



# **Report on the transposition of Directive (EU) 2016/680**

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## INTRODUCTION

This report gives an overview of the transposition of Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (the **Directive** or **LED**) in EU Member States.

The deadline for transposing the Directive was 6 May 2018. In about half of the Member States, the national transposing provisions entered into force by summer 2018. Within the next year, the remaining Member States, except three of them (DE, ES and SI), also adopted measures to transpose the Directive. The assessment of those 24 Member States was finalised by November 2020 by TIPIK Legal, and the report thus reflects its findings at that date.

In ES and SI the national acts transposing the LED were adopted in May 2021 and November 2020 respectively. At the time of finalising this report (December 2022), the adoption of some transposing laws is still pending in DE in relation to the activities of Germany's federal police. Milieu conducted the assessment of DE, ES and SI in December 2022, and the report reflects its findings at this date.

## EXECUTIVE SUMMARY

The current report gives an overview of how the EU Member States transposed the Directive and summarises the findings of the assessments performed for 27 Member States. Following the departure of the United Kingdom from the Union on 31 January 2020, this country is not covered by the report.

In **DE**, provisions of the Directive were transposed both at the Federal level as well as by each of the *Länder* individually. Moreover, a number of the Directive's provisions were transposed both through a horizontal LED implementation act as well as through sectorial legislation regulating processing of personal data by specific types of competent authorities. At the time of writing this report, DE has not yet adopted a new sectorial law on the Federal Police (*Bundespolizeigesetz* – BPolG). The BPolG was hence not amended in regard to the LED and still includes cross-references to the old Federal Data Protection Act (*Bundesdatenschutzgesetz* - BDSG). A new Federal Police Act is still in preparation.

The findings are presented with a chapter-by-chapter approach and the most important aspects of transposition that arose are indicated. Certain focus areas are presented in more detail. The report does not recall the wording of the Directive as the assumption is that the reader is familiar with its provisions.

It should be noted that for the purpose of the assessment, consideration was given to national measures officially notified to the European Commission by the EU Member States and also other relevant laws identified by the authors.

The notification of the national implementing measures only covered a small fraction of the relevant national legislation in most Member States. Only **CZ, FI, HR, LU, MT, PT, SI**<sup>1</sup> and **SK** notified the majority of national implementing measures to the Commission and only **HU** and **IT** notified all the relevant legislation for the study.

Literal or almost literal transposition is not the rule. However, in **BE, CY, DK, ES, IE** and **MT** the main national legislation tends to follow the wording of the Directive more closely. Overall, the Directive has largely been transposed in Member States covered by this report. The majority of Member States provide for comprehensive rules concerning the protection and processing of personal data for law enforcement purposes. Such rules largely reflect the main elements under the Directive. While the main principles and provisions are largely reflected in national legislations, the wording of the national transposition at times differs from the wording of the Directive (with different impact on the conformity with the spirit of Directive's provision). For example, specific requirements are only partially covered or are missing, without there being any clear trend amongst Member States.

The legislations of a number of Member State include cross-references to the provisions of the GDPR in their national provisions transposing the Directive. The relevant cross-references in these Member State legislations are noted in Section 2 of this report.

Among others, the national transposing legislations do not strictly follow the Directive as regards its scope. A few common issues regarding the scope are described in the report. Some Member States include authorities or procedures of an administrative nature into the scope of their national laws transposing the Directive. These instances are summarised in Sections 3.1 and 3.2 of this report. Furthermore, some Member States include the notion of threats to public order into the list of purposes for the processing of personal data under their

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<sup>1</sup> It should be noted that SI at first notified only legislation pre-dating the adoption of the Directive, and referred to direct application of the GDPR. On 20 November 2020, SI adopted the Act on the Protection of Personal Data in the Area of Treatment of Criminal Offences. The act is in force from 31 December 2020. In December 2020, SI notified this Act as main national implementing measure.

national laws transposing the Directive. These instances are summarised in Section 3.3 of this report.

By contrast, a possible narrowing of the scope of the national transposing measures or an exclusion of relevant competent authorities has only been encountered in the national legislations of four Member States. In **NL**, the national measures might not fully correspond to that of the Directive, since they only refer to certain defined kinds of personal data such as 'police data' (i.e. any personal data processed in the context of the performance of the police tasks) or 'judicial', 'criminal', 'judicial criminal' or 'enforcement' data. In the national legislation of **CZ**, Municipal Police is not included in the scope of the transposing legislation. In **SI**, the main national implementing act excludes (beyond provisions on the supervision by the national Data Protection Authority) the application of several of its provisions with respect to courts when acting in criminal matters. Lastly, in certain States in **DE** a horizontally applicable national law is missing. While in most states horizontally applicable national laws cover all relevant competent authorities<sup>2</sup>, sectorial laws transpose the Directive with respect to particular competent authorities. In three Länder (*HB*, *HH* and *SL*) no horizontal law was adopted to transpose the Directive. As a result, the Directive was only transposed through sectorial acts.

The Member States have transposed most of the definitions laid down in the Directive, including, in many instances, by reference to the GDPR. The same can be observed for the national provisions on the organisation, status and competences of the national data protection authorities. Regarding the definition of competent authority, many Member States chose not to establish a concrete list of competent authorities in their national legislations but provided a general definition. In those Member States, where by virtue of its activities a public body processes personal data for law enforcement purposes, it is considered a competent authority falling within the scope of the Directive.

Most Member States require appropriate time limits for the erasure of personal data or for a periodic review of the need for the storage of personal data. Most Member States have resorted to the horizontal wording of the provision and enacted, alongside the horizontal provisions, also sectoral legislation regulating the concrete time limits concerning categories of personal data processing. Such was the case for **AT, BE, CZ, DE** (Federal and Länder level), **EE, EL, FI, FR, HR, IT, LT, LU, LV, NL, PL, RO** and **SI**. In a small number of Member States, the national legislation differs from the requirements of the Directive and, for instance, does not appear to include the requirement to provide for procedural measures to ensure compliance with time limits or provide for periodic review.

All Member States have established supervisory authorities which are competent to monitor compliance with the provisions established under the Directive. A particular case concerns federal countries such as **ES** and **DE**. **ES** has for instance established one supervisory authority at national level and three at regional level (for Andalusia, Basque Country and Catalonia), while **DE** has one Federal supervisory authority (*der Bundesbeauftragte für den Datenschutz und die Informationsfreiheit* - BfDI) as well as supervisory authorities established in every Land. In all Member States, with the exception of **BE** and in case of **DE** (Land *BY*), the supervisory authority designated for the purposes of the Directive is the same authority which holds the supervisory functions under the GDPR.

As regards the independence of the supervisory authorities the transposing legislation in several Member States does not seem to include the element regarding the obligation of the Member States to provide the supervisory authorities with the necessary human, technical and financial resources, premises and infrastructure.

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<sup>2</sup> However, in case of Land *BW* the Act on the Protection of Personal Data for the Processing by the Judicial Authorities of the Land (*Landesdatenschutzgesetz für Justiz- und Bußgeldbehörden* - LDSG-JB), which is the main implementing measure which serves to transpose the Directive at a horizontal level, only applies to competent authorities in the area of responsibility of *BW*'s Ministry of Justice. The scope of LDSG-JB hence excludes processing of personal data by the police, which is governed by the Police Act (*Polizeigesetz* - PolG (*BW*)).

All Member States have established judicial remedies against the decisions of their supervisory authorities. However, in some Member States, the scope of available remedies is narrower than required under the Directive (e.g. **BG** and **DK**) or such remedies do not apply to cases where the supervisory authority does not handle a complaint or does not inform the data subject within three months on the progress or the outcome of the complaint (**BE**, **FI** and **IT**).

Most Member States enacted national provisions providing for the data subject's right to a judicial remedy against controllers and processors, such as when processing of the data subject's personal data does not comply with the requirements of the Directive. In some Member States the scope of the judicial remedies under the national law is narrower than that required by the Directive; examples of this include cases where some remedies in the national legislation are not available for certain types of infringements (**FI**), the remedies are subsidiary and applicable only after all other avenues in the national legal system have been exhausted (**HR**) or remedies are not available against some of the competent authorities (**IE**).

Most Member State laws provide a right to compensation for unlawful processing operations or any act infringing national provisions adopted pursuant to the Directive. In many cases this is inferred from the general rules on civil or administrative liability. There are, however, cases where the national legislations differ from the requirements of the Directive.

All Member State laws provide penalties for infringements of the provisions adopted pursuant to the Directive. Some Member States provide only criminal penalties (**DK**, **EE**, **FI**, **IE**, **PL**, and **SI**), others only administrative penalties (**BG**, **CZ**, **ES**, **HR**, **LT**, **LV**, **MT**, **NL**, **RO**, **SE** and **SK**), while the remainder provide a combination of criminal and administrative penalties (**AT**, **BE**, **CY**, **DE**, **EL**, **FR**, **HU**, **IT**, **LU** and **PT**). The majority of the Member States which impose criminal penalties provide terms of imprisonment for certain infringements of the provisions transposing the Directive. The severity of criminal and administrative fines varies considerably in the Member States.



## 1 METHODOLOGY FOR ASSESSING THE TRANSPOSITION OF DIRECTIVE (EU) 2016/680

For the purpose of the assessment, consideration was given to various legal acts identified as relevant. These include the national measures officially notified to the European Commission by the Member States, such as the horizontal data protection acts which were adopted in the vast majority of the Member States to transpose the Directive, as well as more specific and sectorial legislation, in particular in the case of **DE**. The assessment considered also other laws which, though not notified by Member States to the Commission, were identified as relevant by the authors. This includes relevant provisions of general administrative law, criminal procedure, civil law, law on civil servants or other acts on the status, organisation or competences of specific competent authorities.

The report highlights key features of the national transpositions of the Directive in a concise and factual way and indicates the main differences that appear after comparing the national provisions and the Directive. The report presents the transposition of selected provisions of the Directive in greater detail (in specific boxes focusing on particular provision), while it covers the remaining provisions using more general descriptive statements under each chapter.

Moreover, the report contains an overview of the optional provisions under the Directive (which Member State may choose to transpose or not) and their use by the Member States.

The information and views set out in this report are solely those of the authors, and do not reflect the official opinion of the European Commission.

This report contains four annexes: Annex 1, listing and describing the abbreviations used in the report, Annex 2, providing the dates on which the Member States have transposed the Directive, Annex 3, presenting the table with the national laws transposing the Directive, and Annex 4, presenting whether and how the Member States make use of optional provisions of the Directive.

## 2 NATIONAL LEGISLATION TRANSPOSING DIRECTIVE (EU) 2016/680

The following characteristics of the national transposition measures across the EU may be observed:

- The Member States as a rule transposed the Directive by enacting or amending their national data protection laws.
- Many Member States, including **BE, CY, CZ, DE** (*Federal level and most Länder*), **DK, EE, EL, ES, FI, HR, IE, IT, LU, LV, MT, PL, PT, RO, SE, SI** and **SK**, transposed the Directive by adopting new comprehensive laws while others, such as **AT, BG, FR, HU, LT** and **NL** amended pre-existing legislation. In many cases, such legislative change was accompanied by amendments to corollary legislation (**AT, BE, BG, CZ, FI, FR, HU, LT, LU, LV, PL, PT** and **RO**). Additionally, many Member States adopted and notified specific sectorial measures, such as acts regulating competent authorities (e.g. **CZ, EE, FI, HR, HU, IT, LT, LU, LV, NL, PL, PT, RO** and **SK**). The case of **DE** is particular as both at the Federal level as well as at the Länder level the Directive has been transposed also by means of sectorial laws. While in most states horizontally applicable national data protection laws cover all relevant competent authorities<sup>3</sup>, sectorial laws transpose the Directive only with respect to particular competent authorities. In three Länder (**HB, HH** and **SL**) no comprehensive horizontal law was adopted to transpose the Directive. As a result, the Directive was only transposed through sectorial measures.
- Another specificity of the **DE** transposition is that the processing of personal data for law enforcement purposes for the Federal as well as Länder courts (*Gerichte*) and public prosecutors (*Staatsanwaltschaften*) is regulated at the Federal level in the German Code of Criminal Procedure (*Strafprozeßordnung* - StPO) in conjunction with the Federal Data Protection Act (*Bundesdatenschutzgesetz* - BDSG), namely the BDSG applies unless specific provisions are laid down in the StPO<sup>4</sup>.
- Only few Member States notified the Code of Criminal Procedure as a transposing measure (**DE** (*Federal*), **FR, HU** and **RO**). None of the Member States comprehensively included the provisions transposing the Directive into their national Code of Criminal Procedure.
- **CZ, DE, FI, HR, LT** and **LV** notified the highest number of national implementing measures suggesting a comparatively more 'stratified' transposition of the Directive.
- As regards the timing on national transpositions, the legislation of **DK** entered into force on 29 April 2017. **AT, FR, IE, MT** and **SK** transposed the Directive in May 2018. Other Member States, including **BE, HR, HU, IT, LT, LU** and **SE**, transposed the Directive in the course of 2018. The remaining Member States, comprising **BG, CY, CZ, EE, EL, FI, LV, NL, PL, PT** and **RO**, transposed the Directive during 2019. **ES** and **SI** were the last two Member States to transpose the Directive, in **ES** the transposing law entered into force on 15 June 2021 and in **SI** on 31 December 2020. Although in **DE** the main horizontal data protection law at the Federal level – BDSG entered into force on 25 May 2018, several other horizontal and sectorial acts came into force in the subsequent years. Moreover, the transposition in DE is still not complete as at the Federal level the new sectorial law on the Federal Police (*Bundespolizeigesetz* – BPolG) is still in preparation.
- Member States, except for **DK, HR, HU, IE, MT, PT, RO, SI, SE** and **SK**, made recurrent cross-references to the GDPR in their national legislations transposing various provisions of the Directive. Such cross-references are presented in the table below:

<sup>3</sup> However, in case of Land BW the Act on the Protection of Personal Data for the Processing by the Judicial Authorities of the Land (*Landesdatenschutzgesetz für Justiz- und Bußgeldbehörden* – LDSG-JB), which is the main implementing measure which serves to transpose the Directive at a horizontal level, only applies to competent authorities in the area of responsibility of BW's Ministry of Justice. The scope of LDSG-JB hence excludes processing of personal data by the police, which is governed by the Police Act (*Polizeigesetz* - PolG (BW)).

<sup>4</sup> Section 500, such as the provisions in Sections 474 – 499 StPO.

<b>Provisions of the Directive for which a cross-reference to the GDPR is made in the transposition</b>	<b>Member States which include a cross-reference</b>
Article 1	<b>BE, DE (BY), FR</b>
Article 2	<b>DE (BB, BE, BY, HE, MV, SL, SN, TH), ES</b>
Article 3	<b>BG, CZ, DE (BB, BY, MV), EE,FR, LV, PL</b>
Article 4	<b>DE (BB, BY, MV)</b>
Article 8	<b>DE (BB, MV)</b>
Article 9	<b>ES</b>
Article 10	<b>DE (BB, BY, MV), IT</b>
Article 11	<b>DE (BB, MV), IT</b>
Article 12	<b>DE (BB, MV), IT</b>
Article 13	<b>DE (BB, MV)</b>
Article 14	<b>DE (BB, MV)</b>
Article 15	<b>DE (BB, MV)</b>
Article 16	<b>DE (BB, MV)</b>
Article 19	<b>AT, DE (BB, BY, MV), FR</b>
Article 20	<b>AT, DE (BB, BY, MV, NW), FR</b>
Article 21	<b>DE (BB, BY, MV, NI, NW)</b>
Article 22	<b>DE (BB, BY, MV, NI, NW), FR</b>
Article 23	<b>DE (BB, BY, MV, NW), FR</b>
Article 24	<b>AT, DE (BB, BY, MV, NI, NW), FR</b>
Article 26	<b>DE (BB, BY, MV, NW), FR</b>
Article 27	<b>AT, DE (BB, BY, MV, NW)</b>
Article 28	<b>AT, DE (BB, BY, MV, NI)</b>
Article 29	<b>DE (BB, BY, MV), FR</b>
Article 30	<b>AT, DE (BB, BY, MV, NI, NW, SL), FR, IT</b>
Article 31	<b>AT, DE (BB, BY, MV, NI, NW, SL), FR, IT</b>
Article 32	<b>AT, DE (BB, BY, MV, NI, NW, SL), FR, LV</b>
Article 33	<b>AT, DE (BB, BY, MV, NI, NW, SL), FR</b>
Article 34	<b>DE (BB, BY, MV, NW, SL), FR</b>
Article 35	<b>DE (BB, MV, SL)</b>
Article 36	<b>DE (BB, MV, SL)</b>
Article 37	<b>DE (BB, MV, SL)</b>
Article 38	<b>DE (BB, MV, SL)</b>
Article 40	<b>IT</b>
Article 41	<b>AT, DE (BB, BY, MV, ST), EE, FR, LV</b>
Article 42	<b>AT, DE (BY, HH), ES</b>
Article 43	<b>AT, DE (BB, BY, HB, HH, MV, NI, NW, RP, SL), LT</b>

<b>Provisions of the Directive for which a cross-reference to the GDPR is made in the transposition</b>	<b>Member States which include a cross-reference</b>
Article 44	<b>AT, DE</b> (BY, HH, NI, NW, SL)
Article 45	<b>DE</b> (BY, NW)
Article 46	<b>AT, CY, DE</b> (BB, BY, MV, NI, NW, SL, ST), <b>EE, EL, LV</b>
Article 47	<b>AT, BE, CY, DE</b> (BB, BY, MV, NW, SH, SL, ST), <b>EE, EL, ES, LU, LV, NL</b>
Article 49	<b>CY, DE</b> (BB, BY, MV, SL), <b>ES, FI</b>
Article 50	<b>AT, DE</b> (BB, BY, MV, NW), <b>FR, IT, LU, LV</b>
Article 52	<b>DE</b> (BY, MV, NW, SL), <b>LV</b>
Article 53	<b>DE</b> (BY, MV, NW, RP, SL)
Article 54	<b>AT, DE</b> (MV)
Article 55	<b>DE</b> (MV)
Article 56	<b>AT, DE</b> (MV, SL), <b>IT</b>
Article 57	<b>AT, ES</b>

### 3 SCOPE OF THE NATIONAL TRANSPOSING LAWS

With regard to the scope of national legislation, two main aspects were identified that may have an impact on the scope of the application of the national transpositions of the Directive. They are listed below and mainly concern the analysis of Article 1(1) and Article 3(7) of the Directive.

#### 3.1 Administrative and other authorities and proceedings included in the scope of the national transposing laws

The laws of **BE, CY, LT** and **LU** include data processing of the Financial Intelligence Unit (FIU), while the **ES** transposing law applies to FIU solely in relation to processing for purposes of Article 1 of the Directive.

The national legislations of **CZ, DK, FI** and **HU** explicitly include their criminal record's authorities into the scope of the national transposing provisions of the Directive. **CY** legislation, in provision transposing Article 1(1) of the Directive, explicitly included 'purposes of the freezing or confiscation of unlawful proceeds or other similar assets'.

**LV** law brings within the scope of the Directive also administrative breaches and penalties for twenty-five different areas such as employment law, traffic, customs, environmental law, financial markets, etc. Each of these areas is the responsibility of administrative authorities (State or municipal institutions), tasked with detecting the breaches and imposing penalties.

In **SI**, the national legislation has included in the scope of application an explicit list of competent authorities, together with an open provision covering any authority competent for crimes and criminal penalties. However, the horizontal law of **SI** transposing the Directive establishes that only a limited number of its provisions are applicable to courts when they process personal data in criminal matters. In **DE**, both at *Federal* and *Länder level*, the Directive was as a rule transposed through a horizontally applicable data protection law and/or sectorial laws which supplement or replace provisions of such horizontal laws. In *Länder*, where no horizontal law was adopted to implement the Directive (*HB, HH, and SL*), LED was as a result only implemented through certain sectorial acts for limited types of competent authorities. With respect to transposition of the Directive for courts and public prosecutors, the processing of personal data is regulated both by the StPO (Sections 500, 474-499) and the BDSG. These Federal rules also apply to the processing activities of *Länder* level prosecutors and courts.

Both *Federal State* as well as *several Länder* (*BE, BW, BY, HE, HB, NI, NW, MV, RP, SL, SH, SN, ST, TH*) also bring administrative offences within the scope of the Directive. In the case of *HB*, reference to administrative offences is only valid insofar as such offences represent a risk to public security. Moreover, national laws at the *Federal level* and in *BB, BE, BW, NI, NW, MV, RP, SN, ST* and *TH* also include data processing by certain public bodies such as administrative authorities (e.g. at the Federal level BDSG also applies to Custom Investigation Service and Tax Fraud Investigation Office, in *BW* – LED transposing laws are applicable to municipalities and associations of municipalities and other legal persons under public law, in *NI* – LED transposing laws also apply to other institutions organised under public law or entrusted with public administrative tasks, in *NW* – LED transposing laws also apply to the authorities of the financial administration etc.).

#### 3.2 Other

The national legislations of some Member States include the prevention or safeguarding against threats to public order in the scope of the national provisions transposing the Directive. The relevant Member States where public order appears in the national legislation are **BG, CY, CZ, DE (NW), PL, RO, HU** and **SK**.

These are related to cases where public order is used instead of public security, such as in the legislations of **DE** (*BB*), **RO** and **SK**, or where the notion of public order is covered alongside public security (**BG**, **CY**, **CZ**, **DE** (*NW*) and **PL**).

On the other hand, reference to the safeguarding and prevention of threats to public security is missing in **SI** and in certain laws in the following **DE** Länder (*BB*, *BW*, *HH*, *MV*, *ST*).

Furthermore, the legislation of **RO** included public safety, educational and safety measures under the scope of national transposing measure.

In **NL**, the national measures only refer to certain defined kinds of personal data such as 'police data' (i.e. any personal data processed in the context of the performance of the police tasks) or 'judicial', 'criminal', 'judicial criminal' or 'enforcement' data. In the national legislation of **CZ** Municipal Police is not included in the scope of the transposing legislation.

## 4 OVERVIEW BY CHAPTER

This section presents an overview by chapter highlighting the main provisions of the Directive, their transposition and a summary description on other relevant provisions.

### 4.1 Chapter I (Art. 1 - 3) - General provisions

Noteworthy aspects in relation to the scope of the national transposing provisions have been highlighted above in Sections 2 and 3 of this report. This section includes aspects concerning the overlap of the scope of national laws transposing the Directive with that of the GDPR.

As regards Article 1(2)(b) of the Directive, no national provisions could be located in the legislation of **CZ, DE** (*BB, BY, HB, HH, MV, NI, NW, RP, ST, SL, SH*), **EL, IT, LV, LN, AT, HR, MT** and **SI**. In other cases, national transposition measure could suggest additional conditions under which the exchange of data can be restricted than those provided for under the Directive (**BE, RO** and **LU**).

The transposition of Article 2(2) of the Directive in **NL** partially differs from the language of the Directive and provides that this national measure 'applies to the processing of police data by a competent authority which are included in a file or are intended to be included in a file'. Such provision applies to police data only. National transposition in **DE** (*Federal, BE, BW, BY, HB, HE, HH, NI, NW, SH, SL, SN, TH*) does not differentiate between personal data processed by automated or non-automated means. Hence, the LED's scope of application is extended also to personal data which are not processed in an automated manner and do not form part of a filing system. Moreover, national transposition of Article 2(2) LED is applicable only to certain competent authorities in *HB, HH, and SL*.

Finally, in some Member States, the provision transposing certain individual definitions under Article 3 of the Directive could not be located (**CZ, EE, FI, NL, SE**) or the national transposing provisions do not contain all elements of the Directive's definitions or alter their scope (**BE, CY, DE** (*Federal State, BB, BE, BW, HB, HH, MV, NI, NW, RP, SH, SL, SN, ST, TH*), **DK, EL, FI, FR, HU, LV, NL, SE**). The case of **SI** is particular, while national legislation generally transposes definitions in Article 3 LED almost literally, Article 3 LED is not applicable to processing by courts. In **DE** national transposition is done by way of sectorial laws in *HB, HH, and SL*, meaning that the definitions are applicable to only certain competent authorities. Transposition of Article 3(3) could not be found with respect to police authorities in *BW*.

### 4.2 Chapter II (Art. 4 - 11) - Principles

The national legislation of the majority of the Member States largely transposes Chapter II, with certain exceptions noted below. The main principles and provisions are largely reflected in national legislations, while the wording of the national transposition at times differs and certain specific requirements are only partially covered or are missing. To fully assess the transposition of provisions of Chapter II, and in particular of Article 4, one might need to consider, however, the conformity of transposition of other related provisions of the Directive (i.e. Article 5, Article 8, Chapter IV).

Specific provisions in national laws transposing Article 4 of the Directive could not be identified in relation to some of the principles therein stipulated, such as the lawfulness or the fairness of processing (**CZ**), that data must be adequate, relevant and not excessive (**CZ**) or keeping the personal data in a form no longer allowing for the identification of the data subject once that becomes unnecessary (**NL**). In **DE**, national transposition of certain paragraphs of Article 4 LED seems to be missing at the *Federal level* and in *HB, HE, HH, NI, NW, SL, ST, SH* and *TH* and is applicable to only certain competent authorities in *BB, BW, HB, HH, MV, and SL*.

Further, while providing for principles of Article 4(1) of the Directive, some Member States depart from its wording or seem not to explicitly provide for all conditions, e.g. as regards Article 4(1)(a) of the Directive, **DK** law provides that data must be processed 'in accordance with good practices for the processing of data and with a view to the character of the data'. The provisions of **DE** (*RP*) and **SK** law do not mention fairness. In the transposition of Article 4(1)(b) of the Directive **CZ** law states that it is the controlling authority that shall specify the specific purpose of the processing of personal data, and without referring to 'explicit and legitimate'. The condition of 'specified, explicit and legitimate purposes' is not referred in the legislation of **NL**. In **DE** (*BW*, and *BY*), not all elements of the principle of data minimisation in Article 4(1)(c) of the Directive could be found. The **CZ** national measure as well as sectorial provisions in **DE** (*BY* and *HB*), as regards Article 4(1)(d) of the Directive, requires data to be accurate but does not seem to explicitly account for the obligation to erase any inaccurate personal data and ensure that deletion or rectification is done without delay. Erasure is not mentioned in **HU** law and in **DE** (*HH*). In **NL**, the law requires prompt destruction or rectification of police data if they are found to be inaccurate. Similar provisions for judicial data could not be located. Taking into account the purpose of processing is not required under **PT** law. The law of **ES** differs from the wording 'without undue delay' laid down in the Directive, instead opting for 'without delay' as temporal requirement for the erasure or rectification of inaccurate personal data. In **DE** (*ST*), national law adds 'destruction' as a possible consequence. Provisions explicitly transposing Article 4(1)(e) could not be located in **NL** law, while the transposing law of **SI** sets a limitation in the application of the principle of storage, excluding the application of such a principle in cases in which another time-limit for storage is established by sectorial laws. In **DE** (*BB*, *BY* and *MV*), national laws cross-refer to the GDPR which among others sets out longer storage for the processing of data for archiving purposes. The provision under Article 4(1)(f) of the Directive regarding protection against unauthorised or unlawful processing and accidental loss, destruction or damage seems to be missing in **HR** law. The **LT** national transposing measure refers to negligence, while the Directive refers to the accidental loss, destruction or damage. Finally, **DE** (*BB*) and **PT** law does not require that the security of the personal data concerned shall be appropriate.

Most Member States laws include provisions transposing Articles 4(2), 4(3) and 4(4) with the exception of **CZ**, and **HU** regarding Article 4(2), introductory wording and **DE**, where a provision corresponding to Article 4(2)(b) could not be identified in *SH*, Article 4(3) in *HH* and *SL*, and Article 4(4) at the *Federal level* and in *HB*, *HE*, *HH*, *NI*, *NW*, *SH*, *ST*, and *TH*. Other discrepancies concern the national legislation of **HU**, **LU**, **LV** regarding Article 4(2)(a) of the Directive, **CZ**, **FI**, **HU**, **SI** and **SK** regarding Article 4(2)(b) of the Directive and **BE** and **SI** regarding Article 4(3) of the Directive.

The national laws of some Member States seem not to refer to all the elements and conditions of the abovementioned articles. In transposing Article 4(3) of the Directive **CZ** legislation does not refer to the appropriate safeguards for the right and freedoms of the data subjects. Under **DK** law the subsequent processing shall be in accordance with the law (rather than authorised by law) (Article 4(2) of the Directive) and does not refer to appropriate safeguards (Article 4(3) of the Directive). **EL** law refers to appropriate safeguards 'for the protected legal interests' of the data subject (Article 4(3) of the Directive). In **IT**, the law states that the controller shall be responsible for compliance but does not refer to the obligation to demonstrate compliance (Article 4(4) of the Directive). **NL** legislation does not seem to explicitly require that the subsequent processing is authorised by law (Article 4(2) of the Directive) and that it is 'subject to appropriate safeguards for the rights and freedoms of data subjects' (Article 4(3) of the Directive). This latter element is also missing in the legislation of **DE** (*NI*). Transposition in **DE** also in places does not refer to all the elements and conditions of Article 4(3) and (4) LED (*Federal level*, *BB*, *BE*, *BW*, *BY*, *HB*, *HE*, *MV*, *RP*, *SN*, *ST*, and *TH*). Legislations at the *Federal level* and in *BW*, *HB*, *NW*, *SH*, *SN* and *TH* for instance omit reference to historical and/or archiving purposes, while in *BB* and *BY*, for example, only refer to anonymisation which in itself does not guarantee the existence of appropriate safeguards (Article 4(3) of the Directive). In the case of *BW*, obligation to demonstrate compliance only applies for provisions in Article 4(1) and not also Article 4(2) and (3).



The **SI** law transposing Article 4(4) LED provides that the controller must demonstrate compliance with the law, without however specifying a compliance with the provision of the same Article 4 of the Directive.

In relation to Article 6 of the Directive, in **DE** national transposing measures seem to be missing in **BB** and **MV** for letter (b), while in case of **BY**, **HB**, **HH**, **MV** and **SL**, transposition was only found for certain controllers. **FI**, **IE** and **LV** laws do not specify the categories of data subjects. The **CZ** law requires to attach to the processed personal data information on the status of the data subject in criminal proceedings or, where appropriate, information on the final decisions of law enforcement authorities concerning such data. Concerning point (a) of Article 6, the **SE** law does not state that there should be serious grounds for believing the person is a suspect. Also, with respect to point (a), the **DE** (**BW**, **HB**, **MV**, **SL**) and **SI** laws provide for a different standard of proof by referring to 'grounds for believing', 'facts justify the assumption', 'justification by facts', 'indications' and 'reasons for suspicion', respectfully, while the Directive wording refers to 'serious grounds for believing'. Concerning point (b), the **EE** law does not explicitly mention convicted persons but refers to 'imprisoned persons, detained persons, probationers and other persons'. Concerning point (c), the **DE** (**BY**), **HR** and **IT** laws do not refer to persons with regards to whom certain facts give rise to reasons for believing that he or she could be the victim of a criminal offence. The opposite is true for **DE** (**MV**), where national sectorial law applicable to police does not refer to the first category under (c), i.e. 'victims of a criminal offence'. Finally, concerning point (d), persons who might be called on to testify or contacts or associates of one of the persons referred to in points (a) and (b) are not mentioned by the **HR** national transposing provision. In **IT** law, potential victims are not explicitly identified as a specific category of data subjects. Finally, in **DE**, the point (d) of Article 6 LED is transposed in a general manner, referring to other person (**BE**) or witnesses, whistle-blowers and other respondents who could help clarify the facts of offence (**MV**).

In case of **SI**, all elements of Article 7 were transposed in national legislation, albeit not for courts. In **DE**, in **BB**, **BY**, **HB**, **HH**, **MV**, and **SL**, no horizontal law was found to transpose Article 7 of the Directive. No transposing provisions of Article 7(1) of the Directive could be identified in **DK** law and one of the two national transposing measures in **NL** law. In **DE** (**RP**), legislation suggests that differentiating is not necessary in certain cases, i.e. when the difference between personal data based on facts and personal data based on personal assessments is apparent. Concerning Article 7(2) of the Directive, it was not possible to identify the provision in **CZ** national law. Some of its requirements could not be identified in some Member States, like the obligations incumbent upon competent authorities to take all reasonable steps to ensure that personal data which are inaccurate, incomplete or no longer up to date are not transmitted or made available (**HU**); the obligation of not allowing transfer or making available the data (**DE** (**BB**, **MV**)); the obligation of checking the completeness of data (**DE** (**RP**, **ST**)); the obligation to add information on the reliability of personal data to be added upon transfer (**DE** (**NW**), **HU**, **PL**); the obligation to verify the quality of personal data before transmission (**EE**). In **SE** law reference is made to 'disclosure' rather than 'transmission' and in **DE** reference to incomplete data is missing (**BE**, **SL**, **SN**, **TH**) or is transposed as 'incomplete [...] without good reason' (**HE**). Finally, with respect to Article 7(3) of the Directive, **CZ**, **DE** (**BW**, **ST**) and **HU** law do not provide for an obligation to erase or rectify personal data or to restrict the processing thereof or do not provide for all such elements (**DE** (**BY**)). Rectification, erasure or restricting of processing is envisaged only if necessary in **DE** (**BB**). The deadline to notify the recipient 'without delay' is not provided in the legislations of **CZ**, **DE** (**BE**, **HB**, **HE**, **NI**, **NW**, **SH**, **SL**, **SN**, **ST**, **TH**), **EE** and **EL**. The **CZ** law requires recipients to be notified 'without undue delay'. In some **DE** Länder the obligation to notify the recipient of the incorrect transfer of personal data could not be found (**RP**).

As regards Article 9(1), in a number of Member States (**BE**, **DK**, **HU**, **LV** and **NL**) the provision providing for the obligation that personal data collected by competent authorities for the purposes set out in Article 1(1) of the Directive shall not be processed for purposes other than those set out in Article 1(1) of the Directive unless such processing is authorised by Union or Member State law could not be located or differs in some respect from the provision

of the Directive. A transposition of the first sentence of this provision is absent from the legislation of **BE, HU** and **NL** and a transposition of the second sentence on the conditions for subsequent processing is absent from the legislation of **DE** (*Federal level, BE, BW, BY, HB, HE, NI, NW, SH, SL, TH*). **CZ, DE** (*Federal level, BY*) and **LV** law do not specify that the authorisation shall stem from Member State or Union law. **RO** law contains cross-reference to the concept of 'further processing' of the GDPR. In **DE**, Article 9(1) of the Directive seems to be missing in **BB, HH, MV, RP, SN, ST** and is only applicable to certain competent authorities in **BW, HB** and **SL**.

When transposing Article 9(2) of the Directive, a number of Member States (**AT, BE, BG, DK, HU, NL** and **RO**) diverge from the Directive or omit some or all of its elements. **BG** law refers to public order alongside public security. An erroneous cross-reference creates a divergence from the Directive in the law of **RO**. In **HU** law, processing of personal data for archival, scientific, statistical or historical purposes is included in the definition of processing for law enforcement purposes. No transposing provisions were located in the legislations of **AT, BE, DE** (*Federal level and Länder BB, BE, BW, BY, HE, HH, MV, NI, NW, RP, SH, SN, ST, TH*), **DK, NL** and **SI**, while in **DE** (**HB** and **SL**) transposition was done through sectorial laws for certain competent authorities.

Some Member States laws (**CZ, DE** (**BB, BY, RP**), **DK, HU, IE** and **NL**) also diverge from or omit elements of Article 9(3) of the Directive. In **CZ** law, no sectoral legislation could be identified transposing this provision for some competent authorities (the Prison Service, the Ministry of justice and courts and public prosecutors). Moreover, the national law states that the data controller may 'determine the conditions for the recipient arising from [...] law relating to the processing of the disclosed or transmitted personal data'. Certain **DE** (**BB, RP**) and **NL** transposing laws do not seem to include the obligation to communicate to the recipient of the personal data the specific processing conditions. No national transposition could be identified in the legislation of **DE** (**MV**), **DK, IE** and **SI**, while in **DE** (**BY, HB, HH, SL**) only sectorial legislation could be identified.

