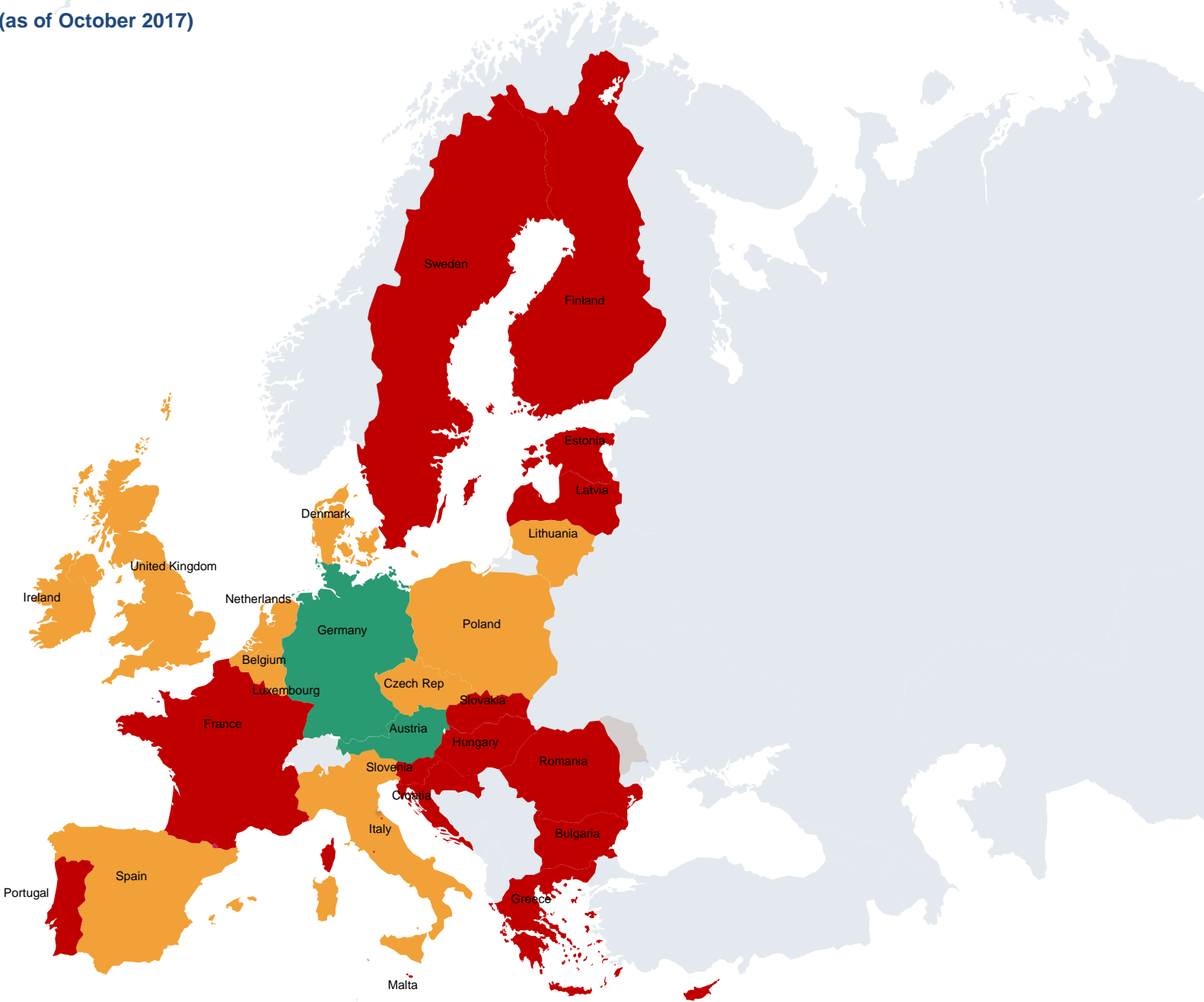


GDPR Implementation – At a Glance (as of October 2017)

