="list-style-type: none"> 1. New personal data protection authority - The Office. It seems that due to some political issues, the current data protection authority GIODO will be dissolved and replaced by a new authority. 2. Profiling, in particular the need for sector specific exceptions e.g. for banks and insurance companies in order to conduct scoring and anti-fraud. 3. Right to be forgotten - in particular in relation to backed up data. 4. Scope of employee data which could be collected and processed in the employment context. 5. Accreditation and certification procedure. 6. Personal data protection infringement proceedings. 7. Criminal sanctions, administrative fines and civil liability for infringement. 8. Verification of age limit and requirements for consent of the parent or legal guardian.

Portugal	<p>Changes to the structure and organisation of CNPD; Criminal Sanctions; Processing of HR Data; Data Protection Officer role and requirements.</p> <p>There have been no indications as to how the Portuguese legislature will deal with these issues.</p>
Romania	<p>According to non-official information received from the representatives of the Romanian Data Protection Authority ("RDPA"), the most intensely debated aspects are inter alia related to (i) the sanctioning regime that will be applied in Romania, including the procedure for applying such sanctions; (ii) whether the notification system should be maintained or the rules from the GDPR should be completely adopted or (iii) the obligations of data controllers and data processors.</p> <p>There are no such indications. However, according to non-official information received from the representatives of the RDPA, such authority is planning to organise in the following period some training sessions for its representatives, in order to establish a general and uniform approach to be adopted further to May 2018. Thus, it is likely that the abovementioned issues will also be discussed during such sessions.</p>
Slovakia	<p>Similarly to the legal debates in the Czech Republic, the discussed issues relate to uncertainties arising from missing national legislation which would specify some of the general rules set out in the GDPR.</p>
Slovenia	<p>Since the Ministry of Justice has not yet started with the preparation of legislative acts in relation to the GDPR, there have not been many debates. Those debates that have occurred focus mainly on the data breach notification duty. However, the debates only outline this issue and do not propose specific measures. Additionally, the debates deal with the data protection in the context of employment, namely that current laws only vaguely regulate this matter and thus it is expected that this matter will be an important part of the legislative amendments.</p>
Spain	<p>It is likely that there will be a debate around the issue of legitimate interest.</p> <p>The Spanish Data Protection Agency usually has a strict interpretation and currently only applies the legitimate interest exception in some circumstances and on a case-by-case basis. However, they have not published any official position on this issue.</p>
Sweden	<p>The most intensely debated issues are the significant increase in potential sanctions compared to the current Swedish data protection law and how companies should comply with the requirements of the GDPR. Since there is only one committee proposal available and not yet any draft laws regarding the possible national Swedish adaptations there is also a general uncertainty regarding the national adaptations and use of opening clauses, especially with regard to current sector specific regulations such as patient data and camera surveillance which are not covered by the committee proposal.</p>

	<p>We are not aware of any indications from the legislature regarding its opinion on the committee proposal or other specific issues.</p>
UK	<p>A major topic is the meaning of CJEU's jurisprudence in light of the UK's exit from the European Union. There is no comment on the weight to which UK courts will give the CJEU's jurisprudence following Brexit, however it will most likely have persuasive authority.</p> <p>Following the exit from the European Union, another issue is international data transfers from the EU to the UK and possible adequacy decisions in the future. The issue for the UK will be that other security legislation, for example The Investigatory Powers Act 2016, may mean that an adequacy decision for the UK is challenging, regardless of whether the GDPR is implemented in full. However, there is nothing official that has been published on this.</p> <p>There is also a debate, however not as intense at the above two, on the Digital Economy Bill and the impact of the GDPR. The Digital Economy Bill does not define personal data, removes citizens rights from controlling their data, removes access to data and does not describe how data is being used. This may be in conflict with the GDPR and will be an area of concern when the Government comes to unpick EU legislation and possibly apply an amended version in the UK.</p> <p>There is nothing published as of yet. With Brexit on the horizon, the UK will need to wait for more detail to be given in the Great Repeal Bill and over the next two years' of negotiating. The Great Repeal Bill White Paper outlines adopting EU legislation into the domestic legal system and then amending it as the Government sees fit.</p>



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