Concerning Article 9(4) of the Directive, the wording of some Member States' legislations (**BE, DE** (**MV**), **LV** and **PL**) also show differences with the wording of the Directive. No cross-reference could be identified in **BE** law to agencies, offices and bodies established pursuant to Chapters 4 and 5 of Title V of the TFEU. **LV** law uses a broader concept of processing rather than transmission. Finally, no reference is made in the **PL** law to applying conditions other than those applicable to similar transmissions of data within the Member State, by the transmitting competent authority. No national transposition could be identified in the legislation of **CZ, DE** (**BB, SL**), **DK, IE** and **SI**, while in **DE** (**BY, HB, HH**) only sectorial legislation could be identified.

#### • Article 5: Time-limits for storage and review

Member States' legislations follow different approaches.

First, only few Member States (**LT** and **LU**) transpose Article 5 in an almost literal fashion. The majority of the Member States' legislations seems to diverge from the wording of the Directive.

Secondly, legislation in the majority of the Member States reflects the general rule of Article 5 of the Directive, demanding further specification in sectoral laws or other legal acts (**AT, BE, BG, DK, EE, EL, DE, HR, HU, IT, LT, LU, LV, NL, PL, PT, RO, SE, SI** and **SK**). Nevertheless, relevant sectorial legislations could not be located in **BG, CY, HU, IE, MT, SE** and **SK**. On the other hand, few Member States seem to transpose the provision exclusively through sectorial legislation (**CZ** and **FR**). This is also the case in some **DE** Länder (**BB, BY, HB, HH, MV**, and **SL**). In **FI**, a general provision provides for a periodic review of the need for the storage that shall take place every five years unless otherwise specified in other legislation. The specific time limits for the erasure could be found in the sectorial laws. In **NL**, there is a general rule applicable to the storage and erasure of the personal data stating that data have to be destroyed as soon as the data are no longer necessary. In addition,

some provisions lay down concrete time limits for the erasure of personal data in specific situations. In **SI**, the main horizontal law introduces a rule that processing of data is lawful only if the law determines the time-limits for storage or for a periodic review of the need for storage of data, whereby sectorial laws then determine periods of storage of personal data and other procedural measures. However, the obligation that appropriate time limits should be set or the obligation that procedural measures should ensure that time limits are observed could not be located in SI.

In some Member States, competent authorities/data controllers seem to be entitled to provide for appropriate time limits for storage and review (**CY, DE (BB), IE and LU**).

The wording 'appropriate time limits' could be located in the legislation of few Member States (**BG, CY, DE (Federal level, RP), DK, IE, LT, LU and MT**). However, a national provision that elaborates on what is considered 'appropriate' could not be found.

The provision concerning a periodical review of the need for the storage of personal data could be located in majority of Member States (**BE, BG, CY, DE (BE, BY, HB, HE, MV, NI, NW, RP, SH, SN, ST, TH), DK, ES, FI, HR, HU, IE, LT, LU, MT, PL, PT, SE and SK**). Provision concerning procedural measure ensuring the observation of the time limits could be located in the legislation of some Member States (**AT, BE, BG, CZ, DE (BE, BY, HB, MV, NI, NW, RP, SH, SN, ST, TH), EE, EL, ES, FI, IT, LV, NL, PL, PT and RO**).

Moreover, certain peculiarities could be located in some Member States as follows. **NL** law, as regards the starting point of the retention period, refers to deleting data when they are no longer necessary and to period of time after the date of 'first processing' or the 'last processing'. **RO** law seems to have introduced a distinction between general and specific time limits. In **DE**, at the *Federal level* and in *SN*, the national legislation does not require that time limits for storage and/or review shall be laid down in law. In several *Länder* (**BE, HB, HE, MV, NI, NW, RP, SH, ST, TH**), national legislation does not require that in all cases the time limits for storage or the time frames for a periodic review should be set out in a law. The national legislations in some Member States (**AT, BE, DE (Federal level, BW, HH, NW, SL, SH), DK, EE, FI, FR, IT, LT, LV, NL, PL**) differentiate storage periods with regards to the different categories of data subjects (e.g. suspects, convicts, victims, witnesses) and/or the area/type of processing to which the personal data relates.

#### • Article 8: Lawfulness of processing

The national legislations of **BG, CY, LT, MT and PT** include an almost literal transposition of Article 8(1) of the Directive. The situation in **DE** is particular, as in many *Länder* a provision corresponding to Article 8(1) of the Directive could not be identified, or the national provisions only refer to the principles of processing and not to the legal bases (**BE, BB, HB, MV, NI, NW, SH, SL, ST**). In certain *Länder* Article 8(1) LED was transposed through sectorial laws (**HB, HH, NI, NW, SH**).

The majority of national transposing legislations of the Member States provide that the legal basis for the processing of personal data within the scope of the Directive shall be laid down in Union or Member State law, mainly through an explicit transposition and/or provisions through which an inference to the same effect can be made (**AT, BE, CZ, EE, EL, FI, FR, HR, LT, LU, LV, MT, PL, PT, RO, SE and SK**). A provision to this effect was not identified in the national legislations of **CZ, DK and NL**, while in **DE (Federal level, BB, BW, BY, HB, HE, HH, MV, NI, NW, RP, SH, SN, ST, TH)** and **ES** national laws, the specification that a lawful processing is based on the 'Union or Member State law' could not be located. In **DE**, this element is often transposed by means of sectorial legislation.

The legislations of several Member States mention also other grounds for processing than the one listed in the Directive. In **CY**, the national law provides that the processing is lawful not only when necessary for the performance of a public task by a competent authority which is based on Union law or domestic legislation or when the processing is necessary to comply with a legal obligation of the controller but also when the processing is necessary to safeguard

the vital interest of the data subject. **SI** also establishes that data can be processed for the 'protection of the life or body of the data subject or of other persons'. **DE** (*Federal level, BW, HE, HH, NI, NW, SH*), **IE** and **SI** laws refer to consent as a legal basis for processing. **MT** law provides that it shall be lawful for competent authorities to collect personal data by technical surveillance or other automated means for any of the purposes set out in specific legislations and based on the law. **HR** law refers only to the necessity of processing without linking it to the performance of a task carried out by a competent authority.

It is noteworthy that a number of Member States, including **DE** (most *Länder* such as *BB, BE, BW, BY, HB, HH, MV, NI, NW, RP, SH, SL, SN, ST*), **IE, LU, LV, NL**, did not seem to provide for the provision corresponding to Article 8(2) of the Directive. Similarly, in **DE** some states only transposed this provision in sectorial legislation (*Federal level, HE, TH*). Moreover, a reference to the objectives of processing could not be located in the national legislations of **AT, BE, HR** and **DK**. The legislations of **AT, CZ, DE** (*Federal level and TH*), **DK, EE, EL, FR, HR** and **PL** do not make reference to the requirement that the national law shall specify the personal data to be processed. The purposes of processing are not mentioned by the legislations of **AT, EE, PL** and **SE**. Under **HU** law, the transposing provision provides that the types of data to be processed, the purpose and conditions of processing, the possibility to access the data, the identity of the controller, and the duration or periodic review of the necessity of the processing are defined in the national law ordering that processing. The **IT** transposing legislation requires the government to adopt further measures setting out the objectives of processing, the personal data that may be processed and the purposes of the processing, where such terms are not provided by provisions and regulations already in force. The national provision of **SI** requires a broader range of elements to be provided in the law than those laid down by the Directive in Article 8(2).

- **Article 10: Processing of special categories of personal data**

The national legislations of several Member States, including **BE, BG, CY, HU, LT, LU, LV, MT, PT** and **RO**, seem to reflect Article 10 of the Directive either literally or almost literally.

The requirement for the processing to be 'strictly necessary' seems to be literally reflected into the national provisions of **AT, BG, CY, DE** (*Federal level, BW, BY, HE, HH, MV, NW, RP, SH, SL, ST, SN, TH*), **DK, EE, EL, ES, HR, IT, LT, LU, LV, MT, PT, RO, SE** and **SI**, whereas **CZ, DE** (*BB, BE, HB, NI*), **FI, HU, IE, PL** and **SK** do not refer to 'strict necessity' in their national transposing provisions. In **DE** (*NI*), this element was transposed as 'indispensable for the performance of the tasks'. In **SI** when data subject has made the personal data publicly accessible, the requirements of 'strictly necessary' does not seem to apply.

The national legislations of **AT, CZ, DE** (*BB, BE, BY, HB, HE, HH, MV, RP, SL, SN, TH*), **DK, NL** and **PL** do not seem to reflect the requirement of appropriate safeguards. The **EL** provisions do not explicitly focus on the need to safeguard the data subjects' rights and freedoms. National laws in **DE** (*Federal level*) transpose the element 'rights and freedoms of others' as 'legally protected rights' (*Rechtsgüter*). Further, in **LV** law, the requirement to process special categories of personal data in a manner prescribed by law and only when strictly necessary are alternative rather than cumulative conditions.

The national legislation of **DE** (*SL*), **IE** as well as **SI** also refers to consent as legal basis for processing of special categories of data, while national sectorial legislation in **DE** (*RP*) adds additional legal grounds for processing sensitive personal data, such as serious danger to health.

**CZ** law does not to reflect Article 10 of the Directive with regard to some controllers (the Prison Service, the Ministry of Justice, courts and public prosecutors), and does not make reference to genetic or biometric data. Also in **DE** (*Federal level, BB, HB, HH, SL*), transposition of Article 10 of the Directive is limited to only certain types of controllers.

All Member States except for **CZ, DE** (*Federal level*, and most of the *Länder* such as *BE, BW, HB, HE, HH, MV, NI, NW, SH, TH*), **DK, NL, SE** and **SI** include the requirement of Article 10(a)

of the Directive into their national legislations. The national transposition in **DE** (*BB, BY, RP, SL, SN, ST*) and **SI** does not require that data processing should be authorised by law, requiring instead that it can be based on law. The legislation of **SK** provides for the processing of special categories of data 'where necessary under a special regulation or an international treaty'.

All Member States except for **CZ, DE** (*Federal level, BW, HB, HE, NI, NW, TH*) and **NL** include the requirement of Article 10(b) of the Directive into their national legislations. In **DE** (*HH*), this provision was only transposed for police authorities and refers to the 'purposes of self-protection' instead of vital interests. In **HU** law, beyond vital interests of the data subject, the national transposing measure seems to allow processing sensitive data to avert or prevent direct danger threatening the life, physical integrity or assets of persons. Further, the national legislation of **PL** allows processing of sensitive data to protect the life or health or interests of the data subject or another person, without specifying what such interests are. The **ES** transposition adds the reference to the protection of 'fundamental rights and freedoms' and consequently expands the grounds for processing sensitive personal data beyond the vital interests. Transposition in certain **DE** States cross-refers to the GDPR, which adds an additional condition for processing of sensitive data – 'where the data subject is physically or legally incapable of giving consent' (*BB, BY, MV*) and in some instances adds a legal basis of 'serious danger to health' (*MV, RP*).

All Member States except for **CZ, DE** (*Federal level, BW, HB, HE, HH, NI, NW, TH*) and **NL** seem to include the requirement of Article 10(c) of the Directive into their national legislations. The national legislation of **LV** provides that processing of special categories of personal data is permitted where such data were made public by the data subject, but it does not require that the data is made 'manifestly' public.

**CZ** law does not require that the processing of special categories of personal data must be based on one of the legal bases under Article 10(a) - (c) of the Directive. In a same time, the national transposition relies entirely on sectorial legislation (as mentioned above, only with regard to certain controllers) with states that processing 'is only allowed if necessary for the purpose of investigating a specific criminal offence.'

#### • Article 11: Automated individual decision-making

All Member States include provisions prohibiting automated individual decision-making in their national legislations, including profiling (with the exception of an explicit mentioning of profiling absent from the law of **CZ, DE** (*Federal level, BW, HH, SH*), **EL, FI** and **SE**). The national legislations of **DK** and **SK** do not include the wording 'significantly affects him or her', as stipulated in Article 11(1) of the Directive, but only refer to the wording 'produces an adverse legal effect'.

Some national legislations do not refer to appropriate safeguards for the rights and freedoms of the data subject (**AT, CZ, DE** (*Federal level, BW, BY, HB, HE, MV, NI, NW, RP, SH*), **EL, FI** and **NL**) where automated decision-making is authorized by law. The national legislation of **FR** prohibits, with no exception, any decision based solely on automated processing.

Specifically, as regards the right to obtain human intervention on the part of the controller, **BE, BG, CY, DE, DK, ES, HU, IT, LT, LU, MT, NL, PT, RO** and **SI** provide for the right to obtain human intervention. National legislations of **SE** and **SK** provide for the requirement of 'review by another person' and 'verified in a non-automated manner', respectively. By contrast, this right is not laid down in the legislations of **AT, CZ, DE** (*Federal level, BW, HB, MV, NI, NW, RP, SH, SL, ST*), **EE, EL, FI, HR, IE** and **LV**. The legislation of **PL** refers to the intervention of the data controller, without specifying that this needs to take the form of human intervention. In **SI**, national transposition provides a more detailed right to obtain human intervention on the part of the controller, specifying that a data subject has at least the right to demand the re-processing or manual processing of the decision by human intervention at the competent authority and to express his or her own position on the decision.



Most Member States (**AT, BG, CY, DE** (*Federal level and most Länder*), **EE, ES, FR, HR, IE, LT, LU, MT, PL, PT, RO, SE, SI** and **SK**) transpose all elements of Article 11(2) of the Directive. National provision in **SI** provides an example of consent of a data subject as a suitable measure to safeguard the data subject's rights and freedoms. The national legislation of **EL** makes no reference to the rights and freedoms of the data subject. No reference is made to 'suitable measures to safeguard the data subject's rights and freedoms and legitimate interests' in the national legislation of **DE** (*RP*), **HU**. **NL** law requires a prior consultation of the supervisory authority but does not refer to 'suitable measures to safeguard the data subject's rights and freedoms and legitimate interests'. **IT** law provides for a direct cross-reference to the Article 9 GDPR. No transposing provisions could be located in the national legislations of **BE, CZ, DE** (*BY*), **DK, FI** and **LV**.

In **SI**, provisions corresponding to Article 11(1) and (2) have not been identified with respect to courts and in **DE**, no such horizontally applicable provisions were identified in **HB, HH** and **SL**. Article 11(2) in **DE** (*SH*) seems to be missing with respect to prison authorities.

The vast majority of the Member States seem to include all requirements of Article 11(3) of the Directive. In **DE**, some *Länder* laws refer to 'persons concerned' or to 'data subjects' as opposed to 'natural persons' (**BB, BW, BY, HB, HE, HH, MV, NI, NW, RP, SH, SL, SN, ST**). Requirements of Article 11(3) of the Directive cannot be located in the national legislations of **CZ, DE** (*TH*), **DK, SE** and **HU**. In case of Article 11(3), transposition in horizontal law is missing in certain **DE** States (**BB, HB, HH, MV, SL**).

### 4.3 Chapter III (Art. 12 - 18) - Rights of the data subject

Overall, as regards transposition of Chapter III of the Directive, in a large number of instances, certain differences were observed between the provisions of the Directive regarding Chapter III and the national legislations, in particular as regards the restrictions of the data subjects' rights, or national provisions could not be located.

For instance, with respect to Article 12 of the Directive, some Member States do not seem to specify the requirements regarding the means in which information is provided or the form in which information is provided (**CZ, DE** (*Federal level, BB, BE, BW, BY, HB, HE, HH, MV, NI, NW, SH, SL, SN, ST, TH*), **DK, FI** and **CZ, DE** (*RP*), **DK, LT, LV, SE** respectively). Article 12 of the Directive as a whole does not apply to courts in **SI**. In **DE**, this LED provision is applicable only for certain types of authorities in **BY, HB, HH** and **SL**. Article 12(2) of the Directive could not be located in **DE** (*Federal level and all 16 Länder*). Under transposition of Article 12(2) LED in **SI**, national competent authorities are obliged to prepare special forms for the exercise of data subjects' rights, while the transposition of Article 12(3) LED applies only to the following instances of the exercise of data subject's rights; the right of access, the right to rectification or erasure of personal data, and the right to restriction of processing. No national provision could be located in **DE** (*BY*) and **SI** with respect to Article 12(4), second paragraph. With respect to Article 12(5) LED, national transposing provision in **SI** regulates the right of supervisory authority to verify the identity of a natural person also when another law would require such a verification, and not just for identification based on reasonable doubts by the controller.

Concerning Article 13 of the Directive, in one instance, the national law provides that the controller shall give to the data subject further information 'at the request of the data subject or on its own initiative', thereby making it unclear whether information is to be provided to the data subject *ex officio* or only upon request (**BG**). Some minor inconsistencies have been found in the transposition of Article 13(1) and 13(2) of the Directive. For example, in **DE**, an obligation to provide certain types of information could not be detected (*Federal level, BB, BE, BW, BY, HB, HE, HH, MV, NW, RP, SH, SL, SN, TH*). At the *Federal level and in BE, BW, HE, HH, NW, SL, SH, SN* and *TH*, the right to information is conditional upon the sectorial legislation requiring the notification, whereas based on Article 13(2) LED this right is granted to all (with possible restrictions). No national transposition of Article 13(2) could be found in

*NI*, whereas in *BY, HB, HH*, and *SL* Article 13 was only transposed through sectorial legislation. In **SI**, national transposing provisions of Article 13(2)(b) omit the element 'criteria used to determine that period'.

The analysis of the national legislation in several Member States did not allow to identify all the requirements of the Article 14 (**BE, BG, DE** (*BB, BY, HB, HH, MV, NI, NW, RP, SN, ST, TH*), **EE, EL, HU, IT, LT, LV, NL, SI** In **DE**, the right to access personal data is in some states transposed as the right to receive information on personal data (*Federal level, BW, BY, HB, HH, NI, NW, SH, SL, SN*, and *TH*). Moreover, in some States this Article is transposed solely at the sectorial level (*BY, HB, HH, SL*). In **SI**, in those cases in which the exact period of data storage cannot be predicted, the national provision does not seem to refer to the data subject's right to obtain the criteria for determining such a period (Article 14(d) of the Directive). Furthermore, the **SI** transposition law limits the right of the data subject to obtain information about the origin of the data (Article 14 (g) of the Directive), since this right does not apply in the cases in which this information is protected as confidential or considered as secret under national law.

Regarding Article 16 of the Directive, the deadline for rectification and erasure ('without undue delay') seem to be missing in the national legislation of several Member States (**BE, BG, DE** (*BY, MV, RP*), **EE, NL**). As for Article 16(1) of the Directive, no reference to a 'supplementary statement' could be found in **DE** (*Federal level, BE, BW, BY, HB, HE, HH, MV, NI, NW, RP, SH, SL, SN, ST*, and *TH*). In **SI**, the deadline to delete data in Article 16(2) is more stringent ('without delay'). Moreover, Article 16 as a whole is not applicable to courts in **SI** and in **DE** this LED provision was in some instances transposed only for certain competent authorities (*BB, BW, BY, HB, HH, MV, SL*). No corresponding national provision for Article 16(5) of the Directive could be identified in certain **DE** States (*HB, NI*), while Article 16(6) of the Directive could not be identified in (*BB, HB, HH* or *NI*).

- **Article 13(3) and (4), 15 and 16(4): Restrictions of data subject rights**

**AT, BE, BG, CY, DE** (except for **NI**), **DK, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE** and **SK** adopted the option under Article 13(3) of the Directive while **CZ** and **SI** did not apply the option in its national legislation. This applies to the introductory wording and each of the points (a) to (e) of Article 13(3) of the Directive. **CY** and **DE** (*Federal level, BB, BE, BW, BY, HE, HH, MV, RP, SH, SL, SN, ST* and *TH*) do not seem to reflect the requirement of 'in a democratic society' in the introductory wording of the paragraph, and **DE** (*Federal level* and in *BW*) allows for not notifying a person if he or she would be only insignificantly affected by the measure and it could be assumed that he or she has no interest in being notified. **LV** legislation seems to reflect only point (b) of Article 13(3) of the Directive, and **DE** transposition does not always cover all the points (a) to (e). For instance, option in point (a) does not seem to be used at the *Federal level* and in *BE, HE, HH, SL, SH*, and *SN*; point (c) in *BY* and *SL*; point (d) does not seem to be used at the *Federal level* and in all 15 *Länder*; and option in point (e) does not seem to be used in *SL*. Moreover, in *HB, HH* and *SL* this option was used solely at the sectorial level.

In a number of Member States, instead of other sectorial laws to restrict the data subject rights, it is the controllers who are left with a margin of discretion in applying the restrictions under Article 13(3) of the Directive (**AT, BG, CY, DE** (*Federal level, BE, BW, BY, HB, HE, HH, NW, SH, SL, SN, TH*), **DK, EE, EL, ES, FI, FR, HR, HU, IE, LU, MT, NL, RO** and **SK**). In certain **DE** States, national laws refer to further reasons for the possible restriction of the right, such as the 'welfare of the Federation or of a Land' in *BW, HB, HE, NW, SL, SN*, and *ST*.

**BE, CY, DK, FI, IE, NL, RO** and **SK** adopted the option under Article 13(4) of the Directive while **AT, BG, CZ, DE** (*Federal level* and all 16 *Länder*), **EE, EL, ES, FR, HR, HU, IT, LT, LU, LV, MT, PL, PT, SE** and **SI** did not apply the option in their national legislations. Among the Member States that have adopted this option, the national legislations of **DK, IE** and **NL** provide for provisions which specify the categories of processing. Only general provisions are available in the legislations of **BE, CY, FI, RO** and **SK**, providing that such categories may be determined.

All Member States adopted the option under Article 15(1) of the Directive. However, in **DE**, national transposition does not always cover all the points (a) to (e). Point (a) does not seem to be used at the *Federal level* and in *BE, BW, HB, HE, HH, MV, NI, SL, SH*, and *SN*; point (c) in *SL*; point (d) does not seem to be used at the *Federal level* and in all 16 *Länder*; and option in point (e) in *NI* and *SL*. Moreover, in *BY, HB, HH* and in *SL* this option was used solely at the sectorial level.

In a number of Member States, the general national provisions reflecting Article 15(1) of the Directive do not seem to be further specified in other sectorial laws on restricting the right of access, allowing the controllers discretion in applying of the restrictions (**BG, CY, CZ, DE** (*Federal level, BE, BW, BY, HE, HB, HH, NI, NW, SH, SL, SN, TH*), **DK, EE, EL, ES, FR, HR, HU, IE, LU, PL, PT, RO** and **SK**). Finally, national laws in **DE** refer to further reasons for the possible restriction of the rights, such as the 'welfare of the Federation or of a Land' in *BW, HB, HE, MV, NI, NW, SN*, and *ST*.

**AT, CY, DK, FI, FR, IE, NL, RO, SI** and **SK** applied the option under Article 15(2) of the Directive while **BE, BG, CZ, DE** (*Federal level* and in all 16 *Länder*), **EE, EL, ES, HR, HU, IT, LT, LU, LV, PL, PT** and **SE** did not. Among the Member States that have adopted this option, the national legislations of **AT, DK, FI, FR, IE, NL** and **SI** (albeit not for courts) provide for provisions which specify the categories of processing. Only general provisions are available in the legislations of **CY, RO** and **SK**, providing that such categories may be determined.

**AT, BE, BG, CY, DE** (*Federal level* and in all 16 *Länder*), **EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, MT, NL, PL, PT, RO, SE, SI** and **SK** adopted the options under points (a) to (e) of Article 16(4), first subparagraph, second sentence of the Directive, while **CZ** and **DK** did not apply the options in their national legislations. Furthermore, the national legislation of **LV** only reflects Article 16(4), first subparagraph, second sentence, point (b) of the Directive. In **DE**, national transposition does not always cover all the points (a) to (e). Point (a) does not seem to be used at the *Federal level* and in *BE, BW, BY, HB, HE, HH, NI, SL, SH*, and *SN*; point (c) in *SL*; point (d) at the *Federal level* and in all 16 *Länder*; and option in point (e) does not seem to be used in *NI* and *SL*. Moreover, this option was used solely at sectorial level in *BY, HB, HH* and *SL*. National legislation of **SI** does not use this option for courts.

Similarly, as for other restrictions of the data subject rights discussed above, also in respect of Article 16(4) of the Directive a number of Member States' national transposing laws seem to allow the controller - instead of requiring sectorial laws - to restrict the provision of information to the data subject (**CY, DE** (*HB, HH, NI, NW, SH*), **EL, ES, FI, FR, HR, HU, IE, LU, PL, PT, RO** and **SK**). In **DE** (*Federal level, BB, BE, BW, BY, HB, HE, HH, MV, NI, NW, RP, SH, SL, SN, ST, TH*) the requirement of 'in a democratic society' does not seem to be reflected in the introductory wording. Finally, national laws in **DE** refer to further reasons for the possible restriction of the rights, such as the 'welfare of the Federation or of a Land' in *BW, HB, HE, MV, NI, NW, SN*, and *ST*.

In some Member States, some sectorial laws have been identified which allow for restrictions. These Member States include **BG, DK, DE, EE, FI, FR, IT, LT, LV, PL, RO** and **SE**.

Such sectorial laws refer predominantly to criminal procedural legislation. In **EE**, the Code of Criminal Procedure provides for the right of the controller to restrict the information given to the data subject during the pre-trial phase of the criminal proceedings. Similarly, pursuant to the **LT** Code of Criminal Procedure, the provision of information to the data subject can be delayed and the right to access to information during the pre-trial investigation can be refused by a reasoned decision of the prosecutor. The **LV** Criminal Procedure Law provides for the processing of personal data without informing the data subject in the course of special investigative actions. In **RO**, the Code of Criminal Procedure allows the prosecutor to delay providing information to a data subject until the conclusion of the criminal investigation or until the case is closed in specific situations (e.g. when the technical surveillance of other persons involved in the investigation would be jeopardised). In **IT**, various national laws apply to



the processing of personal data in criminal proceedings (e.g. Presidential Decree No 87/2016, Code of Criminal Procedure), without specifying which rights are in fact restricted. In **FR**, restriction of the right of access and the categories of processing in respect of which the restriction applies are also provided for in the Code of Criminal Procedure and of the Code of Homeland Security. The **FR** Code of Homeland Security also includes specific rules on the right of information regarding the rectification or erasure of personal data. **DK**, on the other hand, sets forth specific rules in the Act on the Processing of Personal Data in the Police Investigation Support Database and provides certain restrictions for the rights of the data subject with regard to other police monitoring databases, i.e. the Danish system for Automatic Number Plate Recognition (ANPR), POL-INTEL, and PNR (Passenger Name Records). In **BG**, the sectoral legislation provides that the police and customs authorities may not inform the individual before and during the processing of his/her personal data. Regarding the restriction to the right of information in **PL**, the sectoral legislation lists the types of procedures and the competent authorities where the processing of personal data is possible without providing information to the data subjects. In **FI**, the following pieces of legislation were identified providing for specific measures restricting the right of access in relation to certain specific categories of data processed under those acts: the Act on the processing of personal data at the Criminal Sanctions Authority, the Act on the Processing of Personal Data by the Police, the Act on the Processing of Personal Data at the Border Guard, the Act on the Processing of Personal Data at Customs, the Act on the witness protection program, the Coercive Measures Act and the Police Act. It is noteworthy that in June 2019 the **FI** government took on an initiative to repeal legislative measures providing for restrictions of the right to information from the Act on the Processing of Personal Data at the Border Guard and the Act on the Processing of Personal Data by the Police to allow the controller within the Border Guard and the Police to rely on the horizontal wording of the data protection act transposing the Directive. The national legislation of **SE** appears to provide for secrecy provisions in its Public Information and Confidentiality Act; however, these are not specific to data subject rights restrictions. Finally, in **DE** (*BB, BW, BY, HB, HH, MV, SL, SN, and ST*) sectoral laws applicable to police and/or prison authorities also allow for restriction of data subject rights as predicted in Article 16(4) of the Directive. The analysis for DE above already takes into account such sectoral laws.

In conclusion, nearly all of these Member States' sectoral provisions do not seem to set specific conditions under which the restriction of the data subjects' rights is possible, thereby leaving it to controllers to impose restrictions.

Most Member States (**BE, BG, CY, CZ, DE, EE, EL, ES, FR, HR, HU, IE, IT, LT, LU, MT, PT, RO, SE** and **SK**) transposed the requirement in Article 16(4) second paragraph of the Directive for the controller to inform the data subject of the possibility of lodging a complaint with a supervisory authority or seeking a judicial remedy in accordance with the provision of the Directive. Seeking a judicial remedy is not mentioned in transposing measures of **AT, DE** (*BB, HB, MV, RP, TH*), **DK, FI, NL, PL** and **SI**. No transposing provision could be identified in the law of **LV**.

- **Article 17: Exercise of rights by the data subject and verification by the supervisory authority**

The majority of the Member States provide that the rights of the data subjects may be exercised through the supervisory authority. This requirement of Article 17 of the Directive could not be identified in the national legislations of **PL, CZ, EE, NL** and **SI**. In **DE**, transposition in *BB, BW, HB, HH, MV* and *SL* could be found only for certain competent authorities.

The **BE** transposing measures states only that 'the law, decree or ordinance, may provide that the rights of the person concerned are exercised through the competent control authority'. Moreover, the national legislation allows the data subjects to exercise their rights through the supervisory authority also in the cases of breaches of security, which goes beyond what is required by the Directive. The cross-references in the **CY** provision corresponding to Article 17(1) of the Directive, instead of the right noted in Article 15 of the Directive, refers to the national transposing provision of Article 14 of the Directive. In **FI** law, the rights of the data

subject to be exercised through the Data Protection Ombudsman does not seem to cover the right of information. In **DE** (*RP, ST*) national provisions fail to refer to rights set out in Article 16(4) of the Directive, in *HE* and *SN* reference to Article 15(3) is missing, while in *BE, HH, NW, SL*, and *TH* reference to Article 13(3) LED is missing.

The requirements of Article 17(2) of the Directive do not seem to be reflected into the national legislations of **CZ, DE** (*BY, ST*), **EE** and **NL**. **EL** legislation does not contain an explicit requirement for the controller to inform the data subject of the possibility of exercising his or her rights under Article 16 of the Directive through the supervisory authority.

Also, Article 17(3) of the Directive does not seem to be reflected in the national legislations of **CZ, DE** (*MV*), **EE** and **NL**. The law of **BE** requires the supervisory authority to 'communicate to the person concerned that the necessary checks have been made'. In **BE, DE** (*BY, NI*) and **FI** the legislation does not seem to contain a requirement for the supervisory authority to inform the data subjects of the right to judicial remedy. Under the national provision of **HU**, the supervisory authority can refuse to substantively examine the notification, i.e. the request concerning the exercise of rights through the supervisory authority.

- **Article 18: Rights of the data subject in criminal investigations and proceedings**

The majority of the Member States chose to transpose the option offered by the Directive. Only **CZ, DE** (*Federal level* and all 16 *Länder*), **DK, EE, HU** and **IE** did not apply this option. **BE, BG, CY, EL, ES, FI, FR, HR, IT, LT, LU, LV, MT, NL, PL, PT, RO, SI** and **SK** incorporate the respective general provision into the data protection act transposing the Directive, whereas **AT** and **SE** provide for it in the legislation on criminal procedure. Consulting the provisions of criminal procedure law is necessary to comprehensively understand the applicable legislation.

Some Member States use the option in Article 18 of the Directive to derogate from requirements of the Directive. These include **FR, HR, PL, RO** and **SE**.

**CY** legislation makes a general reference to the Criminal Procedure Code for the conditions upon which the data subject may exercise his or her rights under Articles 13, 14 and 16 of the Directive. However, the relevant provisions of the Criminal Procedure Code have not been identified. In **SK**, the law also makes the reference to the specific national measures (i.e. the act on court and acts on the criminal procedure). The provisions ensuring compliance with all requirements of Articles 12 to 17 of the Directive could not be identified in those specific national measures.

#### 4.4 Chapter IV (Art. 19 - 34) - Controller and processor

With regard to Article 19 of the Directive, some specific elements of the Directive's requirements seem to be missing in some Member States, such as the ability of the controller to demonstrate that processing is performed in accordance with the Directive (**CY, DE** (*MV, RP, ST*), **HU, LV**), that technical or organisational measures shall be reviewed and updated where necessary (**CZ, EE, RO, DE** (*BY, HB, HH, MV, NI, RP, SL, ST*)) or that, where proportionate in relation to the processing activities, the measures referred to in paragraph 1 of Article 19 of the Directive shall include the implementation of appropriate data protection policies by the controller (**CY, CZ, DE** (*BB, MV, RP, SL, SN, ST*), **EE, FI, LV, PT**). In **SI**, Article 19 does not apply to courts. In **DE**, national transposition of Article 19 LED seems to be missing as a whole in *BE, HE* and *TH* and is applicable to only certain competent authorities in *BW, HB, HH, SL, SN*.

As regards Article 20(1) of the Directive, **AT** cross-refers to the GDPR and in some of the Member States certain elements of that provision could not be identified (**CY, CZ, DE** (*BB, BW, HB, HH, RP, SL, SN, ST, TH*), **DK, EE, EL, HU, IT, LV, SI**). In **DE**, the national provision at the *Federal level* requires that 'personal data shall be processed, and processing systems shall be selected and designed in accordance with the aim of using as few personal

data as possible'. The transposing provision of **CY** omits the phrase 'in an effective manner', the national transposing measure of **CZ** only explicitly refers to the risks of the processing of personal data in general, while not specifically mentioning the risks of varying likelihood and severity for rights and freedoms of natural persons posed by the processing, both at the time of the determination of the means for processing and at the time of the processing itself. In **SI**, the national transposition does not seem to refer to the obligation that technical and organisational measures, including data minimisation, shall be implemented in an effective manner, as well as to the duty 'to integrate the necessary safeguards into the processing'. The national provision of **EL** does not seem to refer to the freedoms of the natural person, instead it refers to legitimate interest. **HU, IT** and **LV** national legislation does not seem to explicitly require the implementation of measures both at the time of the determination of the means for processing and at the time of the processing itself.

As regards Article 20(2) of the Directive, the national transposing provisions could not be identified in **LV** law. **AT** national legislation cross-refers to the GDPR. In a few Member States the requirement of Article 20(2) of the Directive that the technical and organisational measures shall ensure that by default personal data are not made accessible without the individual's intervention to an indefinite number of natural persons could not be identified (**EE, FI, RO**). Other requirements seem to be missing in **BE, HU** and **PT** national law.

The **DK** transposition of Article 20(1) and (2) of the Directive merely states that measures adopted in implementation of the Article 19 shall 'cover data protection by design or default', without further elaborating on any specific requirement. In **SI**, Article 20 does not apply to courts and in **DE**, transposition was done at sectorial level in **HB, HH**, and **SL**.

No national provisions implementing Article 21 of the Directive could be located in the legislation of **NL**. In some of the Member States' national legislation certain requirements of Article 21(1) seem to be missing (**CZ, DE (HH, MV, ST), EE, IT, LU, LV** and **SI**). The national transposing measure of **CZ** and **EE** do not reflect the requirement that the distribution of responsibilities shall be made in a transparent manner. The national implementing provision of **IT** does not require the arrangement to designate the contact point for data subjects, while **SI** law indicates that the arrangement 'may' designate a contact point for data subjects to exercise their rights, while the Directive uses the wording 'shall'. The national provision of **LU** does not seem to explicitly transpose the part of the Directive provision referring to the responsibilities of the controllers being determined by Union or Member State law to which the controllers are subject, and not by the virtue of the agreement between them. **LV** national legislation does not seem to explicitly provide that the agreement of the joint controllers addresses the duties to provide information to the data subject, neither it requires to designate a contact point for the data subjects. **DE** national legislation in certain States does not seem to transpose the option in the last sentence of Article 21(1) (*Federal level, BE, BW, BY, HB, HE, HH, NI, NW, SH, SL, SN, and TH*) and in Article 21(2) (*BY*). **SI** again did not transpose this Directive's provision for courts, including the parts which are optional. The similar is true in **DE**, where not all competent authorities are covered in **HB, HH** and **SL**.