●	Passed Law
●	Draft (Including Bill)
●	No Draft



Country	Status	Approach	Contact
Austria	<ul style="list-style-type: none"> The Austrian legislator put in force the national Data Protection Amendment Act 2018 (<i>Datenschutz-Anpassungsgesetz 2018</i>) at the end of June 2017. 	<p>The Data Protection Amendment Act 2018 will replace the current Data Protection Act (<i>Datenschutzgesetz 2000</i>) and come into effect by May 2018. The law <i>inter alia</i> holds specific regulations on CCTV and specific confidentiality privileges for Data Protection Officers. It also implements the provisions of Directive 2016/680 in a separate chapter (<i>Hauptstück</i>). However, for political reasons the Data Protection Amendment Act 2018 is designed in a way that it will not replace the secrecy of data as it is currently enshrined in the Data Protection Act on a constitutional level. This leads to some uncertainty on whether legal entities' data remain protected on an Austrian constitutional level.</p>	<p>Günther Leissler Schoenherr</p>
Belgium	<ul style="list-style-type: none"> The proposed legislation has been approved by the Council of Ministers following advice of the Belgian Privacy Commission of the Council of State. This bill will now need to go through the Belgian legislative process. 	<p>The GDPR is directly applicable and does not require any measure to transpose it into national law. The current draft legislation focuses on changes to the Belgian supervisory authority, the Privacy Commission.</p>	<p>Lore Leitner Latham & Watkins</p>
Bulgaria	<ul style="list-style-type: none"> The Bulgarian Commission on Personal Data Protection is drafting a bill for the new Act on the Protection of Personal Data. At this stage, the draft bill is not publicly available. 	<p>How the GDPR will be implemented into Bulgarian law will be clear after the bill of new Act on the Protection of Personal Data is published for public consultations (not earlier than end of October - November 2017).</p>	<p>Anna Rizova Wolf Theiss</p>
Croatia	<ul style="list-style-type: none"> According to the annual plan of legislative activities for 2017 issued by the Government of Croatia on December 29, 2016, the implementation of the GDPR into the Croatian law, namely the procedure for the implementation act in front of Croatian Parliament, is envisaged for the third trimester of 2017, and the body designated for its implementation is the Ministry of Administration. A list of envisaged legal act proposals for 2017 is available online and stipulating that the competent authority should submit the proposal of the act implementing the GDPR to Croatian Parliament on September 25, 2017. 	<p>There is currently no information on the draft of the implementing act available. Therefore, the approach to the implementation is still to be seen once the competent authority proposes the implementation act to the Parliament and makes the Act publicly available.</p>	<p>Olena Manuilenko Dora Krce Ivančić Divjak, Topic & Bahtijarevic</p>

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Cyprus	<ul style="list-style-type: none"> The Data Protection Authority in Cyprus is currently drafting the relevant bill. The bill is not yet publicly available and has not been submitted to the House of Representatives. 	As the bill is not yet publicly available, it remains to be seen how the Cypriot Data Protection Authority will approach the local implementation of the GDPR.	Christiana Vassiliou Miliou Antis Triantafyllides & Sons
Czech Republic	<ul style="list-style-type: none"> A draft of a new Data Protection Act (together with a draft of an act amending certain acts in connection with the adoption of a new data protection legislation, while implementing the Directive (EU) 2016/681 and the Directive (EU) 2016/680) has been published by the Czech Ministry of Interior in the second half of August 2017 and entered the legislative procedure in the Government and the Parliament, respectively. 	The current Data Protection Act shall be repealed and the new laws shall replace the existing data protection regulation in the Czech Republic.	Kateřina Kulhánková Wolf Theiss
Denmark	<ul style="list-style-type: none"> The Ministry of Justice, the Danish Data Protection Authority, and other national authorities issued a joint, national report on the interpretation of the GDPR on May 24, 2017. <p>The draft bill regarding the use of the derogations available for the Member States was issued for public consultation in July 2017. The bill for the 'Data Protection Act' is expected to be formally presented to the parliament in October 2017.</p>	The draft bill contains the following main points: <ol style="list-style-type: none"> The Data Protection Act and the GDPR shall apply to information about deceased persons for 10 years from the death of the person; The age for children's consent under article 8 is set at 13 years; There is a very broad legal basis for processing of personal data relating to criminal convictions and offences; There is a very broad legal basis for processing of national identification data; In addition to the legal bases provided by the GDPR, the bill provides (in accordance with article 88) that processing of employees' personal data in the employment context can take place if: <ol style="list-style-type: none"> the processing is necessary for the purposes of performing the controller's or the data subject's obligations and rights as set out in other laws or a collective agreement; 	Michael Hopp Plesner