As regard Article 22 of the Directive, in some instances, the national legislation does not contain all elements such as that the controller is obliged to use only processors providing sufficient guarantees that processing shall meet the requirements of the Directive (**IT**), ensure the protection of the rights of the data subject (**DK**) or that the controller have the opportunity to object to an intended change concerning the addition or replacement of other processors (**CZ, DK, IE, RO**). The national legislation in **DE** (both at the *Federal level* and in all *16 Länder*) also does not include all elements of this LED provision. In **HB, HH** and **SL**, transposition was done through sectorial legislation. Regarding Articles 22(2) and (3), national rules applicable to courts and public prosecutors both at the Federal as well as at the *Länder* level do not seem to contain all relevant elements. The national provision in **SI** only transposes the first part of Article 22(2) and not the second sentence on the general written authorisation. With respect to Article 22(3), the national provision omits the option that the relationship between a data controller and a data processor can be governed by a law (either national or

EU) and with respect to Article 22(4) the national provision omits the reference that the contract could also be in an electronic form.

As regards Article 23 of the Directive no national provisions could be located in the legislation of **EL**. In few other Member States, the analysis of the national legislation did not allow to identify all requirements of the Article 23 of the Directive (**FI, LV, PL, PT, SE**). In **DE** (*BB, HB, HH, SL*) it seems that this Article was only transposed by means of sectorial legislation.

In several Member States some requirements of Article 24 could not be identified (**AT, BE, CZ, DE** (*Federal level and in all 16 Länder*), **DK, EL, FR, NL, PT, EE, SE, SI, IE, LV**). In **SI** the obligation in Article 24(3), 1<sup>st</sup> paragraph, to provide for records in writing including in electronic form is transposed as an alternative. Moreover, Article 24 does not seem to apply to courts in **SI** and is only applicable to certain competent authorities in **DE** (*HB, HH and SL*). As regards Article 26 of the Directive, **PL** law does not seem to provide a general duty to cooperate with the supervisory authority, but refers to obligation of the controller and the processor to make available lists and records to the supervisory authority. No national provisions could be located in the legislation of **DK**. In **SI**, this Directive's provision does not apply to courts, and in **DE** (*HB, HH and SL*) it only applies for certain types of competent authorities. Also in **DE**, some elements seem to be missing from the transposing legislation at State level (*BW*), including that the obligation to cooperate only targets controllers and not processors (*BE, HE, SH, SL, SN, TH*).

While all Member States provide for the obligation for the controller to conduct the data protection impact assessment, not all requirements of Article 27(1) of the Directive could be identified in the national legislation of **AT, BE, DE** (*BB, BE, MV, SN*), **EL** and **PT** and not all requirements of Article 27(2) of the Directive in the national legislation of **AT, CZ, DE** (*BB, BE, BY, HE, ST, SL, SN, TH*), **EL, HU, IE, IT** and **PT**. Notably, the national legislation of **IE, IT** and **PT** does not refer to the requirement of Article 27(2) of the Directive that such assessment should be carried out taking into account the rights and legitimate interests of the data subject and other persons concerned. In **SI**, all essential elements of Article 27 are present in the national legislation, however, not for courts. In **DE**, this LED provision was not transposed through horizontal laws in *BY, HB, HH and SL*.

As regards Article 28(1) and (2) of the Directive in some Member States certain differences comparing with the wording of the Directive were observed or national provisions could not be located. Namely **CZ, DE** (*Federal level, BB, BE, BW, BY, HE, NI, NW, HH, SH, RP, SL, ST, TH*) and **SE** seem to limit the obligation to consult the supervisory authority pursuant to Article 28(1) of the Directive only to controllers. As regards the requirements of Article 28(1)(b) of the Directive national provisions could not be located in **AT** while **EL** seems to refer only to the legal interests of the data subjects instead of the rights and freedoms and **PT** seems not to refer to 'mechanisms and procedures'. In **DE**, some elements seem to be missing from the transposing legislation at State level, including that in some instances this provision is not applicable with respect to all types of competent authorities (*BY, HB, HH, SL*) or that there is cross-reference to the applicability of the GDPR (*BB, MV*), however, the GDPR does not contain corresponding provisions. As regards Article 28(2) of the Directive national provisions could not be located in **CY, DE** (*BE, BW, SL, SN, ST, TH*), **DK, EE** and **ES**.

As regards Article 28(3) of the Directive, national provisions could not be located in **FI**. In **DE**, some elements seem to be missing from the transposing legislation at the States' level (*BB, BW, BY, HB, HH, MV, SL*).

As regards Article 28(4) of the Directive in some Member States certain differences with the wording of the Directive were observed (**HU, LV, SE**) or national provisions could not be located (**DK**). The wording of **HU** legislation differs from that of the Directive and requires to 'make available to the Authority the results of the data protection impact assessment' and any 'necessary clarification'. As regards the requirement of making the data protection impact assessment available to the supervisory authority, the **LV** national law states that upon request the controller and the processor shall provide it with 'information necessary for the

performance of its tasks to enable it to verify if personal data processing is in compliance of with this Law'. **SE** does not seem to specify that 'any other information requested by the authority' should allow the supervisory authority to make an assessment of the compliance of the processing and in particular of the risks for the protection of personal data of the data subject and of the related safeguards. In **DE**, some elements seem to be missing from the transposing legislation at the States' level and in some cases this LED provision only applies to certain types of competent authorities (*BY, HB, HH, SL*).

As regards Article 28(5) of the Directive in some Member States certain differences were observed comparing to the wording of the Directive (**CY, CZ, EL, FR, LV, PT, SE** and **SI**). In **EL, LV, PT** and **SI** the obligation of the supervisory authority to inform the controller within one month of receipt of the request, if the time limits for granting its advice need to be extended, could not be located. In **SI**, the national legislation does not explicitly provide the right of the supervisory authority to use its powers regulated in Article 47 of the Directive, but refers solely to the right to give advice to the competent authority or processor. The national provisions of **FR** establish a period of up to eight instead of six weeks from the receipt of the request for the supervisory authority to respond to the controller or to the processor, which can be extended by six weeks instead of one month. **SE** national legislation does not seem to reflect that the time-period for the supervisory authority to provide advice can be extended taking into account the complexity of the intended processing. In **DE**, the part of the provision reading 'together with the reasons for the delay or to provide for a fixed term of six weeks (instead it provides 'up to six weeks') seem to be missing in the Federal legislation nor does it contain a cross-reference to the authority's powers under Article 47 LED. Also, at State level, some elements seem to be missing, including a part of the provision reading 'together with the reasons for the delay' (*MV, NW, RP, SH, ST*), or it does not provide for a fixed term of six weeks (instead it provides 'up to six weeks') (*BE, NW, SH, SL, SN, TH*); it does not cross-refer to the authority's powers under Article 47 LED (*BE, HE, NI, NW, SL, SH, SN, TH*) or there is cross-reference to the applicability of the GDPR; whereby Article 36(2) GDPR provides different procedural deadlines than those specified in the LED (*BB*). Article 28(5) LED does not seem to be applicable to all types of competent authorities in certain Länder (*BY, HB, HH, SL*).

While overall **SI** national provisions almost verbatim transpose Article 28 of the Directive, their scope does not cover courts.

In several Member States, certain differences were observed between the provisions of the Directive regarding Article 29 and the national legislations. As regards Article 29(1) of the Directive, the national legislation of **CZ** does not refer to risks of varying likelihood and severity for the rights and freedoms of natural persons and the national transposing measures of both **CZ** and **PL** do not seem to require the controlling authority to take into account the state of the art and the costs of implementation. **EL** national law refers to the 'legitimate interest' of the data subjects instead of 'fundamental rights and freedoms'. **IT** national law does not provide that particular attention should be paid to the processing of special categories of personal data. The obligations of **LV** national law are set only for the controller and not for the processor. No provisions corresponding to Article 29(1) of the Directive could be located in **EE** law, and **FR** national legislation cross-refers to the GDPR. In **DE**, the transposing legislation at State level differs from the language of the LED, including that the transposing provision refers to risks only to data subjects' legal interests, as opposed to the rights and freedoms of all natural persons (*NW, SH*) and it also refers to the 'necessary' (instead of 'appropriate') technical and organisational measures (*BE, NW, SH, SL, SN, TH*). Lastly, the national provision refers to the 'dangers to the legal interests of data subjects' (instead of the 'risk [...] for the rights and freedoms of natural persons') (*BE, SN, TH*). In *HB, HH, and SL*, this provision could be found solely in sectorial legislation.

As regards Article 29(2) of the Directive, **CZ, DE** (*BB, BE, BW, BY, HB, HE, HH, MV, NI, NW, RP, SH, SL, SN, ST, TH*) and **NL** national transposing law do not seem to cover all the requirements. No provisions corresponding to Article 29(2) could be located in **LV** and **SE**

national law. In **DE** some national laws at State level (*HB, HH, MV, SL*) only apply to certain competent authorities.

As regards Article 30 of the Directive **BG, CZ, DK, EL, FR, HR, IT, LV, PT** and **SE** national transposing laws do not cover all the requirements. In **SI**, this Article does not seem to apply to courts and in **DE** (*HB, HH* and *SL*) it does not apply to all competent authorities. For example, as regards Article 30(1) of the Directive, some Member States (**CZ, FR, SE**) do not seem to provide for the obligation to respect a 72-hour deadline, where feasible, with regard to the notification of a personal data breach. **AT** and **FR** national provisions make a direct reference to the GDPR in the transposition of Article 30(1) to 30(5) of the Directive. In **SI**, the national transposition states that the notification is necessary if it is likely to result 'in a risk to the human rights and fundamental freedoms', while Article 30(1) of the Directive states that such notification is necessary 'unless the personal data breach is unlikely to result in a risk to the human rights and fundamental freedoms of natural persons'. In **DE** (*BW, BE, HB, HH, SH, SL, SN, TH*) some of the elements seem to be missing in national provisions, whereas in *BY, NI*, and *NW* Article 30(6) of the Directive seems to be missing.

In several Member States, some requirements of Article 31 of the Directive seem to be missing in national provisions (**BE, BG, CZ, DE** (*Federal level* and all 16 *Länder*), **EE, EL, FI, LV, NL, PT, SE**). In **DE**, some national laws at State level only apply to certain competent authorities (*HB, HH, SL*). **AT, FR** and **IT** provisions make a direct reference to the GDPR in the transposition of Articles 31(1) to 31(4) of the Directive.

As regards Article 31(1), the national provision of **EL** does not explicitly refer to the risk to 'rights and freedoms' of the natural persons but the 'protected legitimate interest' thereof. The deadline 'without undue delay' does not seem to be transposed into **NL** national legislation. The national provision of **SE** refers to 'particular risk' instead of 'high risk', without clarifying what is meant with 'particular risk'.

As regards Article 31(2), the requirement for description in clear and plain language could not be located in **BE, CZ** and **NL** national provisions.

As regards Article 31(3)(a), **CZ, EE, FI** and **NL** national provisions do not explicitly refer to the measure consisting in rendering the personal data unintelligible to any person who is not authorised to access it, such as encryption. The **PL** national transposing measure only refers to the example of encryption without referring to the types of measures which could be implemented (in particular those that render the personal data unintelligible to any person who is not authorised to access it).

As regards Article 31(3)(b), whereas the Directive's provision requires the 'the high risk to the rights and freedoms of data subjects no longer be likely to materialise', the national transposing measure of **CZ** merely requires the 'risk of unauthorised interference with the data subject's rights and freedoms to be significantly reduced'. The national provision of **EL** seems to omit that the protection should ensure that the high risk to the rights and freedoms of data subjects is no longer likely to materialise. Also, here, **SE** national provision refers to 'particular risk' instead of 'high risk'. Furthermore, the **SE** national provision does not cross-refer to Article 31(1) of the Directive or to a national provision transposing Article 31(1) of the Directive, as in the case of **SI** that however transposed this reference in the text establishing 'that the high risk to the human rights and fundamental freedoms of data subjects that arose on account of the personal data breach is no longer likely to materialise'.

As regards Article 31(3)(c), the national provision of **CZ** and **PT** do not seem to cover the application of other similar measures than public communication.

As regards Article 31(4) of the Directive, **BG** and **NL** national provisions do not seem to provide for the second competence for the supervisory authority, i.e. to decide that any of the conditions in Article 31(3) of the Directive are met. **EL** does not impose on the supervisory authority to require the controller to make the communication to the data subject, only that

it may officially take a position that the conditions of Article 31(3) of the Directive are not fulfilled. In **SI**, the national transposing provision is not applicable to courts. No corresponding national provisions to Article 31(4) could be located in **CZ** and **FI** legislation.

As regards Article 31(5) of the Directive, **BG** national provision makes a cross-reference to a national provision which lists the grounds under Article 13(3) of the Directive but does not set out the conditions in that provision. **CZ** national provision does not seem to allow for the notification to be delayed.

As regards Article 32(1) of the Directive, **BE** national legislation seem to provide that the controller shall designate one or more data protection officers, whereas Article 32(1) the Directive provides for a single data protection officer. The transposing provision of **CY** stipulates nothing about judicial authorities and in **HU** national legislation courts seem to be generally exempt from the obligation to appoint a DPO without restricting that exemption to their judicial capacity. The law of **ES** provides that courts and prosecution services are not obliged to designate a data protection officer. No reference is made to other independent judicial authorities, as under national law the prosecution service is the only authority falling under this category. A similar rule exists in **SI**, where courts are exempt from the obligation to designate a data protection officer. Articles 32 – 34 of the Directive are thus not applicable to them.

As regards Article 32(2) of the Directive, **SE** national provision refers to 'required expertise' without specifying that it shall imply 'professional qualities' and, in particular, 'expert knowledge of data protection law and practice'. The **SI** provision states that the data protection officer should have alternatively specialist knowledge or practical experience, while the Directive requires both elements cumulatively.

As regards Article 32(3) of the Directive, a rule allowing for the designation of a single data protection officer for several competent authorities, as foreseen in Article 32(3) of the Directive, could not be located in the national provisions of **AT** and the national provision of **LV** does not seem to require that the organisational structure and size of the competent authorities shall be taken into account when designating a single data protection officer for them.

As regards Article 32(4) of the Directive, **BG** seems to envisage the notification of the appointed data protection officer (DPO) to be made only to the national supervisory authority, and not to the Inspectorate which is the supervisory authority for judicial authorities. The national legislations of **CZ** and **SE** do not require the controlling authority to communicate the contact details of the data protection officer to the supervisory authority. The provisions corresponding to 32(4) of the Directive could not be located in **EE** law. **EL** national provision transposing 32(4) adds that the name and contact details of the data protection offices shall not be published if forbidden for reasons of national security or due to compliance with the duty of confidentiality provided by law. **FI** legislation transposing Article 32(4) omits to require the controller to publish the contact details of the data protection officer.

**LV**, **AT** and **FR** provisions make a direct reference to the GDPR in the transposition of Directive's Article 32(2) and **AT** and **FR** do this also in the transposition of Article 32(4).

Lastly, as regards Article 32 of the Directive, in **DE**, not all competent authorities are covered at the State level (*HB*, *SL*).

As regards Article 33(1) of the Directive, **AT** and **FR** national provisions cross-refer to the GDPR. There are some discrepancies observed between the national legislation of **CZ** and Article 33(1) of the Directive. **DK** national legislation does not state that the data protection officer shall be involved in all issues related to the protection of personal data properly and in a timely manner. **HU** national legislation states that the DPO shall be involved in the preparation of all decisions concerning the protection of personal data rather than in 'all issues



related to the protection of personal data'. **SE** national provision does not seem to refer to 'timely manner'.

As regards Article 33(2) of the Directive, national provisions could not be located in the legislation of **DK**. The national legislation of both **HU** and **NL** does not transpose the requirement that the data controller shall provide the DPO access to data processing operations, although in **HU** the DPO is to be provided with all the data and information necessary for the performance of his/her duties. **PT** national legislation does not seem to contain a cross-reference to national legislation transposing Article 34 of the Directive while specifying the tasks of the DPO. There are some discrepancies observed between the national legislation of **CZ** and Article 33(2) of the Directive, as in the case of the **SI**, where national law does not seem to cross-reference Article 34 of the Directive, nor provide access to processing operations for the DPO. In **DE**, not all competent authorities seem to be covered at State level (*HB, SL*).

Several Member States do not seem to meet all the requirements of Article 34 of the Directive (**BG, CZ, EE, DE (BB, BW), EL, LV, NL, PT, SE and SI**). **AT** and **FR** provisions make a direct reference to the GDPR in the transposition of Article 34 of the Directive. **EE** national law transposing Article 34(b) does not seem to refer to audits. **CZ, EL** and **SE** do not seem to provide for a provision that stipulates that the DPO is involved in awareness-raising or the training of staff involved in processing operations, whereas this is a requirement of Article 34(b) of the Directive. Several Member States do not include all the requirements of Article 34(e) of the Directive in their national legislation, i.e. **BG** only provides that the DPO acts as a contact point with respect to the CPDP (the national supervisory authority) and not to the Inspectorate (the supervisory authority in the judiciary), **LV** national legislation does not provide that the DPO should consult the Data State Inspectorate, where appropriate and **NL** national legislation does not refer to prior consultation. **PT** national legislation states that the DPO shall support the supervisory authority on issues relating to data processing, rather than referring that the DPO shall consult the supervisory authority where appropriate. The term 'support' is also not defined in the national law. In **SI**, the national transposition states that the DPO shall 'provide advice as regards the data protection impact assessment', while the Directive specifies that such advice shall be provided 'where requested'. Lastly, **SI** law states that the DPO shall cooperate with the supervisory authority only as regards the establishment of the technical conditions for the implementation of audits and with respect to direct notification of the management of the competent authority. In **DE**, Article 34 of the Directive only applies to certain competent authorities at the States' level (*HB* and *SL*), whereas in the case of *NI*, Article 34 of the Directive could not be located.

#### • Article 25: Logging

The majority of the Member States, including **AT, BE, BG, CY, EE, EL, ES, FI, FR, HR, IE, IT, LT, LU, LV, MT, PT, RO** and **SK**, in line with Article 25(1) of the Directive, provide for logs to be kept for processing operations in automated processing systems such as collection, alteration, consultation, disclosure including transfers, combination or erasure. The national legislation of **CZ** does not refer to 'combination' as a processing operation. **HU** law does not explicitly list the operations which need to be logged. The main transposing act of **SE** law requires keeping logs and only provides that this should be the case when it is legally required.

The particular requirements provided under Article 25(1), second sentence of the Directive, regarding logs of consultation and disclosure seem to be missing in the legislation of **DK**. Moreover, the requirement that the consultation or disclosure logs shall contain a justification for such processing was not identified in **PL** law. The **NL** law does not seem to require that, as far as possible, the identification of the person who consulted or disclosed the personal data must be logged. It also does not seem to provide for the log date. In **SI**, the transposing law requires the identification of an authority or person who carried out the processing, while the Directive requires that the logs should be able to identify the person 'who consulted or disclosed personal data'.



A large number of Member States seem to literally or almost literally reflect the requirement to use logs solely for the verification of the lawfulness of the processing, self-monitoring (including internal disciplinary proceedings of competent authorities) and for ensuring data integrity and data security. The Member States where this is the case include **AT, BG, CY, EE, EL, ES, FI, FR, HU, IT, LT, LU, MT, NL, PL, PT, SI** and **SK**.

The legislation of **BE** when transposing the concept of 'criminal proceedings', under Article 25(2) of the Directive refers to the 'prevention and detection of criminal offences, investigations and prosecution in that respect, or execution of criminal sanctions, including the protection against threats to public safety and the prevention of such threats'. The national legislation of **CZ** suggests that logs may not only be used for criminal proceedings, but also for 'ensuring the performance of tasks of the controlling authority or processor and the obligations of persons to whom access to personal data is provided'. The possibility to use logs for the purposes of criminal proceedings is entirely absent from the legislation of **HR**. The laws of **HU** do not provide that logs may be used for the purpose of self-monitoring. In **LV** law, the use of logs for criminal proceedings appears to encompass any criminal proceedings and not only those related to the lawfulness of a data processing activity. Moreover, logs can additionally be used for the needs of administrative proceedings and departmental checks, as well as operational activities, application of criminal and administrative penalties, compulsory measures and supervision of persons who have been subject to conditional release from criminal liability. The national transposing provision in **SI** uses different wording (e.g. 'professional and internal controls' instead of 'self-monitoring' and 'pre-criminal and criminal proceedings' instead of 'criminal proceedings') without compromising on the purpose of the LED's provision. The requirements set out in Article 25(2) of the Directive seem to be missing in the national legislations of **DK** and **SE**, and partially missing in **ES** law, which states that logs may be used for ensuring the integrity and security of personal data in the field of criminal proceedings, rather than 'for **criminal proceedings**'.

As regards the transposition of Article 25 of the Directive in **DE**, some transposing legislation at the States' level is only applicable to certain competent authorities (*BB, BY, HB, HH, MV, SL*).

All Member States' laws seem to require logs to be provided to the supervisory authority upon request.

#### 4.5 Chapter V (Art. 35 - 40) - Transfers of personal data to third countries or international organisations

Overall, the national legislations of the Member States seem to transpose the main requirements of Chapter V of the Directive. While differences with the wording of the Directive occur in some Member States in respect of certain requirements, the provisions of Chapter V have mostly been transposed literally.

**CZ** transposing legislation (both the general national transposing act, and the sectoral national legislation) does not cover some of the competent authorities (the Probation and Mediation Service, the Social Child Protection Service, or the Office for International Child Protection) in relation to the transposition of the whole Chapter V of the Directive. The introduction of public order alongside (**BG, SE**) or public order and safety instead of the concept of public security (**RO**) alters the scope of the provisions of Chapter V of the Directive in those Member States (see also section 3.3. above). In **SI**, provisions transposing Chapter V of the Directive are not applicable to courts.

In several Member States (**BE, CZ, DE** (*BB, BE, BW, BY, HB, HE, HH, MV, SL, SN, ST, TH*), **EE, EL, FR, HR, HU, IE, LV, NL, PL, PT** and **SI**), certain differences were observed between the national transposing provisions and the requirements of Article 35(1) of the Directive. There is no clear trend visible in the Member States.

Concerning the introductory wording of Article 35(1) of the Directive, **BE, NL, PL** and **PT** law, when referring to transfer of personal data, do not further specify that it relates to personal data 'undergoing processing' and 'intended for processing after transfer'. The transposing provisions in **EE, EL, FR, HR, HU** and **IE** simply state that transfer of personal data to third countries or international organisations is permitted only when conditions stipulated further in the respective laws are met. The language of the transposing provision does not refer to onward transfers to another third country or international organisations (except **HR**), nor to other specific conditions of introductory wording of Article 35. That includes the requirement to comply with national provisions adopted pursuant to the Directive. Also, the **CZ** sectorial transposing measures do not explicitly stipulate that such transfers shall only be allowed when the conditions of Chapter V of the Directive are met and subject to compliance with the national provisions transposing the Directive. **PL** and **SE** laws take a similar approach. **PT** legislation requires that the transfer does not compromise 'the level of protection' under the national legislation transposing the Directive. Finally, **HU** seems to provide for a provision that data may be transferred when the data subject explicitly consented to international data transfer and refers to controllers and processors instead of competent authorities.

National provisions transposing point (a) of Article 35(1) could not be located in **EL** law. In **DE**, the national transposition of point (a) of Article 35(1) seems to be missing as a whole at the *Federal level*, as well as in **BE, BW, HB, HE, HH, SL, SN, ST** and **TH**. In addition, provisions transposing point (a) of Article 35(1) are applicable to only certain competent authorities in **BY, BB** and **MV**. Point (b) in **NL** law could not be identified and the national legislation of **SE** refers only to competent authority, without clarifying if it is competent for the purposes referred to in Article 1(1) of the Directive. In **CZ**, certain specific sectorial legislations seem to allow for the transferring personal data to a national security body of a third state. In **DE**, national transposition of point (b) of Article 35(1) is applicable to only certain competent authorities in **BB, BY, HB, HH, MV** and **SL**. As regards point (c), **CZ** law provides for the deadline for the Member State to authorise a transfer. After its lapse, the authorisation is presumed. **MT** law provides for the derogation from the requirement to obtain authorisation 'in cases where the communication of personal data takes place in the performance of a legal task by the competent authority making such communication in relation to the particular case for which the data was specifically transmitted or made available.' **PL** and **SE** laws, while requiring authorisation of another Member State for transfer, seem to omit that the said Member State gives it 'in accordance with its national law'. In **DE**, national transposition of point (c) of Article 35(1) is applicable to only certain competent authorities in **BB, BY, HB, HH, MV**, and **SL**. As regards point (d), **SI** law states that derogations could apply also in the absence of sufficient assurances. This term is not defined and could thus potentially imply an additional ground for international transfer. In **DE**, national transposition of point (d) of Article 35(1) is applicable to only certain competent authorities in **BY, HB, HH** and **SL**. Point (e) could not be identified in **FR** law as well as in **DE (BY)**. Point (e) is applicable to only certain competent authorities in **BB, HB, HH, MV** and **SL**. Moreover, concerning point (e), **DK** and **NL** law do not mention that the authorisation can also be made by another competent authority of the same Member State. Similarly, **IE** law refers to authorisation by 'the controller'. **CZ** national transposing measures provide for an exhaustive list of aspects to be taken into account when authorising onward transfers, while **EE** and **HU** laws are silent regarding the factors to be taken into consideration by the competent authority when authorising onward transfer. In the context of point (e), **SE** law refers to the 'data obtained from another Member State'.

In several Member States (**LV, EL, FR, SE, SI** and **SK**), certain differences were observed between the national provisions and Article 35(2) of the Directive. Among those, **EL** law does not refer to the immediate and serious threat to public security of a third country. **FR, LT** and **SI** laws refer to the 'safeguarding of the essential interests' of France, Lithuania and Slovenia (respectively) rather than interests of a Member State, while **HR** law refers to essential interests of (any) another country. **LV** law does not specify that prior authorisation could not be obtained 'in good time', while **SK** law refers to 'without undue delay', as in the case of the **SI** law. **SI** law adds that the constitutional order and essential interests may also allow for an exception. In **DE**, national transposition of Article 35(2) is applicable to only certain competent authorities in case of **BB, BY, HB, HH, MV** and **SL**.

Most of the Member States (**AT, BE, BG, CZ, DK, EE, EL, FI, FR, HR, HU, IE, IT, MT, NL, PL, SE** and **SK**) do not introduce national provisions transposing Article 35(3) of the Directive. **SE** law instead requires that competent authority, when transferring the data, takes into account the 'risk of diminishing the protection of individuals' personal data'. Although Article 35(3) LED is largely transposed in **DE**, transposition in **HB, HH** and **SL** is only done at the sectorial level.

Concerning the transposition of Article 36(1) of the Directive, the requirement that transfer under this provision shall not require any specific authorisation is not indicated in the national legislations of **CZ, DK, EE, EL, FI, FR, LV, RO, NL, PL, SE** and **SI**. In **DE**, national transposition of Article 36(1) is applicable to only certain competent authorities in **BY, HB, HH** and **SL**.

The national provisions corresponding to Article 36(7) of the Directive could not be located in the legislation of **BE, BG, CZ, DK, EE, EL, FI, HR, HU, IT, LV, NL** and **SE** (although for **SE** it is clarified in the preparatory work). In **DE**, national transposition of Article 36(7) is applicable to only certain competent authorities in **BY, HB, HH** and **SL**.

On a few accounts, the national legislations of the Member States differ also from the wording of Article 38 the Directive. In **DE**, national transposition is applicable to only certain competent authorities in **BY, HB, HH** and **SL**.

Concerning Article 38(1) of the Directive specifically, **HU** makes a reference to the consent of the data subject. **AT, BG, CZ, DE, EE, EL, FI, FR, HU, IE, LV, SI** and **SK** law does not refer to 'categories of transfers'.

Concerning the subpoints of Article 38(1), **EE** law does not refer to the data subject's or other persons vital interests in transposition of point (a), but to their 'rights and freedoms.' **ES** law adds 'fundamental rights and freedoms' as a condition under which the derogation can be extended. In **HR**, the law refers instead to 'life or the physical integrity of the data subject or of another person', and in **PL** the law uses the term 'life or health'. **RO** legislation refers to protection of vital interest and at the same time specifies 'such as to prevent an imminent threat at least to the life, physical integrity or health of such persons'. Finally, **SK** law refers instead to 'the life, health or property'.

In transposition of point (b) of Article 38(1), **CY** law adds the requirement that the transfer should not hinder the work of the transmitting authority in the specific case. Moreover, some sectoral legislation in **CZ** law refers to the benefit of the data subject instead of legitimate interest and does not include the condition 'where the law of the Member State transferring the personal data so provides'. The latter condition is also absent from the national legislation of **EE, EL, FI, IE, LU, PT** and **SE**. This requirement is transposed in **LV** by reference to 'external legal norms', in **PL** and **RO** law by 'if it is provided by legal provision', and in **SK** by 'where so provided in a special regulation or international treaty'. Next to mentioning the legitimate interest, the **FI** law adds a reference to a 'substantially relevant interests'. In **DE** (*Federal level, BB, BE, BW, HB, HE, HH, MV, NI, NW, SH, SN, ST, TH*) the national transposition of point (b) of Article 38(1) does not seem to include the element 'where the law of the Member State transferring the personal data so provides'. In addition, in **BB** and **MV**, this LED provision seems to be applicable only for certain competent authorities.

In transposition of point (c) of Article 38(1), **LT** law refers to the threat to public security of the Republic of Lithuania (rather than a Member State) or a third country. **BE** law limits the concept of public security to domestic public security only, while in contrast **CZ** law only refers to public security and internal order in a foreign State. The legislation of **CY** adds national security to the grounds that justify transfers. In **EE**, the transposing laws do not specify which countries' threat to public order is to be considered. Lastly, the **SI** law includes among the grounds of exception the constitutional order', 'essential security' as well as 'political and economic interests' of Slovenia. In **DE**, the transposing legislation in **BB** and **MV** could only be detected at the sectorial level.

Transposition of points (d) and (e) of Article 38(1), seems to be missing as a whole in **DE** (*BY*), whereas in *BB* and *MV* point (d) seems to be applicable only for certain competent authorities.

In several further Member States (**EL**, **HU** and **LV**), certain differences were observed between national transpositions and Article 38(2) of the Directive. The law of **CY** uses the formulation 'fundamental rights and legitimate interests of the data subject' as opposed to the 'fundamental rights and freedoms'. **CZ** states that when interest in the protection of the fundamental rights and freedoms of the data subject prevails over the public interest in the disclosure, competent authorities shall not transfer the data or transfer them partially. In **HU** law, the wording that fundamental rights and freedoms of the data subject concerned override the public interest is represented by the formulation 'the interests included in the national legislation only justify transfer where that does not involve a disproportionate restriction on the fundamental rights of the data subject'.

As regards Article 38(3), most Member States provide for the obligation to document transfers, though scope of the national provision might differ to that of the Directive or some specific requirements are missing. In **FR** the national measure requires to document the measure only when a transfer is made for the purpose of safeguarding the data subject's legitimate interests. **HU** provision does not explicitly refer to a justification for transfer. **SE** law requires documenting the purpose of the transfer instead. **LT** provides for the exception from the obligation to record in cases where personal data is transferred for purposes of national security or defence. In **DE**, national transposition in *BB* and *MV* cross-refers to the applicability of the GDPR. The relevant provision of the GDPR is Article 49(6); however, this provision does not ascertain that the controller should make the documentation available for the supervisory authority. This provision is only applicable for certain competent authorities in *BB* and *MV*.

The majority of Member States did not provide for the provision corresponding to any of the points (a) to (d) of Article 40 of the Directive. These Member States include **AT**, **BE**, **DE** (*Federal level* and all 16 *Länder*), **CZ**, **DK**, **EE**, **EL**, **FI**, **FR**, **IE**, **LU**, **LV**, **NL**, **SE**, **SI** and **SK**. For each of the points (a) to (d) of Article 40 of the Directive, **BE** law merely refers to the possibility for the Organ of Control of Police Information (C.O.C.) to 'conclude cooperation protocols'. The national legislation of **HR** does not transpose point (a), and transposes points (b) – (d) by an obligation to provide supervisory authority of another Member State information and mutual assistance, and by setting up measures for mutual cooperation. Similarly, **SK** law refers to the cooperation with the Member States but adds also reference to cooperation with similar supervisory authorities outside the territory of Member States. **PL** law follows a similar approach, while **ES** law refers to the involvement of 'all stakeholders' without specifying what this implies. Moreover, in **ES**, the wording 'including through notification, complaint referral, investigative assistance and information exchange, subject to appropriate safeguards for the protection of personal data and other fundamental rights and freedoms' could not be located in the transposing law. In **HU**, points (a)-(d) are transposed by an obligation to cooperate with the authorities of third countries and international organisations 'in particular in accordance with the provisions of Article 50 of the General Data Protection Regulation and Article 40 of Directive (EU) 2016/680'. In **IT**, the law states that appropriate measures shall be adopted for the purpose provided by Article 50 of the GDPR. **LT** law provides for the exchange of information with personal data protection supervisory authorities of other countries and international organisations.

- **Article 37: Transfers subject to appropriate safeguards**

A sizeable minority of Member States transposed Article 37 of the Directive in a literal or almost literal manner (**AT**, **BG**, **CY**, **ES**, **HR**, **LT**, **LU**, **MT** and **PT**). It is noteworthy to recall that **CZ** law does not include Article 37 of the Directive in the sectoral legislation concerning some of the competent authorities and that the **SI** transposing provision does not apply to courts. In **DE**, national transposition of Article 37(1) is applicable to only certain competent authorities in *BY*, *HB*, *HH* and *SL*. All other Member States transposed all requirements of Article 37(1), introductory wording of the Directive.

A transposition of Article 37(1)(a) of the Directive could not be located in the national legislation of **CZ**. Without mentioning the words 'legally binding', **DK** and **HU** national provisions refer to 'an international agreement', **PL** national provision to 'the law' and **SE** to 'an agreement' instead of a legally binding instrument.

The vast majority of Member States did not include in their national legislations a reference to the conditions and circumstances listed in Recital 71 of the Directive, with the exception of **RO** and **PL**. Furthermore, in **SE**, it is not possible to ascertain whether these conditions and circumstances are taken into account by the controller in the alternative case of carrying out its self-assessment due to the rather unclear wording of the national legislation.

The national legislations of all Member States, except **CZ, HU, EL, EE, HR** and **PL** include all the requirements under Article 37(2) of the Directive concerning the obligation to provide information to the supervisory authority about categories of transfers under Article 37(1)(b) of the Directive. **HU** requires that information shall only be required for the first instance of an international data transfer in cases where processing is carried out with the same recipient and subsequent transfers are for processing with identical purposes as the first. **EL** national legislation transposing article 37(2) of the Directive could not be located. **EE** national legislation provides that the controller or processor shall provide an overview to the supervisory authority at least once a year, whereas this is not a requirement of the Directive. The **EE, HR** and **PL** national legislation do not seem to refer to the categories (of transfers). Regarding Article 37(2), in **DE**, national transposition is applicable only to certain competent authorities in **BY, HB, HH** and **SL**.

The national legislations of all Member States transposed the requirements on documenting transfers under Article 37(3) of the Directive. The national laws provide for all required elements of such documentation, except in **CZ**. The national law stipulates that the **CZ** authority shall, under certain circumstances keep the information about the time, the recipient and the reasons for the transfer as well as about the personal data concerned. This does not apply if the measure to ensure personal data protection is imposed on the security corps or the international organisation concerned by the law or an international treaty. This exception from the obligation to keep information effectively refers to situations covered by Article 37(1)(a) of the Directive. Consequently, the information obligation only applies in cases under Article 37(1)(b) of the Directive.

The requirement under Article 37(3) of the Directive that the documentation shall be provided to the supervisory authority upon request is provided under the national legislations of all Member States. Legislation in **SI** also provides that such documentation shall be stored for five years from the end of the calendar year in which the transfer was carried out. Regarding Article 37(3), in **DE**, national transposition is applicable to only certain competent authorities in **BB, BY, HB, HH, MV** and **SL**.

#### • **Article 39: Transfers of personal data to recipients established in third countries**

All Member States except **AT** made use of the option under Article 39 of the Directive. **CZ** did not transpose Article 39 of the Directive in the sectoral legislation concerning some of the competent authorities. With respect to **SI**, it should be noted that this option was not used for all competent authorities, as national provisions transposing Chapter V of the Directive in its entirety do not apply to courts. Finally, for **DE**, this option was only taken with respect to certain competent authorities in **BB, BY, HB, HH, MV** and **SL**.

Concerning Article 39(1), introductory wording of the Directive, some requirements seem to be missing in certain Member States. Namely, the requirement that this provision shall apply in individual and specific cases seems to be missing in **LV**. The requirement that all other provisions of the Directive are complied with seems to be missing in **CZ, DK, EE, HU, IT, NL, PL, SE** whilst **EL** and **SK** laws refer only to the provisions of the Directive relating to transfers. The element that transfers based on Article 39(1) of the Directive are without prejudice to any international agreement referred to in Article 39(2) of the Directive seems to

be missing in **CZ, FR** and **SE** (please note that in all three Member States national provisions transposing Article 61 could not be located whereby international agreements have been identified in **CZ**). Moreover, **EL** law seems to subject the transfers pursuant to Article 39 also to the requirements of Article 35(1)(b) of the Directive. Furthermore, **HU** law provides for that the conditions of Article 39 apply in the absence of consent of the data subject. Finally, **SI** law transposes the element 'without prejudice to' as 'irrespective of'.

Concerning the requirements set out in Article 39(1)(a) to (e) of the Directive in some cases the national legislations diverge from the requirements of the Directive.

Concerning Article 39(1)(a) of the Directive, some of its requirements seem to be missing in several Member States. Namely, the requirement that the transfer has to be 'strictly' necessary seems to be missing in the national laws of **CZ, FI, FR, HR, IE** and **PL**, which set out that the transfer shall be necessary. A cross-reference to the purposes provided in Article 1(1) of the Directive or their explicit mention is not provided in the law of **BE, EL, HU** and **SK**. In **DE**, national transposition refers to 'absolutely necessary' (instead of 'strictly necessary') (*NW, SH*) or it refers to an indispensable transfer (instead of 'strictly necessary') (*NI*). Additionally, in the national transposition at the *Federal level* and in *BE, BW, HB, HE, HH, NW, SH, SL, SN, TH* the purpose of processing is not linked to Article 1(1) of the Directive. Moreover, the requirement that the tasks shall be provided for by Union or Member State law seems to be missing in **BE, DE** (*Federal level, BB, BE, BW, HB, HE, HH, MV, NI, NW, RP, SH, SN, ST, TH*), **CZ, EE, EL, FI, FR, HR, HU, LV, PL** and **SK**.

Concerning Article 39(1)(b) of the Directive certain elements seem to be missing or seem to diverge from the Directive in some Member States. The laws of **EL, HU, SK** do not seem to refer to the 'freedoms' of the individual, and the laws of **EL, HU, LV** do not seem to specify that the competent authority shall make the determination that no fundamental rights and freedoms of the individual override the public interest necessitating the transfer at hand.

Concerning Article 39(1)(c) of the Directive, in some Member States (**CZ, EE, EL, HU** and **LV**), the transposition of it seems to differ from the requirements of the Directive. The laws of **EL, HU, LV** do not seem to specify that the competent authority shall consider whether the conditions of this provision of the Directive are met. Moreover, the national legislation of **HU** does not seem to refer to 'inappropriate' transfers nor does it specify that this is the case where a transfer 'cannot be achieved in good time'. Likewise, **EE** law does not seem to specify that a transfer which cannot be achieved in good time may be considered ineffective or inappropriate. **SE** law does not seem to refer to this example either, however the explanatory memorandum of the law explicitly does so. Concerning Article 39(1)(d) of the Directive, the law of **CZ** and **PL** seem to diverge from the language of the Directive. The national legislation of **CZ** does not require the competent authority to inform the competent authority in the third country where this 'would lead to delays or difficulties'. Moreover, the **PL** national provision seems to refer only to the 'prosecution authority' in the third country instead of any 'authority that is competent' as specified in the Directive.

Finally, with regards to Article 39(1)(e) of the Directive **CZ, EL, HU, PT** and **SE** laws do not seem to explicitly mention that the specified purposes shall be the only purposes for which data may be processed, if necessary, and the laws of **EE, HU** and **SE** do not seem to include the requirement that such processing of personal data shall be carried out if necessary. In case of **DE**, national transposition of Article 39(1)(e) seems to be missing as a whole in *BY*.

Concerning Article 39(2) of the Directive, most Member States (**BG, CY, ES, FI, HR, HU, IE, IT, LT, LU, MT, NL, PL, PT, RO, SI** and **SK**) included a respective definition of an international agreement into their national implementing measures. The national legislation of **BE** does not seem to include that the judicial cooperation relates to 'criminal matters'. In **SI**, the definition of an international treaty or an agreement is not provided in the main horizontal law transposing LED but in a pre-existing legislation. The legislation of **PL** does not seem to include the 'judicial cooperation'. National transposing provisions could not be located in **AT, CZ, DK, EE, EL, FR, LV** and **SE**. In **DE** (*Federal level, BB, BW, HB, HH, MV, NI, RP, SH, ST*)



national transposition of Article 39(2) does not include explicit reference to the meaning of the agreement. In addition, national transposition of Article 39(2) seems to be missing as a whole in *BY, BE, HE, SL, SN* and *TH*.

Concerning Article 39(3) of the Directive the national legislations of the majority of the Member States, except **CZ, NL** and **EL** seem to include the requirement for the competent authorities to provide information to the supervisory authorities about such transfers whereby some Member States have specified the way the information is provided, e.g. at least annually (**EE, RO**) or immediately (**HU, PL**). The corresponding national provisions could not be located in the national legislation of **EL** and **NL**. In **DE** national transposition of Article 39(3) seems to be missing as a whole in *BB, MV, PR* and *ST*.

Concerning Article 39(4) of the Directive almost all Member States provided for the documentation requirement and some of them specified the information the documentation shall include (**CZ, EE, FR, HU, IE, LT, MT, RO, SI**). In **SI**, this is due to the fact that national provision cross-refers to provision transposing Article 37(3) of the Directive. Documentation should thus include date and time of the transfer, information about the receiving competent authority or recipient, the justification for the transfer and the personal data transferred, it shall be stored for five years from the end of the calendar year in which the transfer was carried out, as well as made available to the supervisory authority upon request. Few Member States' laws (**EE, LT, LV**) refer to the 'receiving authority' instead of the 'recipient established in a third country'. (Please note that, as mentioned above, **EL** law seems to subject the transfers pursuant to Article 39 also to the requirements of Article 35(1)(b) of the Directive, thus indirectly appear to refer to competent authorities as recipients). The requirement of Article 39(4) of the Directive could not be located in the law of **EL**.

#### 4.6 Chapter VI (Art. 41 - 49) - Independent supervisory authorities

With respect to Article 41 of the Directive, some elements of the Directive's requirements seem to be missing, such as the specification that the supervisory authority shall be established 'in order to protect the fundamental rights and freedoms of natural persons in relation to processing and to facilitate the free flow of personal data within the Union' (**CZ, DE** (*Federal level, BE, BW, HB, HE, HH, NI, SH, SL, SN, TH*), **FI, PT** and **SK**). In **DE** national transposition of Article 41(1) of the Directive is applicable to only certain competent authorities in *HB* and *SL*, whereas in *BY*, in criminal enforcement proceedings supervision powers of the Land supervisory authority exist only after the conclusion of the criminal proceedings. In *NW*, the national transposition of Article 41(1) only mentions the monitoring of the application of the Directive.

In **DE** national transposition of Article 41(2) of the Directive seems to be missing as a whole in *NW* and is applicable to only certain competent authorities in *BW, HB* and *SL*. While in the case of **SI**, the transposition of Article 41(2) does not seem to expressly indicate that the supervisory authority should cooperate with the Commission to ensure a 'consistent application' of the Directive but rather refers to cooperation with the European Data Protection Board. In the same vein, in **DE** (*Federal level, BB, BE, BW, HB, HE, HH, MV, NI, SH, SL, SN, ST, TH*) the national transposition of Article 41(2) of the Directive does not mention the need to cooperate with the European Commission.

However, all the Member States seem to provide for a supervisory authority. The majority of them chose the same supervisory authority established under the GDPR (Article 41(3) of the Directive). It seems that only **BE** provides for a specific supervisory authority to supervise the processing of personal data by police forces and the Passenger Information Unit. A peculiar case concerns **ES** legislation, which establishes three data supervisory authorities at regional level, alongside the supervisory authority at national level, which represents all Spanish data protection authorities in the framework of the European Data Protection Board. Similarly particular is the case of **DE**, where supervisory authorities are established both at

the Federal level as well as at the States' level. While all Länder have one supervisory authority, *BY* has two; one with competences over private bodies and one over with competences over public bodies.

It seems that the national provisions of all Member States reflect the requirement specified in Article 42(1) of the Directive. However, in **DE**, national transposition of Article 42(1) of the Directive seems to be missing as a whole in *TH* and is applicable to only certain competent authorities in *BB*, *HB* and *SL*. In *HH*, *NI*, *NW* and *SL* there is no mentioning that the Land supervisory authority should act independently in performing its tasks and in exercising its powers.

The requirements of Article 42(2) of the Directive could not be located in the national legislation of **SE**, and certain differences were observed in **CY**, **DE** and **SI**. In **SI** law the last part of Article 42(2), stating that the member of the national supervisory authority 'shall neither seek nor take instructions from anybody', could not be located. In **DE**, national transposition of Article 42(2) of the Directive is applicable to only certain competent authorities in *BB*, *HB* and *SL*. In *BB*, *BW*, *NI*, *NW*, *RP*, *SH*, *SL* and *TH* the national transposition of Article 42(2) foresees that the Commissioner is independent and is subject to the law; however, it seems there is no explicit transposition of the following elements: 'whether direct or indirect', 'neither seek nor take instructions from anybody'. In *MV*, the general reference to the independence of the supervisory authority and its member does not seem to sufficiently transpose the specific requirements set out in the Directive. Transposition also does not include all the necessary elements in case of *ST*.

In **DE** national transposition of Article 42(3) of the Directive seems to be missing as a whole in *NI*, *NW* and *SN* and is applicable to only certain competent authorities in *BB*, *HB* and *SL*. In *SL*, national transposition does not contain any provision with regard to incompatible actions or occupations.

As regards Article 42(4) of the Directive, several Member States' legislations seem not to contain provision concerning the necessary technical resources, premises and infrastructure (**CY**, **CZ**, **DK**, **EE**, **EL**, **IE**, **LV**, **NL**, **PL** and **SK**) whilst the requirement of financial resources could not be located in the legislations of **CY**, **CZ**, **DK**, **EE**, **IE**, **NL** and **PL**. In **SI** and **DE** (*Federal level*, as well as *BE*, *BW*, *NI*, *NW*, *SH* and *SN*) national transposing provisions could not be located, whereas in **DE** (*BB*, *HB* and *SL*) transposing provisions could only be located in sectorial laws. Furthermore, in *HB*, technical and financial resources and infrastructure are put together in the word 'material resources'. However, the wording 'exercise of its powers, including those to be carried out in the context of mutual assistance, cooperation and participation in the Board' seems to be missing. In *BB*, the national transposition of Article 42(4) of the Directive does not specifically state the meaning of 'necessary resources' and if it extends to 'human, technical and financial resources, premises and infrastructure'. Also, no reference is provided to the examples provided in the LED 'in the context of mutual assistance, cooperation and participation in the Board'. In *SL*, the national transposition of Article 42(4) of the Directive for police authorities does not contain any provisions on the budgetary independence of the Land supervisory authority.

A provision corresponding to Article 42(5) of the Directive could not be located in **DE** (*BE* and *SN*) and in **DK** legislation, whereas in **DE** (*BB*, *HB* and *SL*) it is only applicable to certain competent authorities. In **ES**, a clarification that the data protection authority's staff should be 'subject to the exclusive direction of the member or members' of the data protection authority, could not be located. In **DE** (*BB*, *NI* and *SL*), the national transposition does not seem to include any rule providing that the staff should be under exclusive direction of the State Commissioner.

The provisions corresponding to requirements of Article 42(6) of the Directive could not be located in the laws of **AT**, **CY**, **DE** (*SH*), **DK** and **NL**, whereas in **DE** (*BB*, *HB*, *SL*) it is only applicable to certain competent authorities. In **DE** (*RP* and *ST*), **FI**, **IT** and **SI** the budget of the supervisory authority is attached as a separate budget line to a Ministry or to another



budgetary user. In **DE** (both at the *Federal level* as well as at the level of the States such as **BE, SL, SN**) the element regarding a separate, public annual budget is missing in the national legislation; however, in practice the Land supervisory authority does receive a separate annual budget.

Concerning Article 43(1) of the Directive, the majority of Member States (**AT, BE, BG, CY, DK, DE, EE, EL, FI, HR, HU, IE, IT, LT, LU, MT, NL, PL, RO** and **SE**) involve only one body in the appointment procedure of the members of the supervisory authorities. Namely, **BE, BG, DE** (*Federal level* and *all States except for SN*), **EL, HR, IT, PL, RO** and **SI** supervisory authority is appointed by the parliament; in **CY, DK, EE, FI, IE, LT** and **NL**, the supervisory authority is appointed by the government. The Head of State appoints the supervisory authority in **AT, HU**, and **MT**. In some of the above (**AT, CY, HR, HU, LU, LV** and **SI**) an additional body in the selection procedure seems to be involved, i.e. by providing for a recommendation (**CY** and **LV**), an opinion (**EE**), or a proposal (**AT, HR, HU, LU** and **SI**). In **CZ, FR, PT** and **SK** several bodies appoint members of the supervisory authority. In **ES**, at national level the supervisory authority is appointed by the government after approval of the parliament, while at regional level each authority has its own different appointment procedure. In **DE**, at the *Federal level*, the Federal Commissioner is elected without the debate by the German Bundestag with more than half of the statutory number of its members, at the proposal of the Federal Government. The person elected shall be appointed by the Federal President. Transposition of Article 43(1) of the Directive seem to be missing in **SN**, whereas in **BB, HB** and **SL**, national transposition is applicable to only certain competent authorities.

Regarding the requirements of Article 43(2) of the Directive, some Member States seem to reflect only partly the elements provided therein, i.e. the specialisation 'in the area of the protection of personal data' could not be located in **BG, CY, DK, FI, IE** and **SI**, while in **ES**, the criterion of experience in such area is not foreseen for the members of the national nor regional supervisory authority. **FR** does not require this element for all members of the supervisory authority, for example as regards the representatives of the Parliament or the Economic, Social and Environmental Council. Lastly, in **DE** national transposition of Article 43(2) of the Directive seems to be missing as a whole in **SN** and could only be found in certain sectorial laws in **BB, HB** and **SL**.

Concerning Article 43(3) of the Directive, some Member States seem not to refer to the compulsory retirement (**CY, CZ, DE** (*Federal level*, **BB, BE, HB, HE, HH, SH**), **EL, ES, FI, HU, PL** and **SI**). Provision concerning the resignation could not be located in the legislation of few Member States (**CY, CZ** and **FI**). **MT** seems to provide for a particular removal procedure, while **SI** sets additional grounds for ending the duties of the supervisory authority's member. In case of **DE** national transposition of Article 43(3) of the Directive seems to be missing as a whole in **BW, SL** and **SN** and could only be found in certain sectorial laws in **BB** and **HB**.

Provisions corresponding to Article 43(4) of the Directive could not be located in **EE, FR** and **IT**. A provision concerning dismissal in case of serious misconduct could not be located in **HU** legislation while in **FI** and **SE** legislation a provision regarding dismissal when the member of the supervisory authority no longer fulfils the conditions required could not be located. In **SI**, national legislation adds the condition of dismissal in cases where there is permanent incapability of a member of the supervisory authority or where the member 'neglects to execute his/her powers'. **MT** legislation refers to 'proved misbehaviour' instead of 'serious misconduct'. In **DE** national transposition of Article 43(3) of the Directive seems to be missing as a whole in **HH** and **SN** and could only be found in certain sectorial laws in **BB, HB** and **SL**. In **HE, NW** and **SL**, national transposition does not seem to include any reference to the scenario where the member no longer fulfils the conditions required for the performance of the duties. In addition, in **SL**, national transposition does not seem to include any provision with regard to dismissal of a member in case of serious misconduct. On the contrary, in **BY** the members could be dismissed in case of violations of the Basic Law or of the constitutional order of the country.

Concerning Article 44 of the Directive, some national legislations, including **ES** and **SI**, do not seem to set out all the requirements for the establishment of the supervisory authority. In **DE**, national transposition of Article 44 of the Directive seems to be missing as a whole in *SN* and could only be found in certain sectorial laws in *BB*, *HB* and *SL*.

In **ES** the requirements for appointing a person as a member (director) of one of the regional (Basque) supervisory authorities could not be located (Article 44(1)(b)). The legislation in the same regions do not seem to specify whether and, if so, for how many terms the member or members of the regional supervisory authority could be reappointed (Article 44(1)(e) of the Directive). In **SI** law, the provision on the incompatibilities of the member and staff 'actions, occupations and benefits', which are relevant after the end of the term of office, could not be located (Article 44(1)(f) of the Directive). Also regarding Article 44(1)(f) of the Directive, in **DE** (*Federal level*, *BE*, *HE*, *HH*, *SH* and *TH*) the rules on the incompatibility of the member(s) only apply during the term of office. Rules regarding the staff are laid down at the Federal level both for the Federal and Länder level. National transposition in *SN* could not be detected with respect to the member(s) of the supervisory authority.

With respect to Article 44(2) of the Directive, the laws regulating regional supervisory authorities in **ES** do not seem to include all elements of this LED provision or do not provide for the duty of professional secrecy for members and staff, during and after the end of the term of office. In **DE**, national transposition could only be found in certain sectorial laws in *BB*, *HB* and *SL* and in the case of *SN* the provision is only applicable for staff.

With regard to Article 46, it seems that some Member States' legislations reflect some elements only partly. Namely, Article 46(1)(h) of the Directive could not be located in **PT** and Article 46(1)(e) of the Directive could not be located in **EE** and **PL**. The last part of Article 46(1)(f) of the Directive, stating 'in particular if further investigation or coordination with another supervisory authority is necessary' could not be located in **ES** and **SI** laws. Moreover, **SI** law adds that the applicants shall be informed of the progress and the outcome of the investigation only upon their express request. Article 46(1)(g) and 46(1)(j) could not be located in **SI**, while Article 46(1)(l) of the Directive seems to be missing in **PL** and **RO**. The requirements of Article 46(3) of the Directive could not be located in **DK** and **IT**, while in **SI**, the transposing law provides for an option that the costs of the procedure could be allocated also to the data subject.

Transposition in **DE** is somewhat particular as national transposition of Article 46(1) of the Directive could only be found in certain sectorial laws in *HB* and *SL*. With respect to point (a), the national transposition in *BB* refers only to 'monitoring', thereby omitting reference to enforcement, whereas in *BW*, although the national transposition contains most elements of this provision, it can be interpreted in a narrow manner so as to only include 'monitoring' and not 'enforcement'. The wording also seems to be limited only to controllers. With respect to point (f), the example prescribed by the Directive, i.e. 'in particular if further investigation or coordination with another supervisory authority is necessary'; as well as the following requirement: 'investigate, to the extent appropriate' seem to be missing as a whole from the national transposition in *BB*. In *BW*, national transposition only refers to data subjects and does not include complaints lodged by 'a body, organisation or association'. National transposition of point (g) of Article 46(1) of the Directive seems to be missing as a whole at the *Federal level* as well as in *HB*, *HH*, *NI*, *NW*, *RP*, *SH*, *SL*, *ST*, and *TH*. In *BE*, *HE* and *SN*, although national transposition contains most of the elements of the provision, the duty to inform data subjects 'within a reasonable period' could not be detected. Considering point (h), the national transposition contains most of the elements of this provision; however, it does not state that mutual assistance should serve to ensure consistency in applying/enforcing the Directive (e.g. *SN*). Finally, national transposition of point (k) seems to be missing as a whole in *NW*, whereas in *BY* cross-reference to the GDPR does not ensure that all elements are covered.

As to the national transposition of Article 46(2) of the Directive in **DE**, this seems to be missing as a whole in *TH* and could only be found in certain sectorial laws in *BW*, *HB*, *MV* and

*SL*. National transposition of Article 46(3) of the Directive seems to be missing as a whole in *TH* and could only be found in certain sectorial laws in *HB* and *SL*. At the *Federal level* and in *BE, HB, HE, HH, SH* and *SN*, the national provisions seem to refer to the data subjects, but not to the data protection officers, who could in principle be charged with administrative fees.

All Member States but **DE** (*TH*) and **HU** made use of the optional provision of Article 46(4) of the Directive whereby some Member States provided only of the option to refuse to act (**BE, BG, CZ, DK, EL, ES, IT, NL, SE**). In **DE**, this option could only be found in certain sectorial laws in *HB* and *SL*. In some Member States the obligation of the supervisory authority to demonstrate that a request is unfounded or excessive seems to be missing (**BE, BG, DE** (*BB, MV, RP, ST*), **DK, EL, IT** and **NL**).

Pursuant to Article 48 of the Directive several Member States (**AT, BG, CY, DE** (*Federal level* and *all Länder except for TH*), **DK, FI, HR, HU, LT, MT, RO, SE** and **SI**) provide for the competent authorities to put in place confidential reporting of infringements of the Directive or seem to apply general national legislation on confidential reporting of breaches (**FR, IE, LV, SK**). In some Member States (**IT, LU, PL**), however, the supervisory authority shall encourage (**IT**) or set-up (**LU**) or establish (**PL**) such reporting mechanisms. The requirements of Article 48 could not be located in **BE, CZ, DE** (*TH*), **EE, EL, ES** and **PT**, whereas in some **DE** States (*BW, HB, HH, MV* and *SL*) this provision could only be found in certain sectorial laws. Also in **DE** (*Federal level, NI, NW, SH*), the transposing legislation only requires the controllers to receive confidential reports on violations; however, it does not require them to put in place effective mechanisms nor to encourage confidential reporting. In *BE, BY, HE, SL, SN* the law obliges to merely 'facilitate' such reports. Some elements seem to also be missing from the national transposition in *BB, HB* and *HH*.

With respect to the transposition of Article 49 of the Directive, national transposition seems to be missing as a whole in certain **DE** States (*NI* and *NW*) and could only be found in certain sectorial laws in *HB* and *SL*. In *TH* the national transposition does not include an express requirement to make reports available to the Commission and the Board.

#### • Article 45: Competence

All Member States provide for each supervisory authority to be competent for the performance of the tasks assigned to, and for the exercise of the powers conferred on it as relating to its national territory (Article 45(1) of the Directive).

As regards Article 45(2), first sentence, almost all of the Member States explicitly provide the exception from supervision of courts acting in their judicial capacity. **PT** referred to 'procedural powers' instead. No provisions relevant to this requirement could be located, however, in **BE** and **NL** law. The national legislation of **FI** does not seem to clarify whether the exclusion of courts from the supervision of the supervisory authority is limited to their judicial activities. Most of the transposing measures do not specify the authority that supervises courts acting in their judicial capacity. **BG** specifies that all judicial authorities are subject to supervision by the Inspectorate to the Supreme Judicial Council. **CZ** provides for a supervision by the designated higher court as regards district courts, regional courts and high courts. The monitoring of high courts' compliance is performed by the Supreme Court or by the Supreme Administrative Court. The supervision exercised over the Supreme Court and the Supreme Administrative Court of **CZ** is performed by an employee designated by the chairman of the respective court. In **ES**, the General Council of the Judiciary and the Attorney General of the State, respectively are the competent ones for the supervision of processing operations of courts and public prosecution services when acting in their judicial capacity. In **LU** the competent supervisory authority is the Judicial Supervisory Authority and in **PL** the competent supervisory authority is the president of the respective higher-level court or the National Council of the Judiciary (for last-level courts). **HR** and **SK** provide that the supervision is performed by the Ministry of Justice. In **DE**, national transposition of Article 45(2) first sentence of the Directive could be found both at the *Federal level* as well as in all States, except for *HB* and *SL*.

**CZ, EE, EL, ES, DE** (*BE, MV, ST and TH*), **FI, HR, IT, PL** and **SI** adopted the option laid down in Article 45(2) second sentence of the Directive (excluding from supervision other independent judicial authorities acting in their judicial capacity) while no provisions to that effect are present in the national transposing act of **AT, BE, BG, CY, DE** (*Federal level* and *BB, BW, BY, HB, HE, HH, NI, NW, RP, SH, SL, SN*), **DK, FR, HU, IE, LT, LU, LV, MT, NL, PT, RO, SE** and **SK**. Nevertheless, some of the latter Member States (for instance **BG, CZ, LU**) specify that public prosecutors are excluded from the supervision of (administrative) supervisory authority. **SI**, in respect of Article 45(2), including the option under Article 45(2) second sentence, refers to two cases: when the processing of personal data is carried out in criminal matters before a court as part of the independent adjudication or decision-making by expert members of staff or judicial assistants in accordance with a judge's order, and when the Slovene Constitutional Court is addressing criminal matters. Pursuant to a 2013 decision of the Constitutional Court, a national supervisory authority may only exercise its competences in such a way that it does not interfere with ongoing individual legal proceedings conducted by the competent state bodies

#### • Article 47: Powers

The vast majority of the Member States provide for the requirements of Article 47(1) to (4) of the Directive. As regards Article 47(5) of the Directive in many Member States certain elements seem to be missing or a provision could not be located.

All Member States provide for investigative powers as laid down in Article 47(1) of the Directive. In **DE** national transposition could only be found in certain sectorial laws in *HB* and *SL*. Many Member States seem to provide additional powers, e.g. conduct inspections, audits, entry the premises, access the data and processing media, make copies of the data (**AT, CY, DK, EE, EL, FR, HU, IE, IT, LU, LV, MT, NL, PL, PT, RO, SE, SI** and **SK**). In some of them the investigative powers seem to be the same as per Article 58(1) GDPR by cross-reference to that provision (**EE, EL, ES, LU, LV and NL**). In certain **DE** States some elements of this LED provision could not be detected in transposing legislation. In *HB*, for example, national transposition provides for the restriction of the power to access data that are being processed in case this would risk the security of the Federation or a State. In *NI*, national transposition only refers to investigative powers towards the data controller but not towards the data processor. In the same vein, investigative powers in the case of prison authorities can only be executed towards controllers in *SL*. Lastly, in *TH* national transposition does not specifically refer to obtaining access (from a controller/processor) to personal data being processed or obtaining access to information necessary to perform its tasks.

The vast majority of the Member States provide for the corrective powers pursuant to points (a) to (c) of Article 47(2) of the Directive. **SI** transposition does not state that such corrective powers should be effective. Only in few Member States (**BG, CZ, DE, ES, NL and SI**) some elements pursuant to Article 47(2) (a) to (c) of the Directive seem to be missing, namely **BG** seems to provide that when the supervisory authority handles complaints it may only make a finding about the lawfulness of the processing. **CZ** seems to only provide the power to order to bring the processing in compliance with the law and **ES** does not specify that, where appropriate, the order to the controller must specify the manner in which and the period during which the processing must be brought in compliance with the Directive. **NL** seems to only provide the power to issue warnings, whereas in **SI** law, two elements concerning the controller or processor against whom such a warning is issued, namely that the controller 'intended to carry out process operations' and 'are likely to infringe the provisions', could not be located. Lastly, in **DE**, corrective powers could only be found in certain sectorial laws in *HB* and *SL*.

More specifically, the power referred to in Article 47(2)(a) of the Directive could not be located in the legislation of **CZ** and **BG** (latter as regards when handling complaints). In **DE** (*Federal level, BE, HE, HH, SH, SN, RP, TH*) national transposition is applicable only to the data controllers, without mentioning the data processors. The power referred to in Article 47(2)(b) of the Directive could not be located in the legislation of **DE** (*BE, BY, NI and TH*), **NL** and **BG** (latter as regards when handling complaints). Also in **DE** (*Federal level, HB, RP*

and **SL**), this provision could only be found in certain sectorial laws. Moreover, the examples of rectification or erasure of personal data or restriction of processing pursuant to Article 16 of the Directive could not be located in the legislations of **CZ**, **DE** (**NW**), **IE** and **LV**, though provision in **LV** and **DE** (**NW**) cross-refer to the provision of Article 58(2)(d) GDPR. In the national legislation of **LT**, the element 'in a specified manner and within a specified period' seems to be missing. Some elements seem to be missing also in **DE** national legislation (**BB**, **HE**, **HH**, **MV**, **SH**, **SN**). For instance, in **HH** national transposition limits the power of the Supervisory Authority to significant violations. The power pursuant to Article 47(2)(c) of the Directive to impose a temporary or definitive limitation, including a ban on processing could not be located in **CZ**, **DE** (**BE**, **BY**, **HE**, **NI** and **TH**), **NL**, **PT** and **BG** (latter as regards when handling complaints). In certain **DE** States this power could only be found in certain sectorial laws (*Federal level*, **BB**, **BW**, **HB**, **RP**, **SH** and **SL**), while in other States (**BB**, **BW**, **HH**, **MV**, **RP**, **SH**, **SL**, **SN**) some elements of Article 47(2)(c) could not be found in national legislation or are not transposed in a clear manner. For instance, in **HH** and **SH**, national transposition seems to limit the power of the Supervisory Authority to significant violations. In **BW** and **SL**, although the national transposition contains all elements of this provision, it is unclear whether this power applies both to controllers and processors. In **SI**, a supervisory authority can order additional limitations on processing, on top of a ban such as anonymisation and archiving.

In addition, in the majority of Member States the supervisory authorities have the corrective power of imposing fines (**AT**, **BG**, **CY**, **CZ**, **EE**, **EL**, **ES**, **HR**, **HU**, **IT**, **LT**, **LU**, **LV**, **MT**, **NL**, **PT**, **RO**, **SE**, **SI** and **SK**) whereby this power seems to be limited in some of them. Namely, the supervisory authorities in **AT**, **EE**, **LV** may impose fines only to natural persons, such as employees, or only to private entities, i.e. processors when they are private entities. In **FR**, finally, the supervisory authority may in case of immediate and severe violation request the court by way of an injunction procedure to order the necessary measures and subject them to a periodic penalty payment in case of non-compliance.

In **IE**, the supervisory authority shall publish particulars of criminal convictions as regards the penalties pursuant to Article 57 of the Directive and any exercise of its powers to order the suspension of transfers of personal data to a third country or international organisation.

Regarding the advisory powers pursuant to Article 47(3) of the Directive, certain differences were observed between the provision of the Directive and the national legislations or national corresponding provisions could not always be located. As regards the advisory power of issuing opinions to the parliament, government, other institutions and bodies and to the public upon request or on its own initiative, in **CZ** the supervisory authority does not seem to have the power to issue opinions to the government on its own initiative. The national legislation of **IT** does not seem to provide for the power of the supervisory authority to issue opinions on its own initiative or upon request to the parliament or the government or other institutions and bodies. In **NL**, as regards the supervisory authority for the courts, the provisions corresponding to Directive's advisory powers could not be located. As regards the advisory power pursuant to Article 28 of the Directive, in some Member States national provisions could not be located. Namely, the requirement of Article 28(1)(b) of the Directive seems to be missing in **AT**. The requirement of Article 28(2) could not be located in **CY**, **DK**, **EE**. In **DE** national transposition of Article 47(3) of the Directive seems to be missing as whole in **RP** and could only be found in certain sectorial laws in **HB**, **HH** and **SL**. In **TH**, the advisory power of the supervisory authority to issue, on its own initiative or on request, opinions to the public, state and public authorities could not be found.

As regards the requirements of Article 47(4) of the Directive, an explicit reference to due process or the Charter of Fundamental Rights of the European Union could not be located in the national legislations of the majority of the Member States. Only in **AT** law a cross-reference to Article 58(4) of the GDPR could be located and **ES** and **PT** law refer to 'due process'. As regards the right to an effective judicial remedy we refer to the respective section below.

As regards Article 47(5) of the Directive certain requirements seem to be missing in several Member States or national provisions could not be located. Namely in some Member States the supervisory authority may notify the public prosecutor whenever it becomes aware of a crime (**BE** as regards the supervisory authority competent for the police forces and the Passenger Information Unit, as well as **CY, FR, LU, SE**) or may bring the matter to the attention of the judicial authorities and competent courts (**RO, SI**), while the provision granting the power to commence or otherwise engaging in legal proceedings by supervisory authority could not be identified (**SI**). No national provisions could be located in the legislations of **AT, CZ, EL, ES, FI, MT, NL** and **SK**.

In **DE**, Article 47(5) is transposed at the *Federal level* for all *Länder*. The proceedings in regard to processes affecting EU law are a competence of the Federal State, meaning that the Federal laws apply. The power of the supervisory authorities to pursue judicial proceedings is limited to cases where (1) an adequacy decision of the European Commission, (2) a decision on the recognition of standard data protection clauses, or on the (3) general validity of approved codes of conduct, on the validity of which a decision of the supervisory authority depends, violates the law. On the other hand, no rules could be found that allow the supervisory authorities to bring up national provisions to court. This can only be done by courts in the case of '*Abstrakte und konkrete Normenkontrolle*', when courts are examining the constitutionality of specific legal norms that they apply (specific control) or submit an abstract request for review of norms before the Federal Constitutional Court (abstract control). Possibilities to intervene in a legal proceeding, such as to intervene in favour of the competent authority or the data subject in order to enforce the provisions implementing the Directive do not exist. A supervisory authority cannot participate directly in German criminal proceedings, but its employees may be heard as witnesses or subject-matter experts.

#### 4.7 Chapter VII (Art. 50 - 51) - Cooperation

Only in some instances the national legislations of the Member States seem not to contain all the elements of Chapter VII of the Directive.

The requirements of Article 50 of the Directive could not be located in **DE** (*certain Länder*) and in **EE**, however **EE** provided for this task pursuant to Article (46)(1)(h) of the Directive. A specification concerning what mutual assistance covers could not be located in the legislation of **NL**. The requirement to put in place measures for an effective cooperation could not be located in some Member States (**CY, CZ, EL, LT** and **SI**). In **DE** national transposition of Article 50(1) of the Directive seems to be missing as a whole in **NI** and is applicable to only certain competent authorities in **BW, HB** and **SL**. In **BW, HE, SL, SN** and **TH**, the requirement 'to put in place measures for effective cooperation' seems to be missing from the national transposition. Additionally, in **BB** the national transposition provides only for a general reference to the monitoring of compliance with the Directive, whereas in **BW** the national transposition does not refer to the various types of mutual assistance (e.g., information requests and supervisory measures, requests to carry out consultations, inspections and investigations). In **TH**, the national transposition in horizontal act does not relate specifically to information requests, supervisory measures, requests for consultations and inspections as well as investigations.

The majority of the Member States seem to have reflected Article 50(2) in their legislations, providing that the supervisory authorities reply without undue delay and not later than one month after receiving a request (**AT, BE, BG, CY, CZ, DE** (*Federal level* and *most Länder*), **DK, EL, ES, FI, FR, HR, HU, IE, LT, MT, NL, PL, RO, SE, SI** and **SK**). With respect to **SI** the last sentence of the Article 50(2) stating that 'such measures may include, in particular, the transmission of relevant information on the conduct of an investigation', could not be located. **IT** provides for the supervisory authority to implement this provision through its own decision, which could not be located. In some Member States this requirement could not be located (**EE, LV, LU** and **PT**). In **DE** national transposition of Article 50(2) of the Directive seems to be missing as a whole in **BW, NI** and **TH** and is applicable to only certain competent



authorities in *BB, HB* and *SL*. In **DE** (*Federal level, BB, BE, HB, HE, HH, SH, SN*) the recommended measure required under the last sentence seems to be missing from the national transposition.

In **DE**, national transposition of Article 50(3) of the Directive seems to be missing as a whole in *BW, NI* and *TH* and is applicable to only certain competent authorities in *BB, HB* and *SL*.

The requirements of Article 50(4) of the Directive seem to be missing in some Member States (**BE, DE** (*BW, NI* and *TH*), **EE, FI, LV** and **PT**). In **DE** this provision is applicable to only certain competent authorities in *BB, HB* and *SL*. Moreover, the requirements of Article 50(4)(a) of the Directive could not be located in **SE** while **CZ** provides for the supervisory authority to refuse to act if it is not authorised to do so. As regards Article 50(4)(b) of the Directive, **HR** seems to provide for the supervisory authority to refuse to comply with a request for assistance only in case this infringes the Directive.