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		<ul style="list-style-type: none"> ii) the processing is necessary for the purposes of the legitimate interests set out in other laws or collective agreement pursued by the controller, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject; or iii) the data subject has given consent in accordance with article 7; and <p>6. The rights under articles 13, 14 and 15 shall (in accordance with article 23) not apply in the private sector if the interests of the data subject are overridden by compelling private interests, including the protection of the data subject.</p>	
Estonia	<ul style="list-style-type: none"> ● The Estonian legislator, the Ministry of Justice, and the Estonian Government have not yet introduced a bill for the implementation of the GDPR. However, according to the Ministry of Justice the bill is expected to reach the Estonian Government by autumn 2017 and will thereafter, be presented to the Estonian Parliament for adoption. The new act will be designed to enter into force simultaneously with the GDPR. 	As the bill, that would also replace the current Estonian Personal Data Protection Act, has been introduced, it remains unclear how exactly the implementation of the GDPR will be dealt with.	Pirkko-Liis Harkmaa Cobalt
Finland	<ul style="list-style-type: none"> ● Local consultation work is still in progress and a committee appointed by the Ministry of Justice published a proposal on the next steps in June 2017, including a draft bill on the reform. 	The proposal was circulated for comments and currently the committee continues working with the proposal. The committee suggested that a general national data protection law will be enacted and it also suggested that a new office would be established for the regulator. It was also proposed that the fines would be approved by a separate committee of 5 members, and based on the regulators proposal.	Eija Warma Castrén & Snellman Attorneys
France	<ul style="list-style-type: none"> ● The CNIL as well as a parliamentary information report stressed the urgency of a new Data Protection Act and the need for a draft bill to be introduced before the end of June 2017. 	<p>No draft bill has been issued so far and it remains to be seen how the local implementation of the GDPR will be conducted.</p> <p>Yet the parliamentary information report specifies what the main required amendments are.</p>	Myria Saarinen Latham & Watkins

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	<p>Furthermore, Article 65 of the Law No. 2016-1321 provides that a report on the required amendments of the Data Protection Act shall be submitted by the Government to the Parliament before June 30, 2017.</p> <p>To date, no draft bill has been issued and there is no further information available regarding when the bill is likely to be issued.</p>		
<p>Germany</p>	<ul style="list-style-type: none"> The German Government passed an implementation act dated June 30, 2017. The act will become effective in most parts on May 25, 2018. The Coordination Group of the State and Federal Data Protection Authorities (<i>Düsseldorfer Kreis</i>) has published a first Decision on the validity of consent clauses under the GDPR. The Group assumes that consent clauses valid under present law will likely be valid under the GDPR as well, despite of a lack of a grandfathering clause for existing consent clauses under the GDPR. The Bavarian Data Protection Authorities has already published a collection of short Guidelines on the application of the GDPR and other State Data Protection Authorities followed. The Bavarian Authority has sent questionnaires on GDPR compliance to companies in Bavaria in which they are asked to reply to by May 25, 2018. The Federal Conference of Data Protection Authorities has also published a number of short guidance papers regarding the GDPR. 	<p>The act concentrates mainly on public law issues, but also introduces some specific rules on legal grounds, purpose limitation, notice requirements, HR data, credit reporting and DPO requirements for the private sector. For more details, see our Blog on the bill. Further legislation on State and Federal level will be required to finalise the implementation.</p>	<p>Ulrich Wuermeling and Joachim Grittmann Latham & Watkins</p>
<p>Greece</p>	<ul style="list-style-type: none"> On June 14, 2016 the Minister of Justice, Transparency and Human Rights established a Legislative Law Committee, whose purpose is to propose the necessary law provisions for the entrance into force of the GDPR and to prepare a draft bill for the implementation into Greek law of Directive 2016/680. Given that the Legislative Law Committee had not completed its work by the relevant deadline of May 31, 2017, an extension has been granted for the completion of the abovementioned actions until December 31, 2017. 	<p>The Data Protection Authority has recently issued an announcement on the certification requirements and professional skills of DPOs and has made some attempts to raise awareness of the GDPR, for example, by organising seminars and posting relevant information on its official website.</p>	<p>Mary Deligianni Zepos & Yannopoulos</p>