As regards Article 50(5) of the Directive, several Member States seem not to require the supervisory authorities to inform the requesting supervisory authority of the result or of the progress of the measures taken (**BE, BG, CZ, EE, ES, FI, IT, LV, NL, PT** and **SE**).

In certain **DE** States Article 50(5) and (7) seems to be missing as a whole from the national transposition in *BW, NI* and *TH* and is applicable to only certain competent authorities in *BB, HB* and *SL*.

Regarding Article 50(7) of the Directive, **CZ** seems to provide to postpone the execution of a request requiring disproportionate costs until an agreement on indemnification is reached with the requesting supervisory authority. **SI** does not seem to provide that the supervisory authority shall not charge a fee for mutual assistance acts. Moreover, a provision corresponding to Article 50(7) of the Directive could not be located in some Member States (**BE, BG, DE** (*BW, NI* and *TH*), **DK, EE, IT, LV** and **PT**) and is applicable to only certain competent authorities in **DE** (*BB, HB* and *SL*). Finally also in **DE** (*Federal level, HB, HH* and *SH*) the element of 'in exceptional circumstances' seems to be missing from the national transposition.

#### 4.8 Chapter VIII (Art. 52 - 57) - Remedies, liability and penalties

In a number of instances, differences between the national legislations and the Directive were identified or national provisions transposing the Directive could not be located.

For instance, as regards the implementation of the right to lodge a complaint with the supervisory authority (Article 52 of the Directive), three Member States (**BG, HR, PL**) have introduced a time-barring of complaints after a certain period has elapsed. In **ES**, the transposing measure instead of referring to the transmission of complaints 'without undue delay', refers to transmission 'without further processing'. Also, the transposing measure of Article 52(2) could not be located in regional legislation.

In a number of Member States, there is either no requirement for the supervisory authority to provide, upon request of the data subject, further assistance (**BE, BG, EE, ES, HR, IE, IT, LU, LV, RO** and **SK**) or such assistance is limited, for example, to cases where the complaint has been forwarded to the supervisory authority of another Member State (**DK**) or is transposed in a general way as an obligation of the supervisory authority to inform the data subject about the legal protection and the ongoing proceedings (**DE** States such as *HB, HH, NI, SH*). In **SI**, a national supervisory authority is not obliged to inform the data subject about the progress, but only about the findings (i.e. the outcome) of the complaint.

Furthermore, in **ES** the transposing law states that the decision on the admission must be notified to the claimant. If there is no notification, then it is considered that the process has been initiated. This requirement does not seem to ascertain that the data subject is kept

informed of the progress and the outcome. Moreover, the regional laws are somewhat vague in transposing Article 52(4) of the Directive. In particular, they do not explicitly state the need to inform the data subject about the possibility of a judicial remedy.

Finally, in **DE**, transposition of Article 52 as a whole in *HB* and *SL* is done through sectorial laws, applicable only to certain competent authorities. The same is true in the case of Article 52(3) for *BW* and Article 52(4) for *BB*. As **DE** has several supervisory authorities, the provisions of Federal Administrative Procedure Act should be used to determine how to proceed if a complaint lodged with the Federal State Commissioner should have been lodged with a Land supervisory authority.

The transposing legislations of multiple Member States (**CZ, DK, EE, EL, FR, HU, LU, LV, NL, SE** and **SK**) do not seem to explicitly provide the right of the data subject to mandate not-for-profit bodies, organisations and associations to lodge a complaint and to exercise his or her rights referred to in Articles 52, 53 and 54 on his or her behalf (Article 55 of the Directive). Some other Member States refer explicitly only to one of those two competences (**DE** (*Federal level* and *most Länder*), **MT, PL**). In **DE**, the right of a person to mandate his or her representation to another body or association is transposed in a general way at the Federal level for both Federal and Länder level. The right to lodge the complaint on a data subject's behalf or to exercise the data subject's rights with respect to several rights listed in the LED, is not explicitly mentioned. Transposing legislation in **SI** is broader than the Directive as it allows that such a not-for-profit organisation is active in the area of human rights and freedoms in general and not specifically with regard to data protection. However, this provision does not apply when the processing is done by courts.

- **Article 53: Right to an effective judicial remedy against a supervisory authority**

The Member States generally and without exceptions provide for an effective judicial remedy against the decisions of the supervisory authority, without prejudice to any other administrative or non-judicial remedy available in their legal systems. Some discrepancies were noted: the judicial remedy under **DK** law is available only to data subjects instead of any natural or legal person. Moreover, according to the **BG** main transposing act, only the decisions where the complaint was examined on the merits are subject to judicial review. In **DE** (*HB, SL*) transposition at the national level could only be located in sectorial laws.

As regards the cases where supervisory authorities do not handle the complaints (Article 53(2) of the Directive), no corresponding provisions have been found in the national legislations of **BE, FI** and **IT**. In **DE** (*BW, SL*) this LED provision was only transposed in certain sectorial laws. It also appears that the remedy is only available after the data subject has exhausted all other available remedies (administrative protection against inactivity and administrative appeal) under the law of **CZ**. The reference to the three-month deadline could not be identified in the legislations of **HR, LV** and **SE**. In **SI**, rules on effective judicial remedy are transposed in the general Administrative Dispute Act. Based on this act, the Information Commissioner is an administrative body of first instance. Disputes against the decisions of the Information Commissioner are administrative disputes (but not an appeal) and could be initiated in front of the Administrative Court in Ljubljana.

The requirement for proceedings to be held before the courts of the Member State where the supervisory authority is established is explicitly implemented in the legislation of all Member States. In **DE**, this LED provision is transposed at the Federal level with the impact on both the Federal State and all Länder.

- **Article 54: Right to an effective judicial remedy against a controller or processor**

The vast majority of the Member States, including **AT, BE, BG, CY, CZ, DE** (*Federal State* and *all 16 Länder*), **DK, EE, EL, ES, FR, HU, IT, LT, LU, LV, MT, PL, PT, RO, SE, SI** and **SK**, establish a judicial remedy against the controller and the processor.



Some Member State provide for the available remedies in the main transposing legislations (**BE, BG, CY, CZ, DK, FI, HR, HU, IE, IT, LT, LU, MT, NL, PT, RO** and **SK**) while in others, such remedies are provided under general civil and administrative laws (**AT, DE, EE, EL, FR, LV, PL** and **SE**), or included in the Constitution (**ES**). In **SI**, the transposition is mixed as judicial remedies against decisions of the controller and the processor are provided both based on the provisions of the horizontal data protection law as well as other general civil and administrative laws and sectorial laws. The legislation of **AT** does not provide for an explicit transposition of Article 54 of the Directive, however, its requirements can be inferred from pre-existing provisions of general administrative procedure law. In **DE**, the right to an effective judicial remedy is ensured through provisions of the Federal Administrative Procedure Act, which are applicable both at the Federal and at the State level.

In **FI** law, a judicial remedy is not available in cases other than those concerning criminal or tort remedies, such as cases where no damage has been caused. In the legislation of **HR**, a data subject may seek a judicial remedy only after exhausting the remedies available through the supervisory authority. **IE** law provides that 'a data subject may not bring a data protection action against a controller or processor that is a public authority of another Member State acting in the exercise of its public powers'.

#### • **Article 56: Right to compensation**

The Member States have frequently transposed the wording 'unlawful processing operation or any act infringing national provisions adopted pursuant to this Directive' in a different wording. A literal or almost literal transposition was only observed in the legislation of **CY, DK, HR, LT** and **RO**. As regards the basis for compensation claims, some Members States only refer to unlawful processing operations or to infringements of the provisions adopted pursuant to the Directive. For instance, there is no explicit reference to 'unlawful processing operations' in the national legislation of **DE (HB)** and **IE**, while there is no reference to infringements of the provisions in the national legislation of **BG**.

In other Member States the transposition of the Directive is often inferred from general rules on civil and administrative liability. The national legislations resort to terms used in their national provisions on civil and administrative liability to refer to the underlying cause of damage claims.

In the majority of the Member States, compensation can be sought from 'any other competent authority'. Such requirement was not identified in the national legislations of **DE (BB, BE, HE, MV, RP, SN, ST, TH)**, **DK, HU** and **SE**. In case of **SI**, national provision also refers to processors and not just competent authorities, however this provision is not applicable when processing is done by courts.

Pursuant to the national legislation of **BE**, an injunction proceeding needs to be brought before the claim for damages. The **MT** legislation implementing the GDPR provides for compensation mechanisms. However, there is no explicit cross-reference to these provisions as regards infringements under the Directive. In **DE (BE, BY, HE, SL, SN, and TH)**, liability of public bodies in cases of non-automated processing is excluded in case of negligence.

Lastly, some **DE** Länder transpose the right to compensation in sectorial laws applicable only to certain competent authorities (**BB, HB, HH, and SL**).

#### • **Article 57: Penalties**

All Member States provide penalties for infringements of the national provisions transposing the Directive. The Member States provide for criminal penalties (**DK, EE, FI, IE, PL** and **SI**), administrative penalties (**BG, CZ, ES, HR, LT, LV, MT, NL, RO, SE** and **SK**) or a combination of the two (**AT, BE, CY, DE (Federal and Länder level), EL, FR, HU, IT, LU** and **PT**). Both processors and controllers are subject to the applicable penalties for infringements of the provisions adopted pursuant to this Directive in the vast majority of the Member States.

The national provisions of **HR** provide for fines that can be imposed on only certain processors (processors of a legal person which is not a public authority) and to the responsible persons of such processors. The penalties under **EE** law apply only to natural persons, who are officials of a competent authority, and not to public authorities acting as controllers or processors. In **DE**, certain Länder (e.g., *BE, BW, BY, HE, NW, SL, SN, TH*) do not allow for the imposition of fines against public bodies. Also in **DE**, several administrative systems only prescribe fines for certain types of infringements (*Federal level, BE, BW, BY, HB, HE, HH, NI, NW, SL, SN, TH*). Lastly, provision on penalties could only be found in certain sectorial laws in *HB, HH, and SL*.

A comparison with the sanctioning regime under the GDPR was carried out in order to ascertain whether the sanctions established by the Member States are effective, proportionate and dissuasive. In order to reach a conclusion, a similar range of penalties and the application of similar factors in determining the imposed penalty were considered. Based on the comparison, the applicable penalties can be considered effective, proportionate and dissuasive in the majority of the Member States.

The criminal penalties applied by some Member States include **imprisonment**. The applicable punishment is a term of up to five years in **CY** law, up to three years in **DE** (*Federal level and some States*), up to four months of imprisonment in **DK** law, up to one year of imprisonment, or alternatively a pecuniary punishment in **EE** law, up to 25 years of imprisonment in the law of **EL** (in the most severe cases), up to two years of imprisonment in **FI** law, up to five years of imprisonment in the law of **FR**, up to three years of imprisonment in **HU** law, up to five years of imprisonment in **IE** law, for severe cases, up to three years of imprisonment in the law of **IT**, up to two years of imprisonment in **PL** law and up to two years of imprisonment in **PT** law.

It must be recalled that, in the case of criminal liability, also other criminal sanctions such as fines may apply.

**Fines** vary significantly in level and severity. The nature of these fines differs from Member State to Member State. Some provide for fines as administrative penalties while others, such as for example **EE**, apply fines as criminal penalties. Thus, in **EE**, fines could be imposed not only pursuant to the main transposing act on public officials, as discussed above, but also pursuant to the criminal legislation, in the form of misdemeanour sanctions applied to natural and legal persons. A system in **SI** is particular as national transposing law prescribes for monetary fines for misdemeanours which are part of a broader system of criminal law. Pursuant to the Minor Offence Act, the Republic of Slovenia cannot be liable for misdemeanours, meaning that fines cannot be prescribed for competent public authorities but only for a responsible person of such a competent public authority. A fine of between EUR 100 to EUR 5 000 may be imposed on such a person. In case of infringements in relation to contractual processing, a fine between EUR 400 to EUR 20 000 can be imposed on a legal person, sole trader or individual independently pursuing an activity if they committed an infringement when acting as external processors.

The applicable fines include ranges of up to one year of daily rates of EUR 720 in **AT**, EUR 200 to EUR 10 000 in **BE** law, the fines applied under the GDPR and also a fine of up to BGN 5 000 in **BG** law, up to EUR 100,000 in **CY** law, up to CZK 10,000,000 in the law of **CZ**, up to EUR 10 000 000 in **DE** (*Federal level* as fines in Länder legislation are usually much lower), up to EUR 1 200 for natural persons or up to EUR 32 000 for legal persons in the criminal legislation of **EE**, up to EUR 2 000 000 in the law of **EL**, up to EUR 300,000 in **FR** law, in more serious cases, EUR 360 001 to EUR 1 000 000 in **ES** law, in very serious infringements, from HRK 5000 to HRK 20 000 in **HR** law, up to HUF 20 000 000 in **HU** law, for serious infringements, up to EUR 250 000 in **IE** law, in severe cases, from EUR 20 000 to EUR 80 000 in **IT** law, in more severe cases, up to 1% of the current year's budget of the controller or processor and of the total annual revenue received last year (but not more than EUR 60 000) in **LT** law, for severe cases, from EUR 500 to EUR 250 000 in the law of **LU**, a maximum amount of EUR 1 000 in **LV** law, EUR 500 to EUR 50 000 in the law of **MT**, up to EUR 830 000 in the law

of **NL**, from EUR 5 000 to EUR 20 000 000 or 4% of the worldwide annual turnover, whichever is the higher, in the case of a large company, in the legislation of **PT**, from RON 10 000 to RON 200 000 in **RO** law, up to SEK 5,000,000 and in serious cases, not more than SEK 10 000 000 in the law of **SE**, up to EUR 20000 in the law of **SI**, up to EUR 20 000 000 or, in the case of an undertaking, up to 2% or 4% of the total worldwide annual turnover for the preceding financial year in the law of **SK**. In the national legislations of **DK**, **FI** and **PL** the level of the fines is not specified.

In a number of Member States, coercive measures such as warnings and requests for cease and desist are used.

#### 4.9 Chapter X (Art. 59 - 63) - Final provisions

In the majority of the Member States Article 61 of the Directive could not be located (**AT**, **BE**, **BG**, **CZ**, **DE** (*BB, BE, BW, BY, SL, SN, TH*), **EE**, **FI**, **FR**, **LT**, **LU**, **LV**, **NL**, **PL**, **RO**, **SE**, **SI** and **SK**). National provisions related to Article 61 of the Directive were only identified in the legislations of **CY**, **DK**, **EL**, **ES**, **DE** (*Federal level, HB HE, HH, MV, NI, NW, RP, SH, ST*), **HR**, **HU**, **IE**, **IT**, **MT** and **PT**. The transposition seems to be almost literal. However, in **CY**, the national provision refers instead to the date of the entry into force of the national legislation as the date for assessing the compliance of international agreements. A reference to the cut-off date with respect to the respective international agreements could not be located in the national legislations of **HU** and **IE**.

Agreements involving the transfer of personal data are identified in the national legislations of **CZ**, **HU**, **LT**, **LV** and **NL** whereby the requirements of Article 61 could not be located in four of them (**CZ**, **LT**, **LV**, **NL**) or reference to the cut-off date seems to be missing (**HU**). The requirements of Article 61 could not be located in **FR** and **SE**, too. However, in these Member States agreements involving the transfer of personal data are not identified either. In **SI**, where requirements of Article 61 could also not be located, several bilateral agreements in the area of judicial cooperation and criminal matters with third countries dating prior to 6 May 2016 have been identified. In **DE**, national legislation refers to agreements in the field of judicial cooperation in criminal matters and police cooperation in general, without singling out international agreements concluded prior to 6 May 2016 (*Federal level and certain Länder*).

**BE**, **BG**, **DE** (*Federal level, BE, BW, BY, HB, HE, HH, NI, NW, SH, SL, SN, TH*), **FI**, **FR**, **HU**, **IE**, **LU**, **LV**, **PT**, **SE** and **SK** chose to transpose the option under Article 63(2) of the Directive. In addition, **DE** (*BW, HH, SN*), **PT** and **SK** chose to transpose the option under Article 63(3) of the Directive.

As regard the timing of transposition of the Directive, please see Section 2 above.

## 5 ANNEXES

### ANNEX 1 - ABBREVIATIONS

The following country codes have been used in compliance with the *Interinstitutional style guide*:

Member State	Country Code
Austria	<b>AT</b>
Belgium	<b>BE</b>
Bulgaria	<b>BG</b>
Cyprus	<b>CY</b>
Czechia	<b>CZ</b>
Germany	<b>DE</b>
Denmark	<b>DK</b>
Estonia	<b>EE</b>
Greece	<b>EL</b>
Spain	<b>ES</b>
Finland	<b>FI</b>
France	<b>FR</b>
Croatia	<b>HR</b>
Hungary	<b>HU</b>
Ireland	<b>IE</b>
Italy	<b>IT</b>
Lithuania	<b>LT</b>
Luxembourg	<b>LU</b>
Latvia	<b>LV</b>
Malta	<b>MT</b>
The Netherlands	<b>NL</b>
Poland	<b>PL</b>
Portugal	<b>PT</b>
Romania	<b>RO</b>
Sweden	<b>SE</b>
Slovenia	<b>SI</b>
<i>Slovakia</i>	<b>SK</b>

In DE, the following abbreviations of Länder have been used in this report:

Land	Abbreviation / Code
Federal Republic of Germany	<i>Federal (level)</i>

Brandenburg	<i>BB</i>
Berlin	<i>BE</i>
Baden-Württemberg	<i>BW</i>
Bavaria	<i>BY</i>
Bremen	<i>HB</i>
Hesse	<i>HE</i>
Hamburg	<i>HH</i>
Mecklenburg-West- ern Pomerania	<i>MW</i>
Lower Saxony	<i>NI</i>
North Rhine-West- phalia	<i>NW</i>
Rhineland-Palatinate	<i>RP</i>
Schleswig-Holstein	<i>SH</i>
Saarland	<i>SL</i>
Saxony	<i>SN</i>
Saxony Anhalt	<i>ST</i>
Thuringia	<i>TH</i>

In addition, the following abbreviations have been used in this report:

Abbreviation	Full Name
BDSG	<u><i>Federal Data Protection Act (Bundesdatenschutzgesetz)</i></u>
BfDI	<u><i>the Federal Commissioner for Data Protection and Freedom of Information (der Bundesbeauftragte für den Datenschutz und die Informationsfreiheit)</i></u>
BPolG	<u><i>Federal Police Act (Bundespolizeigesetz)</i></u>
StPO	<i>Code of Criminal Procedure (Strafprozeßordnung)</i>
the Directive or the LED	<u><i>Directive (EU) 2016/680</i></u>
GDPR	<u><i>Regulation (EU) 2016/679</i></u>

## ANNEX 2 - TRANSPOSITION DATES

Member State	Transposition date <sup>5</sup>
AT	25 May 2018
BE	5 September 2018
BG	2 March 2019
CY	27 March 2019
CZ	24 April 2019
DE	25 May 2018 <sup>6</sup>
DK	29 April 2017
EE	15 January 2019
EL	29 August 2019
ES	15 June 2021
FI	1 January 2019
FR	25 May 2018
HR	27 July 2018
HU	25 August 2018
IE	24-25 May 2018
IT	8 June 2018
LT	16 July 2018
LU	20 August 2018
LV	5 August 2019
MT	28 May 2018
NL	1 January 2019
PL	6 February 2019
PT	9 August 2019
RO	6 February 2019
SE	1 August 2018
SI	31 December 2020
SK	25 May 2018

<sup>5</sup> The indicated transposition dates correspond to the entry into force of the main, notified national implementing measure of the Directive. Less significant amendments might have occurred before or after that date in the national legislation of the Member States concerned.

<sup>6</sup> On this date the German Federal Data Protection Act (*Bundesdatenschutzgesetz* – BDSG), which is a horizontally applicable law, entered into force, implementing the Directive at the Federal level. As explained above in Section 2, transposition is still not complete as at the Federal level the sectorial law on the Federal Police (*Bundespolizeigesetz* – BPolG) was not yet amended in regard to the LED. A new BPolG is in preparation. The transposition at the Länder level was, overall, late.

## ANNEX 3 - NATIONAL IMPLEMENTING MEASURES TABLE

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
AT	<p>Federal Act to amend the Data Protection Act 2000 (Data Protection Adjustment Act 2018) Available at:  <a href="https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2017_I_120/B_GBLA_2017_I_120.pdf">https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2017_I_120/B_GBLA_2017_I_120.pdf</a>sig</p> <p>Federal Act to amend the Data Protection Act (Data Protection Deregulation Act 2018) Available at:  <a href="https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2018_I_24/BGBLA_2018_I_24.html">https://www.ris.bka.gv.at/Dokumente/BgblAuth/BGBLA_2018_I_24/BGBLA_2018_I_24.html</a></p>	<p>Federal Act on the Protection of Individuals with regard to the Processing of Personal Data (Data Protection Act - DSGVO)  Available at: <a href="https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&amp;Gesetzesnummer=10001597">https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&amp;Gesetzesnummer=10001597</a></p> <p>General Administrative Procedures Act of 1991 – AVG  Available at: <a href="https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&amp;Gesetzesnummer=10005768">https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&amp;Gesetzesnummer=10005768</a></p> <p>Federal Constitutional Law  Available at: <a href="https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&amp;Gesetzesnummer=10000138">https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&amp;Gesetzesnummer=10000138</a></p> <p>Federal Act on the Procedure of Administrative Courts (Administrative Court Procedure Act - VwGVG).  Available at: <a href="https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&amp;Gesetzesnummer=20008255">https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&amp;Gesetzesnummer=20008255</a></p> <p>Federal Act to amend the Federal Archives Act, the Federal Statistics Act 2000, the Information Security Act, the Artists Social Insurance Fund Act, the Media Act, the ORF Act, the Press Promotion Act, the Media Cooperation and Promotion Transparency Act, the Family Burden Compensation Act 1967, the Child Care Allowance Act, the Federal Child and Youth Welfare Act 2013, the Federal Act on the Establishment of Documentation and Information Office for Sect Questions, the Federal Youth Promotion Act, the Family Time Bonus Act, the Civil Servants Act 1979, the Salary Act 1956, the Contract Agents Act 1948, the Judiciary and Public Prosecution Service Act, the Regional Teacher Employment Law, the Regional and Forestry State Teachers Service Act, the Federal Equal Treatment Act, the Pension Act 1965, the Federal Theatre Pension Act, the Federal Railways Pension Act, the Federal Pension</p>

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
		<p>Transfer Office Act, the Federal Personnel Representation Act, the Legal Trainees Act, the Alternative Dispute Resolution Act, the Product Safety Act 2004, the Disability Employment Act, the Federal Disability Act, the Federal Disability Equality Act, the Federal Care Allowance Act, the Honorary and Aid Fund Act, the Army Compensation Act, the Home Victim Pension Act, the Vaccine Damage Act, the Prisoner of War Compensation Act, the War Victims Care Act 1957, the Social Ministry Service Act, the Crime Victims Act, the Public</p> <p>Employment Service Act, the IEF Service Ltd. Act, the Insolvency Remuneration Act, the Construction Workers Leave and Severance Pay Act, the Wage and Social Dumping Control Act, the Social Welfare Control Act, the Compulsory Education Act, the Chamber of Labour Act 1992, the Education Documentation Act, the School Education Act, the School Education for Employed Persons Act, the College and Preparatory Courses Act, the Compulsory Education Act 1985, the BIFIE Act 2008, the Higher Education Act 2005, the Student Allowance Act 1983, the E-Government Act, the Signature and Trust Services Act, the Corporate Services Portal Act, the Service Act, Federal Act on the Re-Use of Public Sector Information, the Competition Act, the Industrial Code, the Vocational Training Act, the Engineering Act 2017, the Balance Accounting Act 2014, the Economic Chamber Act 1998, the Act on Professions in the Field of Public Accounting 2017, the Civil Engineering Chamber Act 1993, the Federal Fiscal Code, the Tax Execution Code, the Finance Criminal Act, the Federal Foundation and Fund Act 2015, the Memorial Law, the Reporting Act 1991, the Passport Act 1992, the Civil Status Act 2013, the Pyrotechnic Act 2010, the Associations Act 2002, the Weapons Act 1996, the Civil Service Act 1986, the BFA Procedural Act, the Aliens Police Act 2005, the Settlement and Sojourn Act, the Basic Supply Act - Bund 2005, the Border Control Act, the Citizenship Act 1985, the Security Police Act, the Police State Security Act, the Police Cooperation Act, the EU Police Cooperation Act, the Federal President Election Act 1971, the European Citizens Initiative Act, the European Electoral Evidence Act, the European Electoral Code, the National Council Election Code 1992, the Peoples Voting Act 1972, the Peoples Referendum Act 1989, the Peoples Petition Act 2018, the Electoral Evidence Act 2018, the Extradition and Legal Assistance Act, the Probation Assistance Act, the Disciplinary Statute for Lawyers and Trainee Lawyers, the Enforcement Order, the Court Organization Act, the Land Register Conversion Act, the</p>



List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
		<p>Court Jurisdiction Act, the Notarial Code, the Attorney Act, the Public Prosecutor Act, the Criminal Procedure Code 1975, the Criminal Record Act, the Penal Code, the Criminal Executive Act the Code of Civil Procedure, the National Service Act 2001, the Army Disciplinary Act 2014, the Army Expenses Act 2001, the Foreign Deployment Act 2001, the Military Authorities Act, the Restricted Area Act 2002, the Ammunition Stock Protection Act 2003, the Military Subscription Act 2002, the Act on Medals for Wounded, the Act on Residence of Troops, the Waste Management Act 2002 and the Wine Law 2009 (Material Data Protection Adjustment Act 2018)</p> <p>Available at: <a href="https://www.ris.bka.gv.at/Dokument/BqblAuth/BGBLA_2018_I_32/BGBLA_2018_I_32.pdf">https://www.ris.bka.gv.at/Dokument/BqblAuth/BGBLA_2018_I_32/BGBLA_2018_I_32.pdf</a></p> <p>Code of Criminal Procedure (StPO)</p> <p>Available at: <a href="https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&amp;Gesetzesnummer=10002326">https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&amp;Gesetzesnummer=10002326</a></p> <p>Act of 1 August 1895 on the legal procedure in civil disputes (Civil Procedure Code - ZPO)</p> <p>Available at: <a href="https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&amp;Gesetzesnummer=10001699">https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&amp;Gesetzesnummer=10001699</a></p> <p>Federal Act on Liability of Local Authorities and Other Bodies and Institutions under Public Law for Damage Caused in Performance of Law (Public Liability Act)</p> <p>Available at: <a href="https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&amp;Gesetzesnummer=10000227">https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&amp;Gesetzesnummer=10000227</a></p>
BE	<p>Law of 30 July 2018 on the protection of natural persons with respect to personal data processing</p> <p>Available at: <a href="http://www.ejustice.just.fgov.be/loi/loi.htm">http://www.ejustice.just.fgov.be/loi/loi.htm</a></p>	<p>Law of 25 May 2018 modifying the Law of 3 December 2017 establishing the Data Protection Authority</p> <p>Available at: <a href="http://www.ejustice.just.fgov.be/loi/loi.htm">http://www.ejustice.just.fgov.be/loi/loi.htm</a></p> <p>Law of 5 August 1992 on Police Functions</p> <p>Available at: <a href="http://www.ejustice.just.fgov.be/loi/loi.htm">http://www.ejustice.just.fgov.be/loi/loi.htm</a></p>

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
		<p>Law of 7 December 1998 organising an integrated two-levels structured police Available at: <a href="http://www.ejustice.just.fgov.be/loi/loi.htm">http://www.ejustice.just.fgov.be/loi/loi.htm</a></p> <p>Law of 3 December 2017 establishing the Data Protection Authority Available at: <a href="http://www.ejustice.just.fgov.be/loi/loi.htm">http://www.ejustice.just.fgov.be/loi/loi.htm</a></p> <p>Internal Regulations of the Body of Control of Police Information of 27 November 2018 Available at: <a href="http://www.ejustice.just.fgov.be/loi/loi.htm">http://www.ejustice.just.fgov.be/loi/loi.htm</a></p>
<b>BG</b>	<p>Law on Personal Data Protection</p> <p>Available at: <a href="https://www.cdpd.bg/?p=element&amp;aid=1194">https://www.cdpd.bg/?p=element&amp;aid=1194</a></p>	<p>Administrative Procedure Code Available at: <a href="https://www.lex.bg/bg/laws/ldoc/2135521015">https://www.lex.bg/bg/laws/ldoc/2135521015</a></p> <p>Constitution of the Republic of Bulgaria Available at: <a href="http://www.parliament.bg/bg/const">http://www.parliament.bg/bg/const</a></p> <p>Law on Civil Servants Available at: <a href="https://lex.bg/laws/ldoc/2134673408">https://lex.bg/laws/ldoc/2134673408</a></p> <p>Law on Customs Available at: <a href="https://www.lex.bg/bg/laws/ldoc/2134384640">https://www.lex.bg/bg/laws/ldoc/2134384640</a></p> <p>Law on Judicial System Available at: <a href="https://www.lex.bg/laws/ldoc/2135560660">https://www.lex.bg/laws/ldoc/2135560660</a></p> <p>Law on the Ministry of the Interior Available at: <a href="https://www.lex.bg/laws/ldoc/2136243824">https://www.lex.bg/laws/ldoc/2136243824</a></p> <p>Law on National Audit Office</p>

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
		<p>Available at: <a href="https://www.lex.bg/laws/ldoc/2136243824">https://www.lex.bg/laws/ldoc/2136243824</a></p> <p>Rules for the procedure and organization of the Inspectorate with the Supreme Judicial Council and for the activity of the administration and the experts Available at: <a href="http://www.inspectoratvss.bg/bg/page/154">http://www.inspectoratvss.bg/bg/page/154</a></p> <p>Rules for the activity of the Commission on Personal Data Protection and of its administration Available at: <a href="https://www.cdpd.bg/index.php?p=element&amp;aid=36">https://www.cdpd.bg/index.php?p=element&amp;aid=36</a></p> <p>Criminal Procedure Code Available at: <a href="https://www.lex.bg/laws/ldoc/2135512224">https://www.lex.bg/laws/ldoc/2135512224</a></p>
<b>CY</b>	Law 44(I)2019, Law on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data	<p>Law 125(I)/2018, Law on the Protection of Natural Persons with regard to the Processing of Personal Data and the Free Movement of such Data Available at: <a href="http://www.cylaw.org/nomoi/enop/non-ind/2018_1_125/full.html">http://www.cylaw.org/nomoi/enop/non-ind/2018_1_125/full.html</a></p> <p>Law 1/1990, The Public Service Law Available at: <a href="http://www.cylaw.org/nomoi/enop/non-ind/1990_1_1/index.html">http://www.cylaw.org/nomoi/enop/non-ind/1990_1_1/index.html</a></p>
<b>CZ</b>	<p>Act No 110/2019 Coll., on the processing of personal data Available at: <a href="https://www.zakonyprolidi.cz/cs/2019-110">https://www.zakonyprolidi.cz/cs/2019-110</a></p> <p>Act No 234/2014 Coll., on civil service Available at: <a href="https://www.zakonyprolidi.cz/cs/2014-234">https://www.zakonyprolidi.cz/cs/2014-234</a></p> <p>Act No 300/2013 Coll., on the Military Police and on the amendment of certain acts (Military Police Act) Available at: <a href="https://www.zakonyprolidi.cz/cs/2013-300">https://www.zakonyprolidi.cz/cs/2013-300</a></p>	<p>Act No 320/2001 Coll., on the financial control in the public administration and amending certain acts (Act on the Financial Control) Available at: <a href="https://www.zakonyprolidi.cz/cs/2002-320">https://www.zakonyprolidi.cz/cs/2002-320</a></p> <p>Act No 218/2000 Coll., on the budgetary rules Available at: <a href="https://www.zakonyprolidi.cz/cs/2000-218">https://www.zakonyprolidi.cz/cs/2000-218</a></p> <p>Government Resolution No 188 from 19 March 1998 on the legislative rules of the Government</p>

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Act No 104/2013 Coll., on international judicial cooperation in criminal matters Available at: <a href="https://www.zakonyprolidi.cz/cs/2013-104">https://www.zakonyprolidi.cz/cs/2013-104</a></p> <p>Act No 45/2013 Coll., on victims of crime and amending certain acts (Victims of Crime Act) Available at: <a href="https://www.zakonyprolidi.cz/cs/2013-4">https://www.zakonyprolidi.cz/cs/2013-4</a></p> <p>Act No 255/2012 Coll., on control (the Control Regulation) Available at: <a href="https://www.zakonyprolidi.cz/cs/2012-255">https://www.zakonyprolidi.cz/cs/2012-255</a></p> <p>Act No 89/2012 Coll., Civil Code Available at: <a href="https://www.zakonyprolidi.cz/cs/2012-89">https://www.zakonyprolidi.cz/cs/2012-89</a></p> <p>Act No 17/2012 Coll., on the Customs Administration of the Czech Republic Available at: <a href="https://www.zakonyprolidi.cz/cs/2012-17">https://www.zakonyprolidi.cz/cs/2012-17</a></p> <p>Act No 341/2011 Coll., on the General Inspection of the Security Corps and amending related acts Available at: <a href="https://www.zakonyprolidi.cz/cs/2011-341">https://www.zakonyprolidi.cz/cs/2011-341</a></p> <p>Act No 40/2009 Coll., Criminal Code Available at: <a href="https://www.zakonyprolidi.cz/cs/2009-40">https://www.zakonyprolidi.cz/cs/2009-40</a></p> <p>Act No 273/2008 Coll., on the Police of the Czech Republic Available at: <a href="https://www.zakonyprolidi.cz/cs/2008-273">https://www.zakonyprolidi.cz/cs/2008-273</a></p> <p>Act No 253/2008 Coll., on certain measures against legitimisation of the proceeds of crime and the financing of terrorism</p>	<p>Available at: <a href="https://albatros.odok.cz/usneseni/usneseni_webtest.nsf/0/1C5D104CA6FA919FC12571B6006CD345">https://albatros.odok.cz/usneseni/usneseni_webtest.nsf/0/1C5D104CA6FA919FC12571B6006CD345</a></p> <p>Act No 451/1991 Coll., which lays down some other prerequisites for performing certain functions in state bodies and organisations Available at: <a href="https://www.zakonyprolidi.cz/cs/1991-45">https://www.zakonyprolidi.cz/cs/1991-45</a></p>

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Available at: <a href="https://www.zakonyprolidi.cz/cs/2008-253">https://www.zakonyprolidi.cz/cs/2008-253</a></p> <p>Act No 500/2004 Coll., Administrative procedure Available at: <a href="https://www.zakonyprolidi.cz/cs/2004-500">https://www.zakonyprolidi.cz/cs/2004-500</a></p> <p>Act No 499/2004 Coll., on archiving and the filing service and amending certain acts Available at: <a href="https://www.zakonyprolidi.cz/cs/2004-499">https://www.zakonyprolidi.cz/cs/2004-499</a></p> <p>Act No 106/1999 Coll., on free access to information Available at: <a href="https://www.zakonyprolidi.cz/cs/1999-106">https://www.zakonyprolidi.cz/cs/1999-106</a></p> <p>Act No 272/1996 Coll., implementing certain measures in the central government system of the Czech Republic and amending and supplementing Act of the Czech National Council No 2/1969 Coll., on the establishment of ministries and other central government authorities of the state administration of the Czech Republic, as amended, and amends and supplements Act No 97/1993 Coll., on the scope of the Administration of State Material Reserves Available at: <a href="https://www.zakonyprolidi.cz/cs/1996-272">https://www.zakonyprolidi.cz/cs/1996-272</a></p> <p>Act No 269/1994 Coll., on the Criminal Register Available at: <a href="https://www.zakonyprolidi.cz/cs/1994-269">https://www.zakonyprolidi.cz/cs/1994-269</a></p> <p>Resolution of the Presidium of the Czech National Council No 2/1993 Coll., on the declaration of the Charter of Fundamental Rights and Freedoms as part of the constitutional order of the Czech Republic Available at: <a href="https://www.zakonyprolidi.cz/cs/1993-2">https://www.zakonyprolidi.cz/cs/1993-2</a></p> <p>Constitutional Act No 1/1993 Coll., the Constitution of the Czech Republic</p>	

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Available at: <a href="https://www.zakonyprolidi.cz/cs/1993-1">https://www.zakonyprolidi.cz/cs/1993-1</a></p> <p>Act of the Czech National Council No 555/1992 Coll., on the Prison and the Judicial Security of the Czech Republic</p> <p>Available at: <a href="https://www.zakonyprolidi.cz/cs/1992-555">https://www.zakonyprolidi.cz/cs/1992-555</a></p> <p>Act of the Czech National Council No 2/1969 Coll., on the establishment of ministries and other central government authorities of the state</p> <p>administration of the Czech Socialist Republic</p> <p>Available at: <a href="https://www.zakonyprolidi.cz/cs/1969-2">https://www.zakonyprolidi.cz/cs/1969-2</a></p> <p>Act No 99/1963 Coll., Code of Civil Procedure</p> <p>Available at: <a href="https://www.zakonyprolidi.cz/cs/1963-99">https://www.zakonyprolidi.cz/cs/1963-99</a></p> <p>Act No 141/1961 Coll., Criminal Procedure</p> <p>Available at: <a href="https://www.zakonyprolidi.cz/cs/1961-141">https://www.zakonyprolidi.cz/cs/1961-141</a></p> <p>Act No 111/2019 Coll., amending certain acts in connection with the adoption of the Act on the processing of personal data</p> <p>Available at: <a href="https://www.zakonyprolidi.cz/cs/2019-111">https://www.zakonyprolidi.cz/cs/2019-111</a></p> <p>Act No 183/2017 Coll., amending certain acts in connection with the adoption of the Act on liability for offences and the proceedings relating to them and the Act on certain offences</p> <p>Available at: <a href="https://www.zakonyprolidi.cz/cs/2017-183">https://www.zakonyprolidi.cz/cs/2017-183</a></p> <p>Act No 144/2017 Coll., amending Act No 234/2014 on the civil service, as amended</p> <p>Available at: <a href="https://www.zakonyprolidi.cz/cs/2017-144">https://www.zakonyprolidi.cz/cs/2017-144</a></p>	

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Act No 24/2017 Coll., amending certain acts in connection with the adoption of legislation on budgetary responsibility Available at: <a href="https://www.zakonyprolidi.cz/cs/2017-24">https://www.zakonyprolidi.cz/cs/2017-24</a></p> <p>Act No 455/2016 Coll., amending Act No 40/2009 Coll., Criminal Code, as amended, and other related acts Available at: <a href="https://www.zakonyprolidi.cz/cs/2016-455">https://www.zakonyprolidi.cz/cs/2016-455</a></p> <p>Act No 319/2016 Coll., amending Act No 266/1994 Coll., on railways, as amended, and other related acts Available at: <a href="https://www.zakonyprolidi.cz/cs/2016-319">https://www.zakonyprolidi.cz/cs/2016-319</a></p> <p>Act No 302/2016 Coll., amending Act No 424/1991 Coll., on association in political parties and political movements, as amended, and other related acts Available at: <a href="https://www.zakonyprolidi.cz/cs/2016-302">https://www.zakonyprolidi.cz/cs/2016-302</a></p> <p>Act No 298/2016 Coll., amending certain acts in connection with the adoption of the Act on trust services for electronic transactions, Act No 106/1999 Coll., on free access to information, as amended, and Act No 121/2000 Coll., on copyright, rights related to copyright and amending certain acts (Copyright Act), as amended Available at: <a href="https://www.zakonyprolidi.cz/cs/2016-298">https://www.zakonyprolidi.cz/cs/2016-298</a></p> <p>Act No 250/2014 Coll., amending acts in connection with the adoption of the Civil Service Act Available at: <a href="https://www.zakonyprolidi.cz/cs/2014-250">https://www.zakonyprolidi.cz/cs/2014-250</a></p> <p>Act No 141/2014 Coll., amending Act No 141/1961 Coll., Criminal Procedure, as amended, Act No 40/2009 Coll., the Criminal Code, as amended, and Act No 418/2011 Coll., on the criminal liability of legal persons and proceedings against them, as amended by Act No</p>	

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>105/2013 Coll. Available at: <a href="https://www.zakonyprolidi.cz/cs/2014-141">https://www.zakonyprolidi.cz/cs/2014-141</a></p> <p>Act No 64/2014 Coll., amending certain acts in connection with the adoption of the Control Regulation Available at: <a href="https://www.zakonyprolidi.cz/cs/2014-64">https://www.zakonyprolidi.cz/cs/2014-64</a></p> <p>Act No 303/2013 Coll., amending certain acts in connection with adoption of recodification of private law Available at: <a href="https://zakonyprolidi.cz/cs/2013-303">https://zakonyprolidi.cz/cs/2013-303</a></p> <p>Act No 273/2012 Coll., amending Act No 127/2005 Coll., on electronic communications and amending certain related acts (the Electronic Communications Act), as amended, and certain other acts Available at: <a href="https://www.zakonyprolidi.cz/cs/2012-273">https://www.zakonyprolidi.cz/cs/2012-273</a></p> <p>Act No 167/2012 Coll., amending Act No 499/2004 Coll., on archiving and the filing service and amending certain acts, as amended, Act No 227/2000 Coll., on electronic signatures and amending certain acts (the Electronic Signature Act), as amended, and other related acts Available at: <a href="https://www.zakonyprolidi.cz/cs/2012-167">https://www.zakonyprolidi.cz/cs/2012-167</a></p> <p>Act No 468/2011 Coll., amending Act No 127/2005 Coll., on electronic communications and amending certain related acts (the Electronic Communications Act), as amended, and certain other acts Available at: <a href="https://www.zakonyprolidi.cz/cs/2011-468">https://www.zakonyprolidi.cz/cs/2011-468</a></p> <p>Act No 459/2011 Coll., amending Act No 141/1961 Coll., Criminal Procedure, as amended, and certain other acts Available at: <a href="https://www.zakonyprolidi.cz/cs/2011-459">https://www.zakonyprolidi.cz/cs/2011-459</a></p>	



List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Act No 375/2011 Coll., amending certain acts in connection with adoption of the Act on health services, the Act on specific health services and the Act on medical emergency service Available at: <a href="https://zakonyprolidi.cz/cs/2011-375">https://zakonyprolidi.cz/cs/2011-375</a></p> <p>Act No 150/2011 Coll., amending Act No 273/2008 Coll., on the Police of the Czech Republic, as amended, Act No 124/1992 Coll., on the Military Police, as amended, Act No 185/2004 Coll., on the Customs administration of the Czech Republic, as amended, and Act No 141/1961 Coll., Criminal Procedure, as amended Available at: <a href="https://www.zakonyprolidi.cz/cs/2011-150">https://www.zakonyprolidi.cz/cs/2011-150</a></p> <p>Act No 281/2009 Coll., amending certain acts in connection with the adoption of the Tax Code Available at: <a href="https://www.zakonyprolidi.cz/cs/2009-281">https://www.zakonyprolidi.cz/cs/2009-281</a></p> <p>Act No 190/2009 Coll., amending Act No 499/2004 Coll., on archiving and the filing service and amending certain acts, as amended, and other related acts Available at: <a href="https://www.zakonyprolidi.cz/cs/2009-190">https://www.zakonyprolidi.cz/cs/2009-190</a></p> <p>Act No 52/2009 Coll., amending Act No 141/1961 Coll., Criminal Procedure, as amended, and certain other acts Available at: <a href="https://www.zakonyprolidi.cz/cs/2009-52">https://www.zakonyprolidi.cz/cs/2009-52</a></p> <p>Act No 41/2009 Coll., amending certain acts in connection with the adoption of the Criminal Code Available at: <a href="https://www.zakonyprolidi.cz/cs/2009-41">https://www.zakonyprolidi.cz/cs/2009-41</a></p>	

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Act No 177/2008 Coll., amending Act No 141/1961 Coll., Criminal Procedure, as amended, and Act No 127/2005 Coll., on electronic communications and amending certain related acts (the Electronic Communications Act), as amended Available at: <a href="https://www.zakonyprolidi.cz/cs/2008-177">https://www.zakonyprolidi.cz/cs/2008-177</a></p> <p>Act No 170/2007 Coll., amending certain acts in connection with the Czech Republic's integration into the Schengen Area Available at: <a href="https://www.zakonyprolidi.cz/cs/2009-41">https://www.zakonyprolidi.cz/cs/2009-41</a></p> <p>Act No 444/2005 Coll., amending Act No 531/1990 Coll., on territorial financial institutions, as amended, and certain other acts Available at: <a href="https://www.zakonyprolidi.cz/cs/2005-444">https://www.zakonyprolidi.cz/cs/2005-444</a></p> <p>Act No 413/2005 Coll., amending acts in connection with the adoption of the Protection of Classified Information and Security Capability Act Available at: <a href="https://www.zakonyprolidi.cz/cs/2005-413">https://www.zakonyprolidi.cz/cs/2005-413</a></p> <p>Act No 120/2004 Coll., amending Act No 201/2002 Coll., on the Office for the Representation of the State in Matters of Property, Act No 99/1963 Coll., Code of Civil Procedure, as amended, and Act No 182/1993 Coll., on the Constitutional Court, as amended Available at: <a href="https://www.zakonyprolidi.cz/cs/2004-120">https://www.zakonyprolidi.cz/cs/2004-120</a></p> <p>Act No 265/2001 Coll., amending Act No 141/1961 Coll., Criminal Procedure, as amended, Act No 140/1961 Coll., the Criminal Code, as amended, and certain other acts Available at: <a href="https://www.zakonyprolidi.cz/cs/2001-265">https://www.zakonyprolidi.cz/cs/2001-265</a></p> <p>Act No 177/2001 Coll., amending Act No 101/2000 Coll., On the Protection of Personal Data and on amendments of certain acts, as</p>	

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>amended by Act No 227/2000 Coll., and Act No 65/1965 Coll., Labour Code, as amended Available at: <a href="https://www.zakonyprolidi.cz/cs/2001-177">https://www.zakonyprolidi.cz/cs/2001-177</a></p> <p>Act No 460/2000 Coll., amending Act No 555/1992 Coll., on the Prison and the Judicial Security of the Czech Republic, as amended, and Act No 186/1992 Coll., on the service of members of the Police of the Czech Republic, as amended Available at: <a href="https://www.zakonyprolidi.cz/cs/2000-460">https://www.zakonyprolidi.cz/cs/2000-460</a></p> <p>Act No 30/2000 Coll., amending Act No 99/1963 Coll., Code of Civil Procedure, as amended, and some other acts Available at: <a href="https://www.zakonyprolidi.cz/cs/2000-30">https://www.zakonyprolidi.cz/cs/2000-30</a></p> <p>Act No 292/1993 Coll., amending Act No 141/1961 Coll., Criminal Procedure, Act No 21/1992 Coll., on banks, and Act No 335/1991 Coll., on courts and judges Available at: <a href="https://www.zakonyprolidi.cz/cs/1993-292">https://www.zakonyprolidi.cz/cs/1993-292</a></p> <p>Act No 171/1993 Coll., amending and supplementing the Code of Civil Procedure Available at: <a href="https://www.zakonyprolidi.cz/cs/1993-171">https://www.zakonyprolidi.cz/cs/1993-171</a></p> <p>Act No 178/1990 Coll., amending and supplementing the Criminal Procedure Available at: <a href="https://www.zakonyprolidi.cz/cs/1990-178">https://www.zakonyprolidi.cz/cs/1990-178</a></p> <p>Act No 149/1969 Coll., amending and supplementing Act No 141/1961 Coll., on criminal court proceedings (Criminal Procedure) Available at: <a href="https://www.zakonyprolidi.cz/cs/1969-149">https://www.zakonyprolidi.cz/cs/1969-149</a></p>	

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
DE	<p><b>Federal</b></p> <p>Federal Data Protection Act of 30 June 2017 (BDSG) Available at: <a href="https://www.bgbl.de/xa-ver/bgbl/start.xav#_bgbl_%2F%2F*%5B%40attr_id%3D%27bgbl119s1626.pdf%27%5D_1580310611972">https://www.bgbl.de/xa-ver/bgbl/start.xav#_bgbl_%2F%2F*%5B%40attr_id%3D%27bgbl119s1626.pdf%27%5D_1580310611972</a></p> <p>Law about Federal Criminal Police Office and the cooperation of the Federal Government and the Länder in criminal affairs (Federal Criminal Police Act - BKAG) Available at: <a href="https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&amp;start=//[*]@attr_id=%27bgbl117s1354.pdf%27]-_bgbl_%2F%2F*%5B%40attr_id=%27bgbl117s1354.pdf%27%5D_1572534072200">https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&amp;start=//[*]@attr_id=%27bgbl117s1354.pdf%27]-_bgbl_%2F%2F*%5B%40attr_id=%27bgbl117s1354.pdf%27%5D_1572534072200</a></p> <p>Act on International Cooperation in Criminal Matters of 23 December 1982 as amended (IRG) Available at: <a href="https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&amp;start=%2F%2F%2A%5B%40attr_id=%27bgbl119s1626.pdf%27%5D_-_bgbl_%2F%2F*%5B%40attr_id=%27bgbl119s1626.pdf%27%5D_1580424181056">https://www.bgbl.de/xaver/bgbl/start.xav?startbk=Bundesanzeiger_BGBl&amp;start=%2F%2F%2A%5B%40attr_id=%27bgbl119s1626.pdf%27%5D_-_bgbl_%2F%2F*%5B%40attr_id=%27bgbl119s1626.pdf%27%5D_1580424181056</a></p> <p>Code of Criminal Procedure in the version promulgated on 7 April 1987 as amended (StPO) Available at: <a href="https://www.gesetze-im-internet.de/stpo/index.html">https://www.gesetze-im-internet.de/stpo/index.html</a></p> <p>Introductory Act to the Code of Criminal Procedure in the amended version (StPOEG) Available at: <a href="https://www.gesetze-im-internet.de/stpoeg/BJNR003460877.html">https://www.gesetze-im-internet.de/stpoeg/BJNR003460877.html</a></p> <p>Customs Investigation Service Act (ZFdG) Available at: <a href="http://www.gesetze-im-internet.de/zfdg_2021/ZFdG.pdf">http://www.gesetze-im-internet.de/zfdg_2021/ZFdG.pdf</a></p> <p><b>Baden-Württemberg</b></p>	<p><b>Federal</b></p> <p>Separate plan 21 of the federal budget plan 2017 – The Federal Commissioner for Data Protection and Freedom of Information (Separate Budget Plan) Available at: <a href="https://www.bundeshaushalt.de/fileadmin/de.bundeshausshalt/content_de/dokumente/2017/soll/epl21.pdf">https://www.bundeshaushalt.de/fileadmin/de.bundeshausshalt/content_de/dokumente/2017/soll/epl21.pdf</a></p> <p>The Fundamental Law of the Federal Republic of Germany of 23 May 1949 (GG) Available at: <a href="https://www.gesetze-im-internet.de/gg/index.html">https://www.gesetze-im-internet.de/gg/index.html</a></p> <p>Act on Civil Servant Status in the Länder in the version promulgated on 17 June 2008 (BeamStG) Available at: <a href="https://www.gesetze-im-internet.de/beamstg/index.html">Beamtenstatusgesetz (BeamStG) - dejure.org</a></p> <p>Federal Civil Service Act (BBG) Available at: <a href="https://www.gesetze-im-internet.de/bbg/index.html">Bundesbeamtenengesetz (BBG) - dejure.org</a></p> <p>Code of Administrative Court Procedure (VwGO) Available at: <a href="https://www.gesetze-im-internet.de/vwgo/index.html">https://www.gesetze-im-internet.de/vwvfg/BJNR012530976.html</a></p> <p>Act on Regulatory Offences (OwiG) Available at: <a href="https://www.gesetze-im-internet.de/owig_1968/">https://www.gesetze-im-internet.de/owig_1968/</a></p> <p>Legal Services Law (RDG) Available at: <a href="https://www.gesetze-im-internet.de/rdg/index.html">RDG - Gesetz über außergerichtliche Rechtsdienstleistungen (gesetze-im-internet.de)</a></p> <p>Federal Police Act (BPolG) Available at: <a href="https://www.gesetze-im-internet.de/bpolg/index.html">BPolG - Gesetz über die Bundespolizei (gesetze-im-internet.de)</a></p> <p><b>Baden-Württemberg</b></p>

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MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Act on the Protection of Personal Data for the Processing by the Judicial Authorities of the Land for the purposes of prevention, investigation, detection or prosecution of crimes and punishment of administrative offences or for the purposes of enforcing criminal penalties and by the Authorities of the State for the Purposes of Punishing Administrative Fines (LDSG-JB) Available at: <a href="https://www.landesrecht-bw.de/jportal/?quelle=jlink&amp;query=JBDSG+BW&amp;psml=bsbawue-prod.psml&amp;max=true&amp;aiz=true">https://www.landesrecht-bw.de/jportal/?quelle=jlink&amp;query=JBDSG+BW&amp;psml=bsbawue-prod.psml&amp;max=true&amp;aiz=true</a></p> <p>Code on the Execution of Justice in Baden-Württemberg as amended (JVollzGB (BW)) Available at: <a href="https://www.landesrecht-bw.de/jportal/portal/t/5sz/page/bsbawueprod.psml?pid=Dokumentanzeige&amp;showdoc-case=1&amp;js_peid=Trefferliste&amp;documentnumber=1&amp;number-ofresults=1&amp;fromdoctodoc=yes&amp;doc.id=jlr-JVollzIGBBW2009rahmen&amp;doc.part=X&amp;doc.price=0.0#focuspoint">https://www.landesrecht-bw.de/jportal/portal/t/5sz/page/bsbawueprod.psml?pid=Dokumentanzeige&amp;showdoc-case=1&amp;js_peid=Trefferliste&amp;documentnumber=1&amp;number-ofresults=1&amp;fromdoctodoc=yes&amp;doc.id=jlr-JVollzIGBBW2009rahmen&amp;doc.part=X&amp;doc.price=0.0#focuspoint</a></p> <p>Police Act (PolG (BW)) of 6 October 2020, promulgated as Article 1 of the Act on the Implementation of Directive (EU) 2016/680 for the Police in Baden-Württemberg and on the Amendment of Other Police Law Provisions of 6 October 2020 as amended (PolG (BW)) Available at: <a href="https://www.landesrecht-bw.de/jportal/portal/t/9kq/page/bsbawueprod.psml?pid=Dokumentanzeige&amp;showdoc-case=1&amp;js_peid=Trefferliste&amp;documentnumber=1&amp;number-ofresults=1&amp;fromdoctodoc=yes&amp;doc.id=jlr-PolGBW2021rahmen&amp;doc.part=X&amp;doc.price=0">https://www.landesrecht-bw.de/jportal/portal/t/9kq/page/bsbawueprod.psml?pid=Dokumentanzeige&amp;showdoc-case=1&amp;js_peid=Trefferliste&amp;documentnumber=1&amp;number-ofresults=1&amp;fromdoctodoc=yes&amp;doc.id=jlr-PolGBW2021rahmen&amp;doc.part=X&amp;doc.price=0</a></p> <p><b>Bavaria</b></p> <p>Bavarian Data Protection Act (BayDSG) of 15 May 2018 as amended (BayDSG) Available at: <a href="http://gesetze-bayern.de/Content/Document/BayDSG">http://gesetze-bayern.de/Content/Document/BayDSG</a></p> <p>Act on the reform of the Bavarian Police Law (PAG-Neuordnungsgesetz) Available at: <a href="https://www.verkuendung-bayern.de/qvbl/jahrgang:2018/heftnummer:9/seite:301">https://www.verkuendung-bayern.de/qvbl/jahrgang:2018/heftnummer:9/seite:301</a></p>	<p>State Data Protection Act (LDSG (BW)) Available at: <a href="http://www.landesrecht-bw.de/jportal/?quelle=jlink&amp;query=DSG+BW&amp;psml=bsbawue-prod.psml&amp;max=true&amp;aiz=true">http://www.landesrecht-bw.de/jportal/?quelle=jlink&amp;query=DSG+BW&amp;psml=bsbawue-prod.psml&amp;max=true&amp;aiz=true</a></p> <p><b>Bavaria</b></p> <p>Bavarian Penal Execution Act (BayStVollzG) Available at: <a href="https://www.gesetze-bayern.de/Content/Document/BayStVollzG">https://www.gesetze-bayern.de/Content/Document/BayStVollzG</a></p> <p>Constitution of the Free State of Bavaria or Bavarian State Constitution Available at: <a href="https://www.gesetze-bayern.de/Content/Document/BayVerf">https://www.gesetze-bayern.de/Content/Document/BayVerf</a></p>

List of the national implementing measures		
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	<p>Police Tasks Act (PAG) Available at: <a href="https://www.gesetze-bayern.de/Content/Document/Bay-PAG">https://www.gesetze-bayern.de/Content/Document/Bay-PAG</a></p> <p><b>Berlin</b> Law on the Protection of Personal Data in the Berlin Administration (Berlin Data Protection Act - BlnDSG) Available at: <a href="https://gesetze.berlin.de/bsbe/document/jlr-DSGBE2018V5IVZ">https://gesetze.berlin.de/bsbe/document/jlr-DSGBE2018V5IVZ</a></p> <p><b>Brandenburg</b> Act for the Protection of Personal Data in the Land of Brandenburg (Brandenburg Data Protection Act - BbgDSG) Available at: <a href="https://bravors.brandenburg.de/gesetze/bbgdsg">https://bravors.brandenburg.de/gesetze/bbgdsg</a></p> <p>Act transposing Directive (EU) 2016/680 on the processing of personal data by the police and the prison authorities of Brandenburg (Brandenburg Police, Prison and Measure Enforcement Data Protection Act — BbgPJMDSG) Available at: <a href="https://bravors.brandenburg.de/gesetze/bbgpjmdsg">https://bravors.brandenburg.de/gesetze/bbgpjmdsg</a></p> <p><b>Bremen</b> Bremen Police Act (BremPolG) Available at: <a href="#">BremPolG,HB - Bremisches Polizeigesetz - Gesetze des Bundes und der Länder (lexsoft.de)</a></p> <p>Bremen Act on the Protection of Personal Data in Prison Service (BremJVollzDSG) Available at: <a href="#">Transparenzportal Bremen - Bremisches Gesetz zum Schutz personenbezogener Daten im Justizvollzug (Bremisches Justizvollzugsdatenschutzgesetz - BremJVollzDSG) vom 14. Juli 2020</a></p>	<p><b>Berlin</b> Law on the Protection of Personal Data in the Prison System, at the Social Services of the Justice System of the State of Berlin and the Guidance Supervision Office at the Berlin Regional Court (Berlin Prison Data Protection Act - JVollzDSG Bln) Available at: <a href="https://gesetze.berlin.de/bsbe/document/jlr-JVollzDSGBE2021rahmen">https://gesetze.berlin.de/bsbe/document/jlr-JVollzDSGBE2021rahmen</a><sup>7</sup></p> <p><b>Brandenburg</b> Act on the Legal Status of Members of the Land Government of Brandenburg (BbgMinG) Available at: <a href="https://bravors.brandenburg.de/gesetze/bbgming_2016">https://bravors.brandenburg.de/gesetze/bbgming_2016</a></p> <p><b>Bremen</b> Bremen Implementation Act for the EU General Data Protection Regulation (BremDSGVOAG) Available at: <a href="#">Transparenzportal Bremen - Bremisches Ausführungsgesetz zur EU-Datenschutz-Grundverordnung (BremDSGVOAG) vom 8. Mai 2018</a></p>

<sup>7</sup> Due to late adoption of this act, this Report does not analyse its provisions for compliance with the LED.

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	<p><b>Hamburg</b> Hamburg Data Protection Law (HmbDSG) Available at: <a href="https://datenschutz-hamburg.de/assets/pdf/HmbDSG_neu.pdf">https://datenschutz-hamburg.de/assets/pdf/HmbDSG_neu.pdf</a></p> <p>Hamburg Act on the Supervision of the Application of the Legislation Implementing Directive (EU) 2016/680 (Hamburg Act on the Supervisory Authority) Available at: <a href="http://www.landesrecht-hamburg.de/jportal/portal/page/bshaprod.psml?showdoccase=1&amp;st=lr&amp;doc.id=jlr-EURL2016_680UmsAAGHArahmen&amp;doc.part=X&amp;doc.origin=bs">http://www.landesrecht-hamburg.de/jportal/portal/page/bshaprod.psml?showdoccase=1&amp;st=lr&amp;doc.id=jlr-EURL2016_680UmsAAGHArahmen&amp;doc.part=X&amp;doc.origin=bs</a></p> <p>Hamburg Act on the Protection of Personal Data in the Penitentiary System (HmbJVollzDSG) Available at: <a href="http://suche.transparenz.hamburg.de/dataset/gesetz-zur-umsetzung-der-richtlinie-eu-2016-680-fuer-den-hamburger-justizvollzug-und-zur-aender">http://suche.transparenz.hamburg.de/dataset/gesetz-zur-umsetzung-der-richtlinie-eu-2016-680-fuer-den-hamburger-justizvollzug-und-zur-aender</a></p> <p>Act for the Implementation of the Directive (EU)2016/680 in relation to the execution of measures of improvement and prevention in Hamburg (HmbMVollzG) Available at: <a href="http://www.landesrecht-hamburg.de/jportal/portal/page/bshaprod.psml?showdoccase=1&amp;st=lr&amp;doc.id=jlr-MVollzGHA2007rahmen&amp;doc.part=X&amp;doc.origin=bs">http://www.landesrecht-hamburg.de/jportal/portal/page/bshaprod.psml?showdoccase=1&amp;st=lr&amp;doc.id=jlr-MVollzGHA2007rahmen&amp;doc.part=X&amp;doc.origin=bs</a></p> <p>Law on police data processing (HmbPolIDVG) Available at: <a href="#">Hamburg - Inhaltsverzeichnis PolIDVG   Landesnorm Hamburg   Inhaltsverzeichnis   qültiq ab: 24.12.2019 (landesrecht-hamburg.de)</a></p> <p>Hamburg Port Security Act (HmbHafenSG) Available at: <a href="https://www.landesrecht-hamburg.de/bsha/document/jlr-HfSiGHA2021pP8">https://www.landesrecht-hamburg.de/bsha/document/jlr-HfSiGHA2021pP8</a></p> <p><b>Hesse</b></p> <p>Hessian Data Protection and Freedom of Information Act (HDSIG)</p>	<p><b>Hamburg</b> Constitution of the Free and Hanseatic city of Hamburg (Hamburg Constitution) Available at: <a href="#">Heft Verfassung HH 2012 zs.qxd (hamburg.de)</a></p> <p><b>Hesse</b></p> <p>/</p>

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	<p>Available at: <a href="https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-DSIFGHEV1IVZ">https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-DSIFGHEV1IVZ</a></p> <p>Hessian Law on Public Safety and Order (HSOG) Available at: <a href="https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-SOGHEV17P20">https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-SOGHEV17P20</a></p> <p>Hesse Prison Act (HStVollzG) Available at: <a href="https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-StVollzGHEV6IVZ">https://www.rv.hessenrecht.hessen.de/bshe/document/jlr-StVollzGHEV6IVZ</a></p> <p><b>Lower Saxony</b></p> <p>Lower Saxony Data Protection Act (NDSG) Available at: <a href="http://www.nds-voris.de/jportal/?quelle=jlink&amp;query=DSG+ND&amp;psml=bsvoris-prod.psml&amp;max=true&amp;aiz=true">http://www.nds-voris.de/jportal/?quelle=jlink&amp;query=DSG+ND&amp;psml=bsvoris-prod.psml&amp;max=true&amp;aiz=true</a></p> <p>Lower Saxony Act on Public Security and Order and Other Acts of 20 May 2019 (NPOG) Available at: <a href="http://www.nds-voris.de/jportal/portal/t/zko/page/bsvorisprod.psml?pid=Dokumentanzeige&amp;showdoc-case=1&amp;js_peid=Trefferliste&amp;fromdoctodoc=yes&amp;doc.id=jlr-SOGNDrahen&amp;doc.part=X&amp;doc.price=0.0&amp;doc.hl=0#jlr-SOGNDpG1">http://www.nds-voris.de/jportal/portal/t/zko/page/bsvorisprod.psml?pid=Dokumentanzeige&amp;showdoc-case=1&amp;js_peid=Trefferliste&amp;fromdoctodoc=yes&amp;doc.id=jlr-SOGNDrahen&amp;doc.part=X&amp;doc.price=0.0&amp;doc.hl=0#jlr-SOGNDpG1</a></p> <p>Lower Saxony Correctional Services Act (NJVollzG) Available at: <a href="https://www.nds-voris.de/jportal/?quelle=jlink&amp;query=JVollzG+ND&amp;psml=bsvoris-prod.psml&amp;max=true&amp;aiz=true">https://www.nds-voris.de/jportal/?quelle=jlink&amp;query=JVollzG+ND&amp;psml=bsvoris-prod.psml&amp;max=true&amp;aiz=true</a></p> <p><b>Mecklenburg-Western Pomerania</b></p> <p>Data Protection Act for the State of Mecklenburg Western Pomerania (State Data Protection Act - DSG MV) Available at: <a href="https://www.landesrecht-mv.de/bsmv/document/jlr-DSGMV2018pP7">https://www.landesrecht-mv.de/bsmv/document/jlr-DSGMV2018pP7</a></p>	<p><b>Lower Saxony</b></p> <p>/</p> <p><b>Mecklenburg-Western Pomerania</b></p>



List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Law on Public Safety and Order in Mecklenburg-Western Pomerania (Security and Order Law – SOG MV) Available at: <a href="https://www.landesrecht-mv.de/bsmv/document/jlr-SOGMV2020pG24">https://www.landesrecht-mv.de/bsmv/document/jlr-SOGMV2020pG24</a></p> <p><b>North Rhine-Westphalia</b></p> <p>Data Protection Act North Rhine-Westphalia (DSG NRW) Available at: <a href="https://recht.nrw.de/lmi/owa/br_vbl_de_tail_text?anw_nr=6&amp;vnd_id=16982&amp;vnd_back=N244&amp;sg=0&amp;menu=1">https://recht.nrw.de/lmi/owa/br_vbl_de_tail_text?anw_nr=6&amp;vnd_id=16982&amp;vnd_back=N244&amp;sg=0&amp;menu=1</a></p> <p><b>Rhineland-Palatinate</b></p> <p>The Rhineland-Palatinate Data Protection Act of 8 May 2018 (LDSG RP) Available at: <a href="http://landesrecht.rlp.de/jportal/?quelle=jlink&amp;query=DSG+RP&amp;psml=bsrlpprod.psmi">http://landesrecht.rlp.de/jportal/?quelle=jlink&amp;query=DSG+RP&amp;psml=bsrlpprod.psmi</a></p> <p>The law of the Land amending the law on police and public authorities and provisions on civil servants of 23 September 2020 (POG RP) Available at: <a href="http://landesrecht.rlp.de/jportal/?quelle=jlink&amp;query=PolG+RP&amp;psml=bsrlpprod.psmi">http://landesrecht.rlp.de/jportal/?quelle=jlink&amp;query=PolG+RP&amp;psml=bsrlpprod.psmi</a></p> <p>Act of the Land on Data Protection in the Area of Law Enforcement (LJVollzDSG RP) Available at: <a href="https://landesrecht.rlp.de/bsrp/document/jlr-JVollzDSGRP2020rahmen">https://landesrecht.rlp.de/bsrp/document/jlr-JVollzDSGRP2020rahmen</a></p> <p><b>Saarland</b></p>	<p>Act of the Land of Mecklenburg-Western Pomerania on Data Protection in the Area of Law Enforcement of 21 November 2020 (Mecklenburg-Western Pomerania Law Enforcement Data Protection Act - JVollzDSG MV) Available at: <a href="https://www.landesrecht.sachsen-anhalt.de/bsst/document/jlr-JVollz4GBSTraehmen">https://www.landesrecht.sachsen-anhalt.de/bsst/document/jlr-JVollz4GBSTraehmen</a></p> <p>Constitution of Mecklenburg Western Pomerania Available at: <a href="https://www.landtag-mv.de/fileadmin/Publikationen_PDF/Verfassung_MV_neu_2016_01.pdf">https://www.landtag-mv.de/fileadmin/Publikationen_PDF/Verfassung_MV_neu_2016_01.pdf</a></p> <p>Civil Servant Act of Mecklenburg Western Pomerania in the version promulgated on 17 December 2009 as last amended (LBG MV) Available at: <a href="https://www.landesrecht-mv.de/bsmv/document/jlr-BGMV2009V7IVZ">https://www.landesrecht-mv.de/bsmv/document/jlr-BGMV2009V7IVZ</a></p> <p><b>North Rhine-Westphalia</b></p> <p>Law on the Protection of Personal Data in the Prison System in North Rhine-Westphalia (JVollzDSG NRW) Available at: <a href="https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=82520181026113941965">https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=82520181026113941965</a></p> <p>Police Act of the State of North Rhine-Westphalia (PolG NRW) Available at: <a href="https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=3120071121100036031">https://recht.nrw.de/lmi/owa/br_text_anzeigen?v_id=3120071121100036031</a></p> <p><b>Rhineland-Palatinate</b></p> <p>/</p>

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	<p>Saarland Law on the Processing of Personal Data by the Police (SPoIDVG) Available at: <a href="https://recht.saarland.de/bssl/document/jlr-PoIDVGSLrahmen">https://recht.saarland.de/bssl/document/jlr-PoIDVGSLrahmen</a></p> <p>Saarland Prison Data Protection Act (JVollzDSG SL) Available at: <a href="https://recht.saarland.de/bssl/document/jlr-JVollzDSGSLrahmen">https://recht.saarland.de/bssl/document/jlr-JVollzDSGSLrahmen</a></p> <p><b>Saxony</b></p> <p>Saxon Data Protection Implementation Act of 11 May 2019 as amended (SächsDSUG) Available at: <a href="https://www.revosax.sachsen.de/vorschrift/18195-Saechsisches-Datenschutz-Umsetzungsgesetz-">https://www.revosax.sachsen.de/vorschrift/18195-Saechsisches-Datenschutz-Umsetzungsgesetz-</a></p> <p>Law on the tasks, powers, data processing and organisation of the police enforcement service in the Free State of Saxony (Saxon Police Enforcement Service Act - SächsPVDG) Available at: <a href="https://www.revosax.sachsen.de/vorschrift/18193#p1">https://www.revosax.sachsen.de/vorschrift/18193#p1</a></p> <p>Act on the Protection of Personal Data in the Penitentiary System (SächsJVollzDSG) Available at: <a href="https://www.revosax.sachsen.de/vorschrift/18376">https://www.revosax.sachsen.de/vorschrift/18376</a></p> <p><b>Saxony Anhalt</b></p> <p>Act on the implementation of Directive (EU) 2016/680 (Data Protection Directive Transposition Act Saxony-Anhalt – DSUG LSA) (DSUG ST) Available at: <a href="https://www.landesrecht.sachsen-anhalt.de/bsst/document/jlr-DSUGSTpP3">https://www.landesrecht.sachsen-anhalt.de/bsst/document/jlr-DSUGSTpP3</a></p> <p>Act completing Regulation (EU) 2016/679 and adapting general data protection law in Saxony-Anhalt (General Data Protection Regulation - Completion Act Saxony-Anhalt - DSAG LSA) (DSAG ST) Available at: <a href="https://www.landesrecht.sachsen-anhalt.de/bsst/document/jlr-DSGVOAGSTpIVZ">https://www.landesrecht.sachsen-anhalt.de/bsst/document/jlr-DSGVOAGSTpIVZ</a></p>	<p><b>Saarland</b></p> <p>Saarland Data Protection Act (DSG SL) Available at: <a href="https://recht.saarland.de/bssl/document/jlr-DSGSL2018pIVZ">https://recht.saarland.de/bssl/document/jlr-DSGSL2018pIVZ</a></p> <p><b>Saxony</b></p> <p>Law on the Tasks, Organisation, Powers and Data Processing of the Police Authorities in the Free State of Saxony (Saxon Police Authorities Act - SächsPBG) Available at: <a href="https://www.revosax.sachsen.de/vorschrift_gesamt/18194/39505.html">https://www.revosax.sachsen.de/vorschrift_gesamt/18194/39505.html</a></p> <p><b>Saxony Anhalt</b></p> <p>Civil Servant Act of Saxony Anhalt in the version promulgated on 15 December 2009 as last amended (LBG ST) Available at: <a href="https://www.landesrecht.sachsen-anhalt.de/bsst/document/jlr-BGST2009V10P65">https://www.landesrecht.sachsen-anhalt.de/bsst/document/jlr-BGST2009V10P65</a></p>