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Hungary	<ul style="list-style-type: none"> There is no legislative proposal for the amendment of the Hungarian Data Protection Act (i.e., Act CXII of 2011 on the Right of Informational Self-Determination and on Freedom of Information) yet on the wake of the GDPR coming into force in 2018. 	<p>As the Hungarian Data Protection Act combined data privacy legislation and the rules for access to information of public interest, it remains to be seen how the legislator will approach the implementation of the GDPR in Hungary.</p>	<p>János Tóth Wolf Theiss</p>
Ireland	<ul style="list-style-type: none"> The General Scheme of the Data Protection Bill 2017 was published on May 12, 2017 and sets out the legislative intent to be implemented by the Data Protection Act 2017. The proposed bill concluded pre-legislative scrutiny in July 2017 and the Irish Government's Autumn Legislative Programme is awaited to determine how the bill will proceed. 	<p>The General Scheme indicates that, as well as reforming the office of the Irish Data Protection Commissioner, some key GDPR-related issues will be addressed via secondary legislation.</p> <p>In July, the Irish government announced that 13 years old is to be the digital age of consent in Ireland.</p> <p>The Irish approach is yet to become fully clear. The secondary legislation may be indicative of a 'wait-and-see' approach to certain aspects of GDPR implementation by the Government.</p>	<p>Philip Nolan Oisín Tobin Mason Hayes & Curran</p>
Italy	<ul style="list-style-type: none"> The Italian Parliament has not issued any implementing law so far. The Italian Data Protection Authority has recently issued its approach with regard to certain key topics of the GDPR and their relevant implementation in practice as well as interpretation within the national applicable law on privacy and data protection. 	<p>A bill of law delegating the Italian Government to issue a decree to update the current legislation and make it compliant with the GDPR has passed the Senate exam and is now pending before the Italian Chamber of Deputies. The Italian Data Protection Authority has issued guidelines dealing with: the lawfulness of processing; data subjects' rights (access, restriction of processing, right to be forgotten, data portability, right to object); risk based approach and accountability; and international data transfers.</p>	<p>Laura Liguori Adriano D'Ottavio Portolano Cavallo</p>
Latvia	<ul style="list-style-type: none"> The Ministry of Justice has prepared a new draft law 'Personal Data Processing Law' (<i>Personas datu apstrādes likums</i>) which will replace the current Personal Data Protection Law. On September 13, 2017 the draft law was finally presented for public consultation and will be further reviewed in the Meeting of State Secretaries. After being reviewed by private and state actors, the law will have to be adopted by the Parliament 	<p>The Ministry of Justice has taken a minimalistic approach and has tried to keep with the wording of the GDPR as much as possible. The draft law nominates the Data State Inspectorate as the supervisory authority in Latvia and indicates its rights and duties. The draft law also encompasses specific requirements for data protection officers and rules on certification and codes of conduct. Some exceptions for processing of personal data for archiving, scientific, journalistic and other purposes are also</p>	<p>Sarmis Spilbergs Ellex Klavins</p>