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MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Act on Public Security and Order of the State of Saxony-Anhalt in the version promulgated on 20 May 2014 as amended (SOG ST) Available at: <a href="http://www.landesrecht.sachsen-anhalt.de/jportal/?quelle=jlink&amp;query=SOG+ST&amp;psml=bssahprod.psml&amp;max=true&amp;ajz=true">http://www.landesrecht.sachsen-anhalt.de/jportal/?quelle=jlink&amp;query=SOG+ST&amp;psml=bssahprod.psml&amp;max=true&amp;ajz=true</a></p> <p>Fourth Book of the Prison Code Saxony-Anhalt - Data protection - (Fourth Book of the Prison Code Saxony-Anhalt - JVollzGB IV LSA) (JVollzDSUG ST) Available at: <a href="https://www.landesrecht.sachsen-anhalt.de/bsst/document/jlr-JVollz4GBSTrahmen">https://www.landesrecht.sachsen-anhalt.de/bsst/document/jlr-JVollz4GBSTrahmen</a></p> <p><b>Schleswig-Holstein</b></p> <p>Schleswig-Holstein Act on the Protection of Personal Data (State Data Protection Act - LDSG SH) Available at: <a href="https://www.schleswig-holstein.de/DE/Landesregierung/IV/Service/GVOB/GVOB/2018/qvobl_8_2018.pdf?blob=publicationFile&amp;v=2">https://www.schleswig-holstein.de/DE/Landesregierung/IV/Service/GVOB/GVOB/2018/qvobl_8_2018.pdf?blob=publicationFile&amp;v=2</a></p> <p>Law on the Establishment of an Independent Land Centre for Privacy Protection (Establishment Law ULD) Available at: <a href="http://www.gesetze-rechtsprechung.sh.juris.de/jportal/portal/page/bsshoprod?feed=bssho-lr&amp;showdoccase=1&amp;param-fromHL=true&amp;doc.id=jlr-ULDErrGSHrahmen">http://www.gesetze-rechtsprechung.sh.juris.de/jportal/portal/page/bsshoprod?feed=bssho-lr&amp;showdoccase=1&amp;param-fromHL=true&amp;doc.id=jlr-ULDErrGSHrahmen</a></p> <p><b>Thuringia</b></p> <p>Thuringian Data Protection Act (ThürDSG) Available at: <a href="https://landesrecht.thueringen.de/bsth/document/jlr-DSGTH2018rahmen">https://landesrecht.thueringen.de/bsth/document/jlr-DSGTH2018rahmen</a></p> <p>Law regulating the tasks of the Police (PAG (TH)) Available at: <a href="https://landesrecht.thueringen.de/bsth/document/jlr-Po-IAufGTHV12IVZ">https://landesrecht.thueringen.de/bsth/document/jlr-Po-IAufGTHV12IVZ</a></p> <p>Law on the execution of penalties (ThürMRVG)</p>	<p><b>Schleswig-Holstein</b></p> <p>Schleswig-Holstein Act on the Protection of Personal Information in the Prison System (JVollzDSG SH) Available at: <a href="https://www.umwelt-online.de/regelwerk/cgi-bin/suchausgabe.cgi?pfad=/allgemei/laender/sh/jvollzdsg21.htm&amp;such=Zul%E4ssig">https://www.umwelt-online.de/regelwerk/cgi-bin/suchausgabe.cgi?pfad=/allgemei/laender/sh/jvollzdsg21.htm&amp;such=Zul%E4ssig</a></p> <p>General Administrative Law for the State of Schleswig-Holstein (LVwG SH) Available at: <a href="#">Gesetze-Rechtsprechung Schleswig-Holstein LVwG   Landesnorm Schleswig-Holstein   Gesamtausgabe   Allgemeines Verwaltungsgesetz für das Land Schleswig-Holstein (Landesverwaltungsgesetz - LVwG -) in der Fassung der Bekanntmachung vom 2. Juni 1992   gültig ab: 01.01.2003 (juris.de)</a></p> <p><b>Thuringia</b></p> <p>/</p>

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	Available at: <a href="https://landesrecht.thueringen.de/bsth/document/jlr-MVollzGTHrahmen">https://landesrecht.thueringen.de/bsth/document/jlr-MVollzGTHrahmen</a>	
<b>DK</b>	<p>Act no. 410 of 27 April 2017 on the law enforcement authorities processing of personal data</p> <p>Available at: <a href="https://www.retsinformation.dk/Forms/r0710.aspx?id=189891">https://www.retsinformation.dk/Forms/r0710.aspx?id=189891</a></p>	<p>Act no. 433 of 22 April 2014 (the Public Administration Act)</p> <p>Available at: <a href="https://www.retsinformation.dk/Forms/R0710.aspx?id=161411">https://www.retsinformation.dk/Forms/R0710.aspx?id=161411</a></p> <p>Act no. 502 of 23 May 2018 on supplementary provisions to the regulation on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (the Data Protection Act)</p> <p>Available at: <a href="https://www.retsinformation.dk/Forms/R0710.aspx?id=201319">https://www.retsinformation.dk/Forms/R0710.aspx?id=201319</a></p> <p>Act No. 1257 of 13 October 2016, the Administration of Justice Act.</p> <p>Available at: <a href="https://www.retsinformation.dk/Forms/R0710.aspx?id=192286">https://www.retsinformation.dk/Forms/R0710.aspx?id=192286</a></p> <p>Act no. 431 of 31 May 2000 on the establishing of a DNA Register</p> <p>Available at: <a href="https://www.retsinformation.dk/forms/r0710.aspx?id=836">https://www.retsinformation.dk/forms/r0710.aspx?id=836</a></p> <p>Executive order no. 1079 of 20 September 2017 on the processing of personal data in the police investigation support database (PED).</p> <p>Available at: <a href="https://www.retsinformation.dk/Forms/R0710.aspx?id=192722">https://www.retsinformation.dk/Forms/R0710.aspx?id=192722</a></p> <p>Executive order no. 454 of 1 January 2019 on the administration of the Data Protection Council</p> <p>Available at: <a href="https://www.retsinformation.dk/Forms/R0710.aspx?id=208812">https://www.retsinformation.dk/Forms/R0710.aspx?id=208812</a></p> <p>Act no. 390 of 454 of April 2017 on the Court of Administration</p> <p>Available at: <a href="https://www.retsinformation.dk/Forms/r0710.aspx?id=183487">https://www.retsinformation.dk/Forms/r0710.aspx?id=183487</a></p>
<b>EE</b>	<p>Personal Data Protection Act</p> <p>Available at: <a href="https://www.riigiteataja.ee/akt/104012019011">https://www.riigiteataja.ee/akt/104012019011</a></p> <p>Penal Code</p>	<p>General Part of the Civil Code Act</p> <p>Available at: <a href="https://www.riigiteataja.ee/akt/130012018006">https://www.riigiteataja.ee/akt/130012018006</a></p> <p>Law Enforcement Act</p>

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	<p>Available at: <a href="https://www.riigiteataja.ee/akt/104012019015">https://www.riigiteataja.ee/akt/104012019015</a></p> <p>Code of Administrative Court Procedure Available at: <a href="https://www.riigiteataja.ee/akt/128112017003">https://www.riigiteataja.ee/akt/128112017003</a></p> <p>Government of the Republic Act Available at: <a href="https://www.riigiteataja.ee/akt/112122018008">https://www.riigiteataja.ee/akt/112122018008</a></p> <p>State Liability Act Available at: <a href="https://www.riigiteataja.ee/akt/117122015076">https://www.riigiteataja.ee/akt/117122015076</a></p>	<p>Available at: <a href="https://www.riigiteataja.ee/akt/112122018046?leiaKehtiv">https://www.riigiteataja.ee/akt/112122018046?leiaKehtiv</a></p> <p>Regulation No 10 of the Minister of Justice 'Statutes and Composition of Data Protection Inspectorate' Available at: <a href="https://www.riigiteataja.ee/akt/114102016005?leiaKehtiv">https://www.riigiteataja.ee/akt/114102016005?leiaKehtiv</a></p> <p>Civil Service Act</p> <p>Code of Criminal Procedure Available at: <a href="https://www.riigiteataja.ee/akt/131052018022?leiaKehtiv">https://www.riigiteataja.ee/akt/131052018022?leiaKehtiv</a></p> <p>Regulation No 261 of the Government of Republic 'The procedure for archiving and storage deadlines for criminal file' Available at: <a href="https://www.riigiteataja.ee/akt/102092011005?leiaKehtiv">https://www.riigiteataja.ee/akt/102092011005?leiaKehtiv</a></p> <p>Forensic Examination Act Available at: <a href="https://www.riigiteataja.ee/akt/113032019091">https://www.riigiteataja.ee/akt/113032019091</a></p> <p>Public Information Act Available at: <a href="https://www.riigiteataja.ee/akt/121052014024?leiaKehtiv">https://www.riigiteataja.ee/akt/121052014024?leiaKehtiv</a></p> <p>Administrative Procedure Act Available at: <a href="https://www.riigiteataja.ee/akt/125102016005?leiaKehtiv">https://www.riigiteataja.ee/akt/125102016005?leiaKehtiv</a></p>
EL	<p>Law 4624 - Personal Data Protection Authority, implementing measures for Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and transposition into national law of Directive (EU) 2016 / 680 of the European Parliament and of the Council of 27 April 2016 and other provisions. (Government Gazette A; 137, 29 August 2019)</p>	<p>Constitution Available at: <a href="https://www.hellenicparliament.gr/en/Vouli-ton-Ellinon/To-Politevma/Syntagma/">https://www.hellenicparliament.gr/en/Vouli-ton-Ellinon/To-Politevma/Syntagma/</a></p> <p>Penal Procedural Code (Government Gazette A; 98, 11 June 2019) Available at: <a href="http://www.et.gr/">http://www.et.gr/</a></p> <p>Code of Administrative Procedure</p>

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	Available at: <a href="http://www.et.gr/">http://www.et.gr/</a>	<p>Available at: <a href="http://www.ministryofjustice.qr/site/kodikes/%CE%95%CF%85%CF%81%CE%B5%CF%84%CE%AE%CF%81%CE%B9%CE%BF/%CE%9A%CE%A9%CE%94%CE%99%CE%9A%CE%91%CE%A3%CE%94%CE%99%CE%9F%CE%99%CE%9A%CE%97%CE%A4%CE%99%CE%9A%CE%97%CE%A3%CE%94%CE%99%CE%9A%CE%9F%CE%9D%CE%9F%CE%9C%CE%99%CE%91%CE%A3/tabid/252/language/en-US/Default.aspx">http://www.ministryofjustice.qr/site/kodikes/%CE%95%CF%85%CF%81%CE%B5%CF%84%CE%AE%CF%81%CE%B9%CE%BF/%CE%9A%CE%A9%CE%94%CE%99%CE%9A%CE%91%CE%A3%CE%94%CE%99%CE%9F%CE%99%CE%9A%CE%97%CE%A4%CE%99%CE%9A%CE%97%CE%A3%CE%94%CE%99%CE%9A%CE%9F%CE%9D%CE%9F%CE%9C%CE%99%CE%91%CE%A3/tabid/252/language/en-US/Default.aspx</a></p> <p>Ratification of the status Code of Public Civil Administrative Officers and Employees of Legal Persons of Public Law (Government Gazette A' 62, 9 February 2007)</p> <p>Available at: <a href="http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan038291.pdf">http://unpan1.un.org/intradoc/groups/public/documents/un-dpadm/unpan038291.pdf</a></p> <p>Presidential Decree 207 - Organisation of the Secretariat of the Data Protection Authority and the establishment of organic posts. (Government Gazette A' 207, 15 July 1998)</p> <p>Available at: <a href="http://www.et.gr/">http://www.et.gr/</a></p> <p>Law 2472 - Protection of the individual from the processing of personal data. (Government Gazette A' 50, 10 April 1997)</p> <p>Available at: <a href="http://www.et.gr/">http://www.et.gr/</a></p> <p>Introductory Law of the Civil Code</p> <p>Available at: <a href="http://www.dsnet.gr/1024x768Auth.htm">http://www.dsnet.gr/1024x768Auth.htm</a></p>
ES	Organic Law 7/2021 of 26 May on the protection of personal data processed for the purposes of prevention, detection, investigation and prosecution of criminal offences and the execution of criminal penalties.	<p>Organic Law 3/2018, of 5 December, on the Protection of Personal Data and Guarantee of Digital Rights.</p> <p>Available at: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2018-16673">https://www.boe.es/buscar/act.php?id=BOE-A-2018-16673</a></p>

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	Available at: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2021-8806">https://www.boe.es/buscar/act.php?id=BOE-A-2021-8806</a>	<p>Royal Decree 389/2021, of 1 June, approving the Statute of the Spanish Data Protection Agency. Available at: <a href="https://www.boe.es/eli/es/rd/2021/06/01/389/">https://www.boe.es/eli/es/rd/2021/06/01/389/</a></p> <p>Law 53/1984, of 26 December 1984, on Incompatibilities of Staff in the Service of the Public Administrations. Available at: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-151">https://www.boe.es/buscar/act.php?id=BOE-A-1985-151</a></p> <p>Organic Law 6/1985 of 1 July 1985 on the Judiciary. Available at: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-1985-12666">https://www.boe.es/buscar/act.php?id=BOE-A-1985-12666</a></p> <p>Law 39/2015, of 1 October, on the Common Administrative Procedure of Public Administrations. Available at: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2015-10565&amp;p=20210710&amp;tn=1#a53">https://www.boe.es/buscar/act.php?id=BOE-A-2015-10565&amp;p=20210710&amp;tn=1#a53</a></p> <p>Law 40/2015, of 1 October, on the Legal Regime of the Public Sector. Available at: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2015-10566">https://www.boe.es/buscar/act.php?id=BOE-A-2015-10566</a></p> <p>Law 1/2014, of 24 June, on Public Transparency in Andalusia. Available at: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2014-7534">https://www.boe.es/buscar/act.php?id=BOE-A-2014-7534</a></p> <p>Decree 434/2015, of 29 September, approving the Statutes of the Council for Transparency and Data Protection of Andalusia. Available at: <a href="https://www.juntadeandalucia.es/boja/2015/193/1">https://www.juntadeandalucia.es/boja/2015/193/1</a></p> <p>Law 2/2004, of 25 February 2004, on Publicly-owned Personal Data Files and on the Creation of the Basque Data Protection Agency. Available at: <a href="https://www.boe.es/buscar/act.php?id=BOE-A-2011-18151&amp;p=20040304&amp;tn=1">https://www.boe.es/buscar/act.php?id=BOE-A-2011-18151&amp;p=20040304&amp;tn=1</a></p>

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MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
		<p>Decree 309/2005, of 18 October, approving the Statute of the Basque Data Protection Agency. Available at: <a href="https://www.legegunea.euskadi.eus/eli/es-pv/d/2005/10/18/309/dof/spa/html/webleg00-contfich/es/">https://www.legegunea.euskadi.eus/eli/es-pv/d/2005/10/18/309/dof/spa/html/webleg00-contfich/es/</a></p> <p>Law 32/2010, of 1 October, on the Catalan Data Protection Authority. Available at: <a href="https://www.boe.es/eli/es-ct/l/2010/10/01/32/con/20101008">https://www.boe.es/eli/es-ct/l/2010/10/01/32/con/20101008</a></p> <p>Decree 48/2003, of 20 February, approving the Statute of the Catalan Data Protection Authority Available at: <a href="https://apdcat.gencat.cat/web/.content/01-autoritat/normativa/documentos/731.pdf">https://apdcat.gencat.cat/web/.content/01-autoritat/normativa/documentos/731.pdf</a></p>
<b>FI</b>	<p>Act on Processing Personal Data in Criminal Matters (1054/2018) Available at: <a href="https://www.finlex.fi/fi/laki/alkup/2018/20181054#Pidp446894384">https://www.finlex.fi/fi/laki/alkup/2018/20181054#Pidp446894384</a></p> <p>Data Protection Act (1050/2018) Available at: <a href="https://www.finlex.fi/fi/laki/alkup/2018/20181050">https://www.finlex.fi/fi/laki/alkup/2018/20181050</a></p> <p>Act on the processing of personal data at the Criminal Sanctions Authority (1069/2015) Available at: <a href="https://www.finlex.fi/fi/laki/alkup/2015/20151069">https://www.finlex.fi/fi/laki/alkup/2015/20151069</a></p> <p>Criminal Records Act (770/1993) Available at: <a href="https://www.finlex.fi/fi/laki/ajantasa/1993/19930770">https://www.finlex.fi/fi/laki/ajantasa/1993/19930770</a></p> <p>Administrative Procedure Act (434/2003) Available at: <a href="https://www.finlex.fi/fi/laki/ajantasa/2003/20030434">https://www.finlex.fi/fi/laki/ajantasa/2003/20030434</a></p>	<p>Act on Criteria for Charges Payable to the State (150/1992) Available at: <a href="https://www.finlex.fi/fi/laki/ajantasa/1992/19920150">https://www.finlex.fi/fi/laki/ajantasa/1992/19920150</a></p> <p>Act on State Officials (750/1994) Available at: <a href="https://www.finlex.fi/fi/laki/ajantasa/1994/19940750#L3P8a">https://www.finlex.fi/fi/laki/ajantasa/1994/19940750#L3P8a</a></p> <p>Criminal Code (39/1889) Available at: <a href="https://www.finlex.fi/fi/laki/ajantasa/1889/18890039001#L1">https://www.finlex.fi/fi/laki/ajantasa/1889/18890039001#L1</a></p> <p>Act on Administrative Judicial Procedure (586/1996) Available at: <a href="https://www.finlex.fi/fi/laki/ajantasa/1996/19960586">https://www.finlex.fi/fi/laki/ajantasa/1996/19960586</a></p> <p>Act on Defence Forces (551/2007) Available at: <a href="https://www.finlex.fi/fi/laki/ajantasa/2007/20070551">https://www.finlex.fi/fi/laki/ajantasa/2007/20070551</a></p> <p>Act on the Border Guard (578/2005) Available at: <a href="https://www.finlex.fi/fi/laki/ajantasa/2005/20050578">https://www.finlex.fi/fi/laki/ajantasa/2005/20050578</a></p>



List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Act on the storage and disclosure of criminal records information between Finland and other Member States of the European Union (214/2012) Available at: <a href="https://www.finlex.fi/fi/laki/alkup/2012/20120214">https://www.finlex.fi/fi/laki/alkup/2012/20120214</a></p> <p>Act on the enforcement of fines (672/2002) Available at: <a href="https://www.finlex.fi/fi/laki/alkup/2002/20020672">https://www.finlex.fi/fi/laki/alkup/2002/20020672</a></p> <p>Act on the National Information System for Legal Administration (372/2010) Available at: <a href="https://www.finlex.fi/fi/laki/alkup/2010/20100372">https://www.finlex.fi/fi/laki/alkup/2010/20100372</a></p> <p>Act on the Processing of Personal Data by the Police (619/2019) Available at: <a href="https://www.finlex.fi/fi/laki/alkup/2019/20190616#Pidp446154976">https://www.finlex.fi/fi/laki/alkup/2019/20190616#Pidp446154976</a></p> <p>Act on the Processing of Personal Data at the Border Guard 639/2019) Available at: <a href="https://www.finlex.fi/fi/laki/alkup/2019/20190639">https://www.finlex.fi/fi/laki/alkup/2019/20190639</a></p> <p>Act on the crime prevention by the Border Guard (108/2018) Available at: <a href="https://www.finlex.fi/fi/laki/alkup/2018/20180108">https://www.finlex.fi/fi/laki/alkup/2018/20180108</a></p> <p>Act on the crime prevention by the Customs (623/2015) Available at: <a href="https://www.finlex.fi/fi/laki/alkup/2015/20150623">https://www.finlex.fi/fi/laki/alkup/2015/20150623</a></p> <p>Act on the Processing of Personal Data at Customs (650/2019) Available at: <a href="https://www.finlex.fi/fi/laki/alkup/2019/20190650">https://www.finlex.fi/fi/laki/alkup/2019/20190650</a></p> <p>Act on the Publicity of Court Proceedings in General Courts (370/2007) Available at: <a href="https://www.finlex.fi/fi/laki/ajantasa/2007/20070370">https://www.finlex.fi/fi/laki/ajantasa/2007/20070370</a></p>	<p>The Finnish Constitution (731/1999) Available at: <a href="https://www.finlex.fi/fi/laki/ajantasa/1999/19990731">https://www.finlex.fi/fi/laki/ajantasa/1999/19990731</a></p> <p>HE 31/2018 Government Bill to Parliament for an act on the on the processing of personal data in criminal matters and in the maintenance of national security, as well as some related issues Available at: <a href="https://www.eduskunta.fi/FI/vaski/HallituksenE-sivut/Sivut/HE_31+2018.aspx">https://www.eduskunta.fi/FI/vaski/HallituksenE-sivut/Sivut/HE_31+2018.aspx</a></p> <p>HE 9/2018 Government Bill to Parliament to complement the EU General Data Protection Regulation Available at: <a href="https://www.eduskunta.fi/FI/vaski/HallituksenE-sivut/Sivut/HE_9+2018.aspx">https://www.eduskunta.fi/FI/vaski/HallituksenE-sivut/Sivut/HE_9+2018.aspx</a></p> <p>Provincial Act on data protection in the Provincial and municipal administration (40/2018) Available at: <a href="https://valtioneuvosto.fi/paatokset/paatos?decisionId=0900908f8061c504">https://valtioneuvosto.fi/paatokset/paatos?decisionId=0900908f8061c504</a></p> <p>Tort Liability Act (412/1974) Available at: <a href="https://www.finlex.fi/fi/laki/ajantasa/1974/19740412">https://www.finlex.fi/fi/laki/ajantasa/1974/19740412</a></p>

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Act on the Openness of Government Activities (621/1999) Available at: <a href="https://www.finlex.fi/fi/laki/ajantasa/1999/19990621">https://www.finlex.fi/fi/laki/ajantasa/1999/19990621</a></p> <p>Act on the witness protection program (88/2015) Available at: <a href="https://www.finlex.fi/fi/laki/alkup/2015/20150088#Pidp446732944">https://www.finlex.fi/fi/laki/alkup/2015/20150088#Pidp446732944</a></p> <p>Provincial Act on the application in Åland of national statutes on data protection (74/2019) Available at: <a href="https://www.regeringen.ax/alandsk-lagstiftning/alex/201974">https://www.regeringen.ax/alandsk-lagstiftning/alex/201974</a></p> <p>Coercive Measures Act Available at: <a href="https://www.finlex.fi/fi/laki/ajantasa/2011/20110806#L10P3">https://www.finlex.fi/fi/laki/ajantasa/2011/20110806#L10P3</a></p> <p>Police Act (872/2011) Available at: <a href="https://www.finlex.fi/fi/laki/ajantasa/2011/20110872">https://www.finlex.fi/fi/laki/ajantasa/2011/20110872</a></p>	
FR	<p>Law no. 2018-493 of 20 June 2018 on the protection of personal data Available at: <a href="https://www.legifrance.gouv.fr/af-fichTexte.do?cidTexte=JORFTEXT000037085952&amp;date-Texte=20180922">https://www.legifrance.gouv.fr/af-fichTexte.do?cidTexte=JORFTEXT000037085952&amp;date-Texte=20180922</a></p>	<p>French Constitution Available at: <a href="https://www.conseil-constitutionnel.fr/sites/default/files/as/root/bank_mm/anglais/constiution_angl_ais_oct2009.pdf">https://www.conseil-constitutionnel.fr/sites/default/files/as/root/bank_mm/anglais/constiution_angl_ais_oct2009.pdf</a></p> <p>Law no. 78-17 of 6 January 1978 on information technology, data files and civil liberties Available at: <a href="https://www.legifrance.gouv.fr/af-fichTexte.do?cidTexte=JORFTEXT000000886460">https://www.legifrance.gouv.fr/af-fichTexte.do?cidTexte=JORFTEXT000000886460</a></p> <p>Ordinance no. 2018-1125 of 12 December 2018 adopted pursuant to Article 32 of Law no. 2018-493 of 20 June 2018 on the protection of personal data</p>

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
		<p>and amending Law no. 78-17 of 6 January 1978 relating to data, files and civil liberties and various provisions concerning the protection of personal data</p> <p>Available at: <a href="https://www.legifrance.gouv.fr/af-fichTexte.do?cidTexte=JORFTEXT000037800506&amp;categorieLien=id">https://www.legifrance.gouv.fr/af-fichTexte.do?cidTexte=JORFTEXT000037800506&amp;categorieLien=id</a></p> <p>Decree no. 2005-1309 of 20 October 2005 adopted for the implementation of the law 78-17 relating to information technology, files and civil liberties</p> <p>Available at: <a href="https://www.legifrance.gouv.fr/af-fichTexte.do?cidTexte=JORFTEXT000000241445&amp;dateTexte=20180922">https://www.legifrance.gouv.fr/af-fichTexte.do?cidTexte=JORFTEXT000000241445&amp;dateTexte=20180922</a></p> <p>Decree no. 2019-536 of 29 May 2019 adopted pursuant to Law no. 78-17 of 6 January 1978 relating to data, files and civil liberties</p> <p>Available at: <a href="https://www.legifrance.gouv.fr/af-fichTexte.do?cidTexte=JORFTEXT000038528420&amp;categorieLien=id">https://www.legifrance.gouv.fr/af-fichTexte.do?cidTexte=JORFTEXT000038528420&amp;categorieLien=id</a> Heritage Code Available at: <a href="https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LE-GITEXT0000006074236">https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LE-GITEXT0000006074236</a></p> <p>Code of Administrative Litigation</p> <p>Available at: <a href="https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LE-GITEXT0000006070933">https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LE-GITEXT0000006070933</a></p> <p>Code of Judicial Organisation</p> <p>Available at: <a href="https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LE-GITEXT0000006071164&amp;dateTexte=20190613">https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LE-GITEXT0000006071164&amp;dateTexte=20190613</a></p>

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
		<p>Civil Code Available at: <a href="https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LE-GITEXT000006070721&amp;dateTexte=20181005">https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LE-GITEXT000006070721&amp;dateTexte=20181005</a></p> <p>Criminal Code Available at: <a href="https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LE-GITEXT000006070719">https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LE-GITEXT000006070719</a></p> <p>Postal and Electronic Communications Code Available at: <a href="https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LE-GITEXT000006070987">https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LE-GITEXT000006070987</a></p> <p>Code of Criminal Procedure Available at: <a href="https://www.legifrance.gouv.fr/affichCode.do;jses-sionid=18AFE394B0250F8FFBD5DE1BD2BFCA78.tplqfr28s_3?cidTexte=LE-GITEXT000006071154&amp;dateTexte=20190614">https://www.legifrance.gouv.fr/affichCode.do;jses-sionid=18AFE394B0250F8FFBD5DE1BD2BFCA78.tplqfr28s_3?cidTexte=LE-GITEXT000006071154&amp;dateTexte=20190614</a></p> <p>Code on the Relations between the Public and the Administration Available at: <a href="https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LE-GITEXT000031366350">https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LE-GITEXT000031366350</a></p> <p>Code of Homeland Security Available at: <a href="https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LE-GITEXT000025503132">https://www.legifrance.gouv.fr/affichCode.do?cidTexte=LE-GITEXT000025503132</a></p>

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
		<p>Law no. 2016-1691 of 9 December 2016 on transparency, the fight against corruption and the modernisation of economic life Available at: <a href="https://www.legifrance.gouv.fr/af-fichTexte.do?cidTexte=JORFTEXT000033558528&amp;dateTexte=20181004">https://www.legifrance.gouv.fr/af-fichTexte.do?cidTexte=JORFTEXT000033558528&amp;dateTexte=20181004</a></p> <p>Law no. 2018-1317 of 28 December 2018 of the budget for 2019 Available at: <a href="https://www.legifrance.gouv.fr/af-fichTexte.do?cidTexte=JORFTEXT000037882341&amp;categorieLien=id">https://www.legifrance.gouv.fr/af-fichTexte.do?cidTexte=JORFTEXT000037882341&amp;categorieLien=id</a></p> <p>Law no. 2013-907 of 11 October 2013 on transparency in public life Available at: <a href="https://www.legifrance.gouv.fr/af-fichTexte.do?cidTexte=JORFTEXT000028056315&amp;dateTexte=20190927">https://www.legifrance.gouv.fr/af-fichTexte.do?cidTexte=JORFTEXT000028056315&amp;dateTexte=20190927</a></p> <p>Internal Rules and Procedures of the Information Technology and Liberties Commission Available at: <a href="https://www.cnil.fr/fr/reglement-interieur-de-la-cnil#_Toc411938638">https://www.cnil.fr/fr/reglement-interieur-de-la-cnil#_Toc411938638</a></p> <p>Deliberation no. 2018-349 of 15 November 2018 issuing an advisory opinion on the draft ordinance made pursuant to Article 32 of Law no. 2018-493 of 20 June 2018 on the protection of personal data and amending the Law no. 78-17 of 6 January 1978 relating to data, files and civil liberties and various provisions concerning the protection of personal data Available at: <a href="https://www.cnil.fr/sites/default/files/atoms/files/d2018-349-ordonnance.pdf">https://www.cnil.fr/sites/default/files/atoms/files/d2018-349-ordonnance.pdf</a></p> <p>Deliberation n ° 2019-029 of 14 March 2019 issuing an advisory opinion on a draft decree adopted pursuant to Article 22 of Law no. 78-17 of 6 January 1978 relating to data, files and civil liberties</p>

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
		Available at: <a href="https://www.legifrance.gouv.fr/jo_pdf.do?id=JORFTEXT000038530105">https://www.legifrance.gouv.fr/jo_pdf.do?id=JORFTEXT000038530105</a>
HR	<p>Act on protection of natural persons with regard to the processing and exchange of personal data for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties (NN 68/2018)</p> <p>Available at: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2018_07_68_1391.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2018_07_68_1391.html</a></p> <p>Law on Implementation of the General Data Protection Regulation (OG 42/2018)</p> <p>Available at: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2018_05_42_805.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2018_05_42_805.html</a></p> <p>Criminal Procedure Act (OG 152/2008, 76/2009, 80/2011, 91/2012, 143/2012, 56/2013, 145/2013, 152/2014, 70/17)</p> <p>Available at: <a href="http://narodne-novine.nn.hr/clanci/sluzbeni/2008_12_152_4149.html">http://narodne-novine.nn.hr/clanci/sluzbeni/2008_12_152_4149.html</a></p> <p>Act on police affairs and powers (OG 76/2009, 92/2014)</p> <p>Available at: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2009_07_76_1835.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2009_07_76_1835.html</a></p> <p>Misdemeanour Law (OG 107/2007, 39/2013, 157/2013, 110/2015, 70/2017)</p> <p>Available at: <a href="http://narodne-novine.nn.hr/clanci/sluzbeni/329374.html">http://narodne-novine.nn.hr/clanci/sluzbeni/329374.html</a></p> <p>Criminal Act (OG 125/2011, 144/2012, 56/15, 61/15, 101/17)</p> <p>Available at: <a href="http://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_125_2498.html">http://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_125_2498.html</a></p>	<p>Civil Servants Act (OG 92/05, 140/05, 142/06, 77/07, 107/07, 27/08, 34/11, 49/11, 150/11, 34/12, 49/12, 37/13, 38/13, 01/15, 138/15, 61/17) Available at: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2005_07_92_1831.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2005_07_92_1831.html</a></p> <p>Act on Information and Data in Health (OG 14/19)</p> <p>Available at: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2019_02_14_269.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2019_02_14_269.html</a></p> <p>Labour Act (OG 93/14, 127/17)</p> <p>Available at: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2014_07_93_1872.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2014_07_93_1872.html</a></p> <p>Electronic Communication Act (OG 73/08, 90/11, 133/12, 80/13, 71/14, 72/17)</p> <p>Available at: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2008_06_73_2420.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2008_06_73_2420.html</a></p>

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MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Obligations Act (NN 35/2005, 41/2008, 78/2015, 29/2018) Available at: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2005_03_35_707.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2005_03_35_707.html</a></p> <p>Courts Act (NN 28/2013, 33/2015, 82/2015, 82/2016, 67/2018) Available at: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2013_03_28_473.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2013_03_28_473.html</a></p> <p>State Attorney Act (OG 67/2018) Available at: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2018_07_67_1359.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2018_07_67_1359.html</a></p> <p>State Judicial Council Act (OG 116/2010, 57/2011, 130/11, 13/2013, 28/2013, 82/2015, 67/2018) Available at: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2010_10_116_3051.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2010_10_116_3051.html</a></p> <p>Administrative disputes Act (OG 20/2010, 143/2012, 152/14, 94/2016, 29/2017) Available at: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2010_02_20_483.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2010_02_20_483.html</a></p> <p>Act on Judicial Co-operation in Criminal Matters with Member States of the European Union (OG 91/2010, 81/2013, 124/2013, 26/2015, 102/2017, 68/2018). Available at: <a href="http://narodne-novine.nn.hr/clanci/sluzbeni/2010_07_91_2569.html">http://narodne-novine.nn.hr/clanci/sluzbeni/2010_07_91_2569.html</a></p> <p>Foreigners Act (OG 130/2011, 74/2013, 69/2017, 46/2018).</p>	

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Available at: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_130_2600.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2011_11_130_2600.html</a></p> <p>Law on the Right to Access Information (OG (NN 25/2013, 85/2015) Available at: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2013_02_25_403.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2013_02_25_403.html</a></p> <p>General Administrative Procedure Act (OG 47/2009) Available at: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2009_04_47_1065.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2009_04_47_1065.html</a></p> <p>The Rulebook on the Manner of Handling and Acting Regarding Complaints and the Work of the Complaints Commission (OG 78/2015) Available at: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2015_07_78_1515.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2015_07_78_1515.html</a></p> <p>Decision on Harmonisation of Misdemeanour Legislation of the Republic of Croatia with Criminal Law (OG 79/2012) Available at: <a href="https://narodne-novine.nn.hr/clanci/sluzbeni/2012_07_79_1863.html">https://narodne-novine.nn.hr/clanci/sluzbeni/2012_07_79_1863.html</a></p>	
HU	<p>Act CXII of 2011 on the right to informational self-determination and the freedom of information Available at: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=139257.362143">http://njt.hu/cgi_bin/njt_doc.cgi?docid=139257.362143</a></p> <p>Act I of 2017 on the code of administrative procedure Available at: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=200732.363136">http://njt.hu/cgi_bin/njt_doc.cgi?docid=200732.363136</a></p> <p>Act CL of 2016 on the general administrative procedure Available at: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=199170.347610">http://njt.hu/cgi_bin/njt_doc.cgi?docid=199170.347610</a></p> <p>Act XC of 2017 on the criminal procedure</p>	N/A



List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Available at: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=202672.362572">http://njt.hu/cgi_bin/njt_doc.cgi?docid=202672.362572</a></p> <p>Act C of 2012 on the Criminal Code</p> <p>Available at: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=152383.362543">http://njt.hu/cgi_bin/njt_doc.cgi?docid=152383.362543</a></p> <p>Act CXCI of 2011 on public officials</p> <p>Available at: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=202672.362572">http://njt.hu/cgi_bin/njt_doc.cgi?docid=202672.362572</a></p> <p>Act CLXV of 2013 on complaints and reporting in the interest of the public</p> <p>Available at: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=164339.296213">http://njt.hu/cgi_bin/njt_doc.cgi?docid=164339.296213</a></p> <p>Act XCIII of 1990 on charges</p> <p>Available at: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=13511.360716">http://njt.hu/cgi_bin/njt_doc.cgi?docid=13511.360716</a></p> <p>Act XXV of 2012 on the amendment of Act CXII of 2011 on the right to informational self-determination and the freedom of information</p> <p>Available at: <a href="https://mkogy.jogtar.hu/jogszabaly?docid=a1200025.TV">https://mkogy.jogtar.hu/jogszabaly?docid=a1200025.TV</a></p> <p>Act LXXVI of 2013 on the amendment of certain acts necessary in connection with the creation of the electronic register</p> <p>Available at: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=161002.242804">http://njt.hu/cgi_bin/njt_doc.cgi?docid=161002.242804</a></p> <p>Act XXXVIII of 2018 on the amendment of Act CXII of 2011 on the right to informational self-determination and the freedom of information in relation to the data protection reform of the European Union and the amendment of other related acts</p> <p>Available at: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=209576.357634">http://njt.hu/cgi_bin/njt_doc.cgi?docid=209576.357634</a></p> <p>Act CXLIV of 2017 on the amendment of Act XC of 2017 on the criminal procedure, certain acts on criminal matters, and the acts regulating international and European Union cooperation in criminal matters</p>	