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	<p>(<i>Saeima</i>) in three readings. No specific deadlines for this are currently available.</p> <p>The draft law also delegates powers to the Cabinet of Ministers to adopt special implementation rules.</p>	<p>included. The draft law also makes an exception to Article 8 of GDPR by setting the bar for processing personal data of children for provision of information society services at the age of 13 instead of 16.</p>	
Luxembourg	<ul style="list-style-type: none"> A draft bill was issued on September 12, 2017. 	<p>A draft bill is in discussion and shall enter into effect alongside the GDPR. This draft bill provides the Luxembourg data protection supervisory authority with the missions and powers needed to efficiently enforce the GDPR. It also contains some limitations, exemptions to the GDPR and specific provisions complementing the GDPR, as the Member States are authorised to take under the GDPR.</p>	<p>Sophie Wagner-Chartier & David Alexandre Arendt</p>
Lithuania	<ul style="list-style-type: none"> 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 Law mostly directs to the requirements of the GDPR and only sets forth some specific requirements for: <ol style="list-style-type: none"> processing of national identification number (as provided under the Article 87 of the GDPR); processing of personal data in the context of employment (as provided under the Article 88 of the GDPR); and details the competence of the local Data Protection Authority as well as its powers, tasks and procedure for imposing a fine. 	<p>The draft of the local laws follows GDPR requirements closely.</p>	<p>Jaunius Gumbis Ellex Valiunas</p>
Malta	<ul style="list-style-type: none"> The Ministry for Justice, Culture and Local Government and the Office of the Information and Data Protection Commissioner are the national bodies responsible to implement the requirements under the GDPR. 	<p>No local guidelines have been issued to date. However, a call group has been set up to implement the GDPR.</p>	<p>Henri Mizzi Camilleri Preziosi</p>

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	The implementation timeframe has not been made public yet; however, it is expected that all necessary amendments will be in place prior to May 2018.		
Netherlands	<ul style="list-style-type: none"> The proposal for the Dutch GDPR Implementation Act (<i>Uitvoeringswet Algemene verordening gegevensbescherming</i>) was open for public consultation between December 9, 2016 and January 20, 2017. In total, 67 comments were received from citizens, companies, and other institutions. No further draft has been issued after this consultation period. 	The draft bill has not been sent to Parliament yet, so it is currently unclear when (and in what form) the bill will be formally adopted.	Joanne Zaaijer Loyens & Loeff
Poland	<ul style="list-style-type: none"> The Polish Minister of Digital Affairs has prepared a draft of a new Act on Personal Data Protection that is to implement the provisions of the GDPR. On September 14, 2017 the draft was presented to the public and the relevant authorities for consultations, which represents the first step of the official legislation procedure in Poland. 	The Polish Government intends to introduce a completely new Act on Personal Data Protection. The main goal of the new law is to ensure full effectiveness of all GDPR provisions under Polish law.	Peter Daszkowski Wolf Theiss
Portugal	<ul style="list-style-type: none"> Recently, the Governmental Order n° 7456/2017 was published, demanding the creation of a Working Party responsible for the implementation of the GDPR and for the necessary legal adjustments to the present, national framework. 	In accordance with the Governmental Order, the Working Party will have: <ol style="list-style-type: none"> To carry out a public consultation, which will be running until September 30, 2017; To identify the security rules deriving from the GDPR when processing personal data and to present alternatives concerning the institutional architecture needed for the implementation of the GDPR; and To present a preliminary proposal for the national law implementing and complying with the GDPR, by December 31, 2017. 	Isabel Bairrao Garrigues
Romania	<ul style="list-style-type: none"> According to the verbal information received from the representatives of the Romanian Data Protection Authority (the "RDPA") on a non-official basis, the legal act aimed to implementing the GDPR in Romania is currently under drafting 	No draft bill implementing the GDPR in Romania has been published so far and it remains to be seen how the Romanian authorities will handle the local implementation of the GDPR.	Ileana Glodeanu Wolf Theiss

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	<p>process. No draft of such act has been published so far. However, as per some non-official information, it is expected that it will be made available to the public in October or November.</p> <p>Nevertheless, the RDPA has made progresses in bringing the national data privacy related legislation in line with the GDPR requirements. Thus, a draft bill for the amendment of Law no. 102/2005 regarding the setting up, organisation and functioning of the RDPA was recently published and is currently under public consultations.</p>		
Slovakia	<ul style="list-style-type: none"> According to publicly available sources, there has not yet been any new legislation adopted in respect to the implementation of GDPR in the Slovak Republic. The legislative process was already initiated and its result shall be the harmonisation of the national legislation with GDPR. Based on the Data Protection Authority information, the new implementation into the Slovak Data Protection Act should be published as of January 2018 and come into effect as of May 2018. Please note that there are no further information and these estimated terms are preliminary. No draft bill has been issued so far. The Slovak DPA issued only the overview of some major changes in the GDPR to the existing Slovak act. 	GDPR will be applicable in its full extent in the Slovak Republic since it is a regulation that is directly applicable regardless of the implementation via the national legislation.	Katarína Bieliková Wolf Theiss
Slovenia	<ul style="list-style-type: none"> According to the oral information of the Ministry of Justice, the draft of the new Personal Protection Act is still in the preparation phase. They are expecting to launch the public consultation at the end of September. 	The Ministry of Justice has not yet made any public statement with regard to the reform and therefore the approach is not yet known.	Klara Miletič Wolf Theiss
Spain	<ul style="list-style-type: none"> In June 2017, the Spanish Government published a draft Basic Act of Personal Data Protection (the "Act") to replace the current act from 1999 (<i>Ley Orgánica 15/1999, de 13 de diciembre, de Protección de Datos de Carácter Personal</i>). The term granted to stakeholders to provide comments closed on July 19, 2017. 	The draft Act includes occasional national deviations in relation to the GDPR. These differences concern certain rights and obligations already regulated in the GDPR (e.g., rights of deceased persons; obligation to maintain data secrecy; data subject's consent; minors' consent; processing of special categories of personal data; processing of professional contact	Sergio Miralles Intangibles

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	<p>It is expected that the Council of Ministers will approve the draft Act by the end of 2017 and pass it to the Parliament for its deliberation and approval during 2017/2018. The aim is that the new Act will enter into force simultaneously with the full enforceability of the GDPR (May 25, 2018).</p>	<p>data; employee video surveillance; right to data portability; data protection officers; or data protection breaches).</p>	
Sweden	<ul style="list-style-type: none"> On February 25, 2016, the Swedish government decided to summon a specific investigator with the overarching remit to propose a new national regulation to supplement the GDPR. On May 12, 2017, the specific investigator presented to the Government its report in which it is proposed that the Swedish Personal Data Act and the Swedish Personal Data Ordinance shall be repealed and that supplementary provisions of a general nature shall be collected in a new overall act and ordinance on data protection. The Government has submitted the specific investigator's report to 192 referral bodies, which shall revert with statements regarding the report by September 2017. 	<p>Following the receipt of the referral bodies' statements regarding the report, the Government will issue a draft bill to the Parliament. Other investigations with regard to sector specific legislation are ongoing, and additional suggested amendments to the Swedish "register statutes" or other sector-specific regulations on data processing might be expected.</p>	<p>Caroline Olstedt Carlström Sara Hovstadius Advokatfirman Lindahl</p>
UK	<ul style="list-style-type: none"> The Department for Digital, Culture, Media and Sport ("DCMS") published the draft Data Protection Bill on September 14, 2017. <p>It was introduced to the House of Lords and general debate on the bill is scheduled for October 10, 2017. The bill will then pass through the committee stage for a line-by-line examination and amendment of its clauses, and the report stage to give all House of Lords members a further opportunity to amend the bill. The third reading in the House of Lords is the final opportunity to amend the bill and is used to make sure that the bill is workable and without loopholes.</p> <p>The same process must be followed in the House of Commons. Amendments must then be considered before Royal Assent is given, at which point the bill will become an Act of Parliament.</p>	<p>DCMS has confirmed bill will implement the GDPR fully, despite Brexit.</p> <p>The bill deals with certain types of data processing for law enforcement and intelligence services, introduces new offences relating to personal data and contemplates how the GDPR will be implemented post-Brexit.</p>	<p>Gail Crawford Latham & Watkins</p>