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	Available at: <a href="http://njt.hu/cgi_bin/njt_doc.cgi?docid=205238.346484">http://njt.hu/cgi_bin/njt_doc.cgi?docid=205238.346484</a>	
IE	<p>Data Protection Act 2018</p> <p>Available at: <a href="http://revisedacts.lawreform.ie/eli/2018/act/7/revised/en/pdf?annotatio ns=true">http://revisedacts.lawreform.ie/eli/2018/act/7/revised/en/pdf?annotatio ns=true</a></p> <p>Data Protection Act 2018 (Commencement) Order 2018</p> <p>Available at: <a href="http://www.irishstatute-book.ie/eli/2018/si/174/made/en/print">http://www.irishstatute-book.ie/eli/2018/si/174/made/en/print</a></p> <p>Data Protection Act 2018 (Establishment Day) Order 2018</p> <p>Available at: <a href="http://www.irishstatute-book.ie/eli/2018/si/175/made/en/print">http://www.irishstatute-book.ie/eli/2018/si/175/made/en/print</a></p>	<p>Protected Disclosures Act 2014</p> <p>Available at: <a href="http://www.irishstatutebook.ie/eli/2014/act/14/enacted/en/pdf">http://www.irishstatutebook.ie/eli/2014/act/14/enacted/en/pdf</a></p> <p>Protected Disclosures Act 2014 (Commencement) Order 2014</p> <p>Available at: <a href="http://www.irishstatutebook.ie/eli/2014/si/327/made/en/print">http://www.irishstatutebook.ie/eli/2014/si/327/made/en/print</a></p> <p>Protected Disclosures Act 2014 (Section 7(2)) Order 2014</p> <p>Available at: <a href="http://www.irishstatutebook.ie/eli/2014/si/339/made/en/print">http://www.irishstatutebook.ie/eli/2014/si/339/made/en/print</a></p>
IT	<p>Legislative Decree No 51 of 18 May 2018 – Implementation of Directive 2016/680/EU of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA</p> <p>Available at: <a href="http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2018-05-24&amp;atto.codiceRedazionale=18G00080&amp;elenco30giorni=false">http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2018-05-24&amp;atto.codiceRedazionale=18G00080&amp;elenco30giorni=false</a></p> <p>Legislative Decree No 196 of 18 August 2003 – Data Protection Code concerning provisions for the adaptation of Italian legislation to Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC</p>	N/A

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MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Available at: <a href="http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2003-07-29&amp;atto.codiceRedazionale=003G0218&amp;queryString=%3FmeseProvvedimento%3D%26formType%3Dricerca_semplice%26numeroArticolo%3D%26numeroProvvedimento%3D196%26testo%3D%26annoProvvedimento%3D2003%26giornoProvvedimento%3D&amp;currentPage=1">http://www.normattiva.it/atto/caricaDettaglioAtto?atto.dataPubblicazioneGazzetta=2003-07-29&amp;atto.codiceRedazionale=003G0218&amp;queryString=%3FmeseProvvedimento%3D%26formType%3Dricerca_semplice%26numeroArticolo%3D%26numeroProvvedimento%3D196%26testo%3D%26annoProvvedimento%3D2003%26giornoProvvedimento%3D&amp;currentPage=1</a></p> <p>Decree of the President of the Republic No 87 of 7 April 2016 – Regulation on provisions executing Law 30 June 2009, No 85, concerning the establishment of a national DNA database and of the central laboratory for the national DNA database, pursuant to Article 16 of Law No 86 of 2009</p> <p>Available at: <a href="http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2016-05-26&amp;atto.codiceRedazionale=16G00091&amp;elenco30giorni=false">http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2016-05-26&amp;atto.codiceRedazionale=16G00091&amp;elenco30giorni=false</a></p> <p>Law No 167 of 20 November 2017 – Provisions for the implementation of the obligations deriving to Italy from the European Union – European Law for 2017</p> <p>Available at: <a href="http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2017-11-27&amp;atto.codiceRedazionale=17G00180&amp;elenco30giorni=false">http://www.gazzettaufficiale.it/atto/serie_generale/caricaDettaglioAtto/originario?atto.dataPubblicazioneGazzetta=2017-11-27&amp;atto.codiceRedazionale=17G00180&amp;elenco30giorni=false</a></p> <p>Decree of the President of the Republic No 447 of 22 September 1998 –</p> <p>Code of Criminal Procedure</p> <p>Available at: <a href="http://www.gazzettaufficiale.it/atto/vediMenuHTML?atto.dataPubblicazioneGazzetta=1988-10-">http://www.gazzettaufficiale.it/atto/vediMenuHTML?atto.dataPubblicazioneGazzetta=1988-10-</a></p>	

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<a href="#">24&amp;atto.codiceRedazionale=088G0492&amp;tipoSerie=serie_generale&amp;tipoVi_genza=originario</a>	
LT	<p>Law on the legal protection of personal data processed for the purpose of prevention, investigation, detection or prosecution of criminal offences, execution of sentences or for national security or defence purposes, No. XI-1336</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/le-galAct/TAR.299D835159BE/amtBLRwHvC">https://www.e-tar.lt/portal/lt/le-galAct/TAR.299D835159BE/amtBLRwHvC</a></p> <p>Law on the Legal Protection of Personal Data, No. I-1374</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/le-galAct/TAR.5368B592234C/nXrXPXRvqP">https://www.e-tar.lt/portal/lt/le-galAct/TAR.5368B592234C/nXrXPXRvqP</a> Law on Administrative Proceedings, No. VIII-1029</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/le-galAct/TAR.67B5099C5848/asr">https://www.e-tar.lt/portal/lt/le-galAct/TAR.67B5099C5848/asr</a></p> <p>Law on the Government of the Republic of Lithuania, No. I-464</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/le-galAct/TAR.96A68BFC9E82/QHvyAsWbBV">https://www.e-tar.lt/portal/lt/le-galAct/TAR.96A68BFC9E82/QHvyAsWbBV</a></p> <p>Law on the Public Service of the Republic of Lithuania, No. VIII-1316</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/le-galAct/TAR.D3ED3792F52B/asr">https://www.e-tar.lt/portal/lt/le-galAct/TAR.D3ED3792F52B/asr</a></p> <p>Law on the Structure of the Budget of the Republic of Lithuania, No. I-430</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/le-galAct/TAR.712BBBFA3D41/asr">https://www.e-tar.lt/portal/lt/le-galAct/TAR.712BBBFA3D41/asr</a></p> <p>Law on the approval of financial indicators of the state budget and municipal budgets of 2018 of the Republic of Lithuania, No. XIII-868</p>	<p>Resolution of the Government of the Republic of Lithuania of 25 September 2001 No. 1156 on the structural reform of the State Data Protection Inspectorate, the authorisation, the approval of provisions of the State Data Protection Inspectorate and the amendment to the resolutions of the Government of the Republic of Lithuania related to it</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/le-galAct/TAR.52E28E952B08/TsPkHXeuFg">https://www.e-tar.lt/portal/lt/le-galAct/TAR.52E28E952B08/TsPkHXeuFg</a></p> <p>Law on Courts of the Republic of Lithuania, No. I-480</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/le-galAct/TAR.522B3E415B52/UMVGZbRZrB">https://www.e-tar.lt/portal/lt/le-galAct/TAR.522B3E415B52/UMVGZbRZrB</a></p> <p>Order of the Director of the Special Investigation Service of the Republic of Lithuania of 31 July 2018 No. 2-103 on the approval of rules for the processing of personal data by the Special Investigation Service of the Republic of Lithuania</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/le-galAct/087b68d094bf11e8b93ad15b34c9248c">https://www.e-tar.lt/portal/lt/le-galAct/087b68d094bf11e8b93ad15b34c9248c</a></p> <p>Order of the Prosecutor General of the Republic of Lithuania of 15 January 2018 No. I-10 on the approval of rules for the processing of personal data by the Prosecutor's Office of the Republic of Lithuania</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/le-galAct/12e491d0fa9511e78bcec397524184ce">https://www.e-tar.lt/portal/lt/le-galAct/12e491d0fa9511e78bcec397524184ce</a></p> <p>Law on the Basis of Law-making of the Republic of Lithuania, No. XI-2220</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/legalAct/TAR.B4FA4C56B8D5/asr">https://www.e-tar.lt/portal/lt/legalAct/TAR.B4FA4C56B8D5/asr</a></p> <p>Law on the Approval, Entry into Force and Implementation of the Code of Criminal Procedure of the Republic of Lithuania. Code of Criminal Procedure, No. IX-785</p>

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Available at: <a href="https://www.e-tar.lt/portal/lt/legalAct/d69a3e50e59511e7acd7ea182930b17f/UHPIMtrZ_nI">https://www.e-tar.lt/portal/lt/legalAct/d69a3e50e59511e7acd7ea182930b17f/UHPIMtrZ_nI</a></p> <p>Order of the Director of the State Data Protection Inspectorate on the approval of the procedure on the data subject's rights to receive information, access to personal data, request the correction or deletion of personal data and the restriction of their processing, when the data subject implements these rights through the State Data Protection Inspectorate, No. 1T-73(1.12.E)</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/legalAct/7b6ba22093e711e8b93ad15b34c9248c">https://www.e-tar.lt/portal/lt/legalAct/7b6ba22093e711e8b93ad15b34c9248c</a></p>	<p>Available at: <a href="https://www.e-tar.lt/portal/lt/legalAct/TAR.EC588C321777/asr">https://www.e-tar.lt/portal/lt/legalAct/TAR.EC588C321777/asr</a></p> <p>Law on the Prosecutor's Office of the Republic of Lithuania, No. I-599</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/legalAct/TAR.3EB53577EFCA/CvWViBbCrf">https://www.e-tar.lt/portal/lt/legalAct/TAR.3EB53577EFCA/CvWViBbCrf</a></p> <p>Law on the Approval of the Code of Enforcement of Penalties of the Republic of Lithuania. Code of Enforcement of Penalties No. IX-994</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/legalAct/TAR.A0A0CCC6B997/asr">https://www.e-tar.lt/portal/lt/legalAct/TAR.A0A0CCC6B997/asr</a></p> <p>Law on the Establishment of Administrative Courts of the Republic of Lithuania, No. VIII-1030</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/legalAct/TAR.FAF-BBF47946B/hFzIWDKkiI">https://www.e-tar.lt/portal/lt/legalAct/TAR.FAF-BBF47946B/hFzIWDKkiI</a> Law on the Police of the Republic of Lithuania, No. VIII-2048</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/legalAct/TAR.CA89372D00AA/asr">https://www.e-tar.lt/portal/lt/legalAct/TAR.CA89372D00AA/asr</a></p> <p>Law of the Republic of Lithuania on the Basis of National Security, No. VIII-49</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/legalAct/TAR.A0BAB27D768C/qBCKRzVJsV">https://www.e-tar.lt/portal/lt/legalAct/TAR.A0BAB27D768C/qBCKRzVJsV</a></p> <p>Law on State-Guaranteed Legal Aid of the Republic of Lithuania, No. VIII-1591</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/legalAct/TAR.EAA93A47BAA1/asr">https://www.e-tar.lt/portal/lt/legalAct/TAR.EAA93A47BAA1/asr</a></p> <p>Order of the Minister of the Interior of the Republic of Lithuania of 12 March 2004 No. 1V-68 on the approval of the instructions for the storage, use and destruction of terminated criminal case files and criminal case files when the pre-trial investigation has been terminated and the index of the time limits for the storage of criminal case files when the pre-trial investigation has been terminated</p>

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MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
		<p>Available at: <a href="https://www.e-tar.lt/portal/lt/legalAct/TAR.70C01E51DDFA/asr">https://www.e-tar.lt/portal/lt/legalAct/TAR.70C01E51DDFA/asr</a></p> <p>Law on the Approval and Entry into Force of the Criminal Code of the Republic of Lithuania. Criminal Code No. VIII-1968</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/legalAct/TAR.2B866DFF7D43/asr">https://www.e-tar.lt/portal/lt/legalAct/TAR.2B866DFF7D43/asr</a></p> <p>Law on the Approval, Entry into Force and Implementation Procedure of the Code of Administrative Offences of the Republic of Lithuania. Code of Administrative Offences of the Republic of Lithuania, No. XII-1869</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/legalAct/4ebe66c0262311e5bf92d6af3f6a2e8b/asr">https://www.e-tar.lt/portal/lt/legalAct/4ebe66c0262311e5bf92d6af3f6a2e8b/asr</a></p> <p>Law on Electronic Communications of the Republic of Lithuania, No. IX-2135</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/legalAct/TAR.82D8168D3049/asr">https://www.e-tar.lt/portal/lt/legalAct/TAR.82D8168D3049/asr</a></p> <p>Law on the Prevention of Money Laundering and Terrorist Financing of the Republic of Lithuania, No. VIII-275</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/legalAct/TAR.C44837068B55/asr">https://www.e-tar.lt/portal/lt/legalAct/TAR.C44837068B55/asr</a></p> <p>Law on the Financial Crime Investigation Service of the Republic of Lithuania, No. IX-816</p> <p>Available at: <a href="https://www.e-tar.lt/portal/lt/legalAct/TAR.9390A9F9A815/asr">https://www.e-tar.lt/portal/lt/legalAct/TAR.9390A9F9A815/asr</a></p>
LU	<p>Law of 1 August 2018 on the protection of individuals with regard to the processing of personal data in criminal matters as well as in national security matters</p> <p>Available at: <a href="http://legilux.public.lu/eli/etat/leg/loi/2018/08/01/a689/jo">http://legilux.public.lu/eli/etat/leg/loi/2018/08/01/a689/jo</a></p> <p>Law of 1 August on the organisation of the National Commission for Data Protection and implementation of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the</p>	<p>Law of 18 July 2018 on the Grand-Ducal Police and amending: 1° of the Code of Criminal Procedure; 2° of the amended law of 9 December 2005 determining the terms and conditions for the appointment of certain officials in managerial positions in administrations and services</p> <p>Available at: <a href="http://legilux.public.lu/eli/etat/leg/loi/2018/07/18/a621/jo">http://legilux.public.lu/eli/etat/leg/loi/2018/07/18/a621/jo</a></p> <p>Law of 22 February 2018 on the exchange of personal data and information in police matters and concerning: 1. transposition of Council Framework De-</p>

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>protection of individuals with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) amending the Labour Code and the amended law of 25 March 2015 on the salary regime and the conditions and procedures for advancement of civil servants</p> <p>Available at: <a href="http://legilux.public.lu/eli/etat/leg/loi/2018/08/01/a689/jo">http://legilux.public.lu/eli/etat/leg/loi/2018/08/01/a689/jo</a></p> <p>Law of 1 August 2018 on the processing of passenger name record data in the context of the prevention and repression of terrorism and serious crime and amending the Law of 5 July 2016 on the reorganisation of the State Intelligence Service</p> <p>Available at: <a href="http://legilux.public.lu/eli/etat/leg/loi/2018/08/01/a690/jo">http://legilux.public.lu/eli/etat/leg/loi/2018/08/01/a690/jo</a></p>	<p>cision 2006/960/JHA of 18 December 2006 on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union; 2. implementation of certain provisions of Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, in particular in combating terrorism and cross-border crime</p> <p>Available at: <a href="http://legilux.public.lu/eli/etat/leg/loi/2018/02/22/a154/jo">http://legilux.public.lu/eli/etat/leg/loi/2018/02/22/a154/jo</a></p>
LV	<p>Law on Personal Data Processing in the course of Criminal and Administrative Proceedings</p> <p>Available at: <a href="https://likumi.lv/ta/id/308278-par-fizisko-personu-datu-apstradi-kriminalprocesa-un-administrativa-parkapuma-procesa">https://likumi.lv/ta/id/308278-par-fizisko-personu-datu-apstradi-kriminalprocesa-un-administrativa-parkapuma-procesa</a></p> <p>Personal Data Processing Law</p> <p>Available at: <a href="https://likumi.lv/ta/en/en/id/300099-personal-data-processing-law">https://likumi.lv/ta/en/en/id/300099-personal-data-processing-law</a></p> <p>Law on Protection of Personal Data</p> <p>Available at: <a href="https://likumi.lv/ta/en/en/id/4042-personal-data-protection-law">https://likumi.lv/ta/en/en/id/4042-personal-data-protection-law</a></p>	<p>Administrative Procedure Law</p> <p>Available at: <a href="https://www.vestnesis.lv/ta/id/55567-administrativa-procesa-likums">https://www.vestnesis.lv/ta/id/55567-administrativa-procesa-likums</a></p> <p>Law on Compensation for Damage caused in the course of Criminal and Administrative Proceedings</p> <p>Available at: <a href="https://likumi.lv/doc.php?id=295926">https://likumi.lv/doc.php?id=295926</a></p> <p>Law on Compensation for Damage caused by State Institutions</p> <p>Available at: <a href="https://likumi.lv/doc.php?id=110746">https://likumi.lv/doc.php?id=110746</a></p> <p>State Administrative Structure Law</p> <p>Available at: <a href="https://www.vestnesis.lv/ta/id/63545-valsts-parvaldes-iekartas-likums">https://www.vestnesis.lv/ta/id/63545-valsts-parvaldes-iekartas-likums</a></p> <p>Judgment No SKA-921/2019 of the Hight Court of the Republic of Latvia</p> <p>Available at: <a href="https://www.ska.gov.lv/ska-921/2019">SKA-921/2019</a></p> <p>Administrative Liability Law</p>

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
		<p>Available at: <a href="https://likumi.lv/ta/id/303007-administrativas-atbildibas-likums">https://likumi.lv/ta/id/303007-administrativas-atbildibas-likums</a></p> <p>Law on Archives Available at: <a href="https://www.vestnesis.lv/ta/id/205971-arhivu-likums">https://www.vestnesis.lv/ta/id/205971-arhivu-likums</a></p> <p>Government regulations No 748 'Regulations on management of records and archives' Available at: <a href="https://www.vestnesis.lv/ta/id/252615-dokumentu-un-arhivu-parvaldibas-noteikumi">https://www.vestnesis.lv/ta/id/252615-dokumentu-un-arhivu-parvaldibas-noteikumi</a></p> <p>Government regulations No 850 'Regulations on criminal procedure information system' Available at: <a href="https://www.vestnesis.lv/ta/id/217945-kriminalprocesa-informacijas-sistemas-noteikumi">https://www.vestnesis.lv/ta/id/217945-kriminalprocesa-informacijas-sistemas-noteikumi</a></p> <p>Government regulations No 153 'Regulations on police surveillance by technical means, as well as processing of data gathered through such surveillance' Available at: <a href="https://likumi.lv/ta/id/289583-kartiba-kada-policija-veic-noverosanu-izmantojot-tehniskos-lidzeklus-ka-ari-sadas-noverosanas- rezultata-ieguto-datu-apstradi">https://likumi.lv/ta/id/289583-kartiba-kada-policija-veic-noverosanu-izmantojot-tehniskos-lidzeklus-ka-ari-sadas-noverosanas- rezultata-ieguto-datu-apstradi</a></p> <p>Law on Legal Force of Documents Available at: <a href="https://www.vestnesis.lv/ta/id/210205-dokumentu-juridiska-speka-likums">https://www.vestnesis.lv/ta/id/210205-dokumentu-juridiska-speka-likums</a></p> <p>Law on State Audit Office Available at: <a href="https://www.vestnesis.lv/ta/id/62538-valsts-kontroles-likums">https://www.vestnesis.lv/ta/id/62538-valsts-kontroles-likums</a></p> <p>Law on Prevention of Conflicts of Interests in Activities of Public Officials Available at: <a href="https://www.vestnesis.lv/ta/id/61913-par-interesu-konflikta-noversanu-valsts-amatpersonu-darbiba">https://www.vestnesis.lv/ta/id/61913-par-interesu-konflikta-noversanu-valsts-amatpersonu-darbiba</a></p>



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MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
		<p>State Civil Service Law Available at: <a href="https://www.vestnesis.lv/ta/id/10944-valsts-civildienesta-lik-ums">https://www.vestnesis.lv/ta/id/10944-valsts-civildienesta-lik-ums</a></p> <p>Data State Inspectorate Regulations Available at: <a href="https://www.dvi.gov.lv/lv/wp-content/uploads/Datu-valsts_inspekcijas-nolikums1.pdf">https://www.dvi.gov.lv/lv/wp-content/uploads/Datu-valsts_inspekcijas-nolikums1.pdf</a></p> <p>Law on Budget and Financial Management Available at: <a href="https://www.vestnesis.lv/ta/id/58057-likums-par-budzetu-un-finansu-vadibu">https://www.vestnesis.lv/ta/id/58057-likums-par-budzetu-un-finansu-vadibu</a></p> <p>Criminal Procedure Law Available at: <a href="https://www.vestnesis.lv/ta/id/107820-kriminalprocesa-likums">https://www.vestnesis.lv/ta/id/107820-kriminalprocesa-likums</a></p> <p>Law on Associations and Foundations Available at: <a href="https://likumi.lv/ta/en/en/id/81050-associations-and-foundations-law">https://likumi.lv/ta/en/en/id/81050-associations-and-foundations-law</a></p> <p>Law on Operational Activities Available at: <a href="https://likumi.lv/ta/en/en/id/57573-operational-activities-law">https://likumi.lv/ta/en/en/id/57573-operational-activities-law</a></p> <p>Whistleblowing Law Available at: <a href="https://likumi.lv/ta/en/en/id/302465-whistleblowing-law">https://likumi.lv/ta/en/en/id/302465-whistleblowing-law</a></p>
MT	Data Protection (Processing of Personal Data by Competent Authorities for the Purposes of the Prevention, Investigation, Detection or Prosecution of Criminal Offences or the Execution of Criminal Penalties) Regulations, 2018, Legal Notice 168 of 2018, Subsidiary Legislation 586.08	<p>Data Protection Act (Chapter 586 of the Laws of Malta) Available at: <a href="http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=12839&amp;l=1">http://justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=12839&amp;l=1</a></p>

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MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Available at: <a href="http://justiceservices.gov.mt/LOM.aspx?pageid=27&amp;mode=chrono&amp;gotoID=586">http://justiceservices.gov.mt/LOM.aspx?pageid=27&amp;mode=chrono&amp;gotoID=586</a></p> <p>Legal Notice 172 of 2018, Data Protection (Processing of Personal Data by Competent Authorities for the Purposes of the Prevention, Investigation, Detection or Prosecution of Criminal Offences or the Execution of Criminal Penalties) Regulations, 2018 (Legal Notice 168 of 2018), Commencement Notice</p> <p>Available at: <a href="http://www.justiceservices.gov.mt/LegalPublications.aspx?pageid=&amp;year=2018&amp;type=4&amp;chapter=172">http://www.justiceservices.gov.mt/LegalPublications.aspx?pageid=&amp;year=2018&amp;type=4&amp;chapter=172</a></p>	<p>'Code of Organisation and Civil Procedure' [Chapter 12 of the Laws of Malta]</p> <p>Available at: <a href="http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=8577&amp;l=1">http://www.justiceservices.gov.mt/DownloadDocument.aspx?app=lom&amp;itemid=8577&amp;l=1</a></p>
NL	<p>Police Record Act</p> <p>Available at: <a href="https://wetten.overheid.nl/BWBR0022463/2019-01-01">https://wetten.overheid.nl/BWBR0022463/2019-01-01</a></p> <p>Judicial and Criminal Data Act</p> <p>Available at: <a href="https://wetten.overheid.nl/BWBR0014194/2019-01-01">https://wetten.overheid.nl/BWBR0014194/2019-01-01</a></p> <p>Police Record Decision</p> <p>Available at: <a href="https://wetten.overheid.nl/BWBR0023086/2019-03-01/0/">https://wetten.overheid.nl/BWBR0023086/2019-03-01/0/</a></p> <p>Judicial and Criminal Data Decision</p> <p>Available at: <a href="https://wetten.overheid.nl/BWBR0016544/2019-01-01">https://wetten.overheid.nl/BWBR0016544/2019-01-01</a></p> <p>Police Records of Special Investigation Officers Decision</p> <p>Available at: <a href="https://wetten.overheid.nl/BWBR0041971/2019-03-09">https://wetten.overheid.nl/BWBR0041971/2019-03-09</a></p>	<p>General Administrative Act</p> <p>Available at: <a href="https://wetten.overheid.nl/BWBR0005537/2019-01-01">https://wetten.overheid.nl/BWBR0005537/2019-01-01</a></p> <p>Framework law on independent administrative bodies</p> <p>Available at: <a href="https://wetten.overheid.nl/BWBR0020495/2015-01-01">https://wetten.overheid.nl/BWBR0020495/2015-01-01</a></p> <p>Implementing Act General Data Protection Regulation</p> <p>Available at: <a href="https://wetten.overheid.nl/BWBR0040940/2018-05-25">https://wetten.overheid.nl/BWBR0040940/2018-05-25</a></p> <p>Civil Service Law</p> <p>Available at: <a href="https://wetten.overheid.nl/BWBR0001947/2018-07-28">https://wetten.overheid.nl/BWBR0001947/2018-07-28</a></p> <p>Criminal Procedure Code</p> <p>Available at: <a href="https://wetten.overheid.nl/BWBR0001903/2019-03-01">https://wetten.overheid.nl/BWBR0001903/2019-03-01</a></p> <p>Legal Status Judicial Officers Act</p> <p>Available at: <a href="https://wetten.overheid.nl/BWBR0008365/2019-01-01">https://wetten.overheid.nl/BWBR0008365/2019-01-01</a></p>

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PL	<p>The Act of 10 May 2018 on personal data protection Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20180001000">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20180001000</a></p> <p>Act of 14 June 1960 - The Code of Administrative Procedure Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20170001257">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20170001257</a></p> <p>Act of 14 December 2018 on the personal data protection processed in connection with preventing and fighting criminal offences Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20190000125">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20190000125</a></p> <p>Act of 23 April 1964 - The Civil Code Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wd19640160093">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=wd19640160093</a></p>	<p>Act of 21 November 2008 on Civil Service Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20082271505">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20082271505</a></p> <p>Act of 25 July 2002 - Law on the organisation of administrative courts Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20021531269">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20021531269</a></p> <p>Act on 16 September 2011 on exchange of information and intelligence with law enforcement authorities of the Member States of the European Union, third states, European Union agencies and international organisations Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20112301371">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20112301371</a></p> <p>Act on 6 April 1990 on Police Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19900300179">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19900300179</a></p> <p>Act on 23 December 1994 on Supreme Chamber of Control Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19950130059">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19950130059</a></p> <p>Act on 26 March 1982 on State Tribunal Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19820110084">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19820110084</a></p> <p>Act of 21 August 1997 - Law on the organisation of military courts Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19971170753">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19971170753</a></p> <p>Act of 27 July 2001 - Law on the organisation of courts of law Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20010981070">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20010981070</a></p>

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		<p>Act on 28 January 2016 – Law on prosecutor’s office Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20160000177">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20160000177</a></p> <p>Act on 30 November 2016 on organisation and proceeding in the Constitutional Tribunal Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20160002072">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20160002072</a></p> <p>Act on 8 December 2017 in Supreme Court Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20180000005">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20180000005</a></p> <p>Act on 12 October 1990 on the Border Guard Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19900780462">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19900780462</a></p> <p>Act on 18 April 1985 on inland fishing Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19850210091">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU19850210091</a></p> <p>Act of August 24, 2001 on Military Police and military law enforcement bodies Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20011231353">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20011231353</a></p> <p>Act on 24 May 2002 on the Internal Security Agency and the Foreign Intelligence Agency Available at: <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20020740676">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20020740676</a></p> <p>Act of 28 March 2003 on railway transport</p>

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		<p>Available at:  <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20030860789">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20030860789</a></p> <p>Act of 9 April 2010 on the Prison Service            Available at:  <a href="http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20100790523">http://isap.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20100790523</a></p> <p>Act of June 9, 2006 on the Central Anti-corruption Bureau            Available at:  <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20061040708">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20061040708</a></p> <p>Act of 6 July 2001 on the processing of criminal information            Available at:  <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20011101189">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20011101189</a></p> <p>Act of 16 November 2016 on the National Fiscal Administration            Available at:  <a href="http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20160001947">http://prawo.sejm.gov.pl/isap.nsf/DocDetails.xsp?id=WDU20160001947</a></p>
PT	<p>Law No. 59/2019 of 8 August 2019            Available at: <a href="https://dre.pt/web/guest/pesquisa/-/search/123815983/details/normal?q=lei+59%2F2019">https://dre.pt/web/guest/pesquisa/-/search/123815983/details/normal?q=lei+59%2F2019</a></p> <p>Law No. 34/2009 of 14 July 2009            Available at: <a href="http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=1115&amp;tabela=leis&amp;ficha=1&amp;pagina=1">http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=1115&amp;tabela=leis&amp;ficha=1&amp;pagina=1</a></p> <p>Law No. 43/2004 of 18 August 2004            Available at: <a href="https://dre.pt/web/guest/pesquisa/-/search/123815982/details/maximized">https://dre.pt/web/guest/pesquisa/-/search/123815982/details/maximized</a></p>	<p>Civil Code            Available at: <a href="http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=775&amp;tabela=leis">http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=775&amp;tabela=leis</a></p> <p>Law No. 64/93 of 26 August 1993            Available at: <a href="http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=2134&amp;tabela=leis&amp;so_miolo=">http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?nid=2134&amp;tabela=leis&amp;so_miolo=</a></p> <p>Law no. 35/2014 of 20 June 2014            Available at: <a href="http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?ficha=1&amp;artigo_id=&amp;nid=2171&amp;pagina=1&amp;tabela=leis&amp;nversao=&amp;so_miolo">http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?ficha=1&amp;artigo_id=&amp;nid=2171&amp;pagina=1&amp;tabela=leis&amp;nversao=&amp;so_miolo</a></p>

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MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Law No. 58/2019 of 8 August 2019 Available at: <a href="https://dre.pt/web/guest/pesquisa/-/search/123815982/details/maximized">https://dre.pt/web/guest/pesquisa/-/search/123815982/details/maximized</a></p> <p>Law No. 30/2017 of 30 May 2017 Available at: <a href="https://dre.pt/home/-/dre/107094725/details/maximized">https://dre.pt/home/-/dre/107094725/details/maximized</a></p>	<p>Law no. 45/2011 of 24 June 2011 Available at: <a href="http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?tabela=leis&amp;artigo_id=&amp;nid=1360&amp;nversao=&amp;tabela=leis&amp;so_miolo=">http://www.pgdlisboa.pt/leis/lei_mostra_articulado.php?tabela=leis&amp;artigo_id=&amp;nid=1360&amp;nversao=&amp;tabela=leis&amp;so_miolo=</a></p>
RO	<p>Law no. 363 of 28 December 2018 on the protection of individuals with regard to the processing of personal data by the competent authorities for the prevention, detection, investigation, prosecution and combating of criminal offences or the execution of sanctions, educational and safety measures and the free movement of such data Available at: <a href="http://legislatie.just.ro/Public/DetaliuDocument/209627">http://legislatie.just.ro/Public/DetaliuDocument/209627</a></p> <p>Law no. 102 of 3 May 2005 on the establishment, organisation and functioning of the National Supervisory Authority for the Processing of Personal Data Available at: <a href="http://legislatie.just.ro/Public/DetaliuDocument/61409">http://legislatie.just.ro/Public/DetaliuDocument/61409</a></p> <p>Decision no. 133 of 3 July 2018 approving the procedure for receiving and resolving complaints Available at: <a href="https://www.dataprotection.ro/servlet/ViewDocument?id=1517">https://www.dataprotection.ro/servlet/ViewDocument?id=1517</a></p>	<p>Decision no. 161 of 9 October 2018, approving the procedure for conducting investigations Available at: <a href="https://www.dataprotection.ro/servlet/ViewDocument?id=1543">https://www.dataprotection.ro/servlet/ViewDocument?id=1543</a></p> <p>Law no. 506 of 17 November 2004 concerning the processing of personal data and the protection of privacy in the electronic communications sector Available at: <a href="http://legislatie.just.ro/Public/DetaliuDocument/172094">http://legislatie.just.ro/Public/DetaliuDocument/172094</a></p> <p>Law no. 286 of 17 July 2009 concerning the Criminal Code Available at: <a href="https://legeaz.net/noul-cod-penal">https://legeaz.net/noul-cod-penal</a></p> <p>Law no. 135 of 15 July 2010 concerning the New Code of Criminal Procedure Available at: <a href="https://legestart.ro/wp-content/uploads/2018/08/codul-de-procedura-penala_actualizat.pdf">https://legestart.ro/wp-content/uploads/2018/08/codul-de-procedura-penala_actualizat.pdf</a></p> <p>Law no. 94 of 8 September 1992 on the organisation and functioning of the Court of Auditors Available at: <a href="http://legislatie.just.ro/Public/DetaliuDocument/191884">http://legislatie.just.ro/Public/DetaliuDocument/191884</a></p> <p>Law no. 176 of 1 September 2010 on integrity in the exercise of public office, amending and supplementing the Law no. 144/2007 regarding the establishment, organisation and functioning of the National Integrity Agency, as well as other pieces of legislation Available at: <a href="http://legislatie.just.ro/Public/DetaliuDocument/211546">http://legislatie.just.ro/Public/DetaliuDocument/211546</a></p>

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MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
		<p>Government Decision no. 756 of 12 October 2016 for the organisation, functioning and duties of the National Administration of Penitentiaries and amending the Government Decision no. 652/2009 on the organisation and functioning of the Ministry of Justice</p> <p>Available at: <a href="http://legislatie.just.ro/Public/DetaliuDocument/183003">http://legislatie.just.ro/Public/DetaliuDocument/183003</a></p> <p>Order of the Minister of Internal Affairs no. 60 of 2 March 2010 on the organisation and execution of public order and safety activities</p> <p>Available at: <a href="http://legislatie.just.ro/Public/DetaliuDocument/205763">http://legislatie.just.ro/Public/DetaliuDocument/205763</a></p>
SE	<p>The Criminal Justice and Data Protection Act</p> <p>Available at: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/brottsdatalag-20181177_sfs-2018-1177">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/brottsdatalag-20181177_sfs-2018-1177</a></p> <p>The Criminal Justice and Data Protection Ordinance</p> <p>Available at: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/brottsdataforordning-20181202_sfs-2018-1202">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/brottsdataforordning-20181202_sfs-2018-1202</a></p>	<p>The Employment Ordinance</p> <p>Available at: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/anstallningsforordning-1994373_sfs-1994-373">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/anstallningsforordning-1994373_sfs-1994-373</a></p> <p>The Fee Ordinance</p> <p>Available at: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/avgiftsforordning-1992191_sfs-1992-191">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/avgiftsforordning-1992191_sfs-1992-191</a></p> <p>The Budget Act</p> <p>Available at: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/budgetlag-2011203_sfs-2011-203">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/budgetlag-2011203_sfs-2011-203</a></p> <p>The Government Regulation Instructing the Swedish Data Protection Authority</p> <p>Available at: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/forordning-2007975-med-instruktion-for_sfs-2007-975">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/forordning-2007975-med-instruktion-for_sfs-2007-975</a></p> <p>The Ordinance on Annual Accounts and Budget Figures</p> <p>Available at: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/forordning-2000605-om-arsredovisning-och_sfs-2000-605">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/forordning-2000605-om-arsredovisning-och_sfs-2000-605</a></p>

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
		<p>The Administrative Procedure Act Available at: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/forvaltningslag-2017900_sfs-2017-900">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/forvaltningslag-2017900_sfs-2017-900</a></p> <p>Employment Protection Act Available at: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-198280-om-anstallningsskydd_sfs-1982-80">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-198280-om-anstallningsskydd_sfs-1982-80</a></p> <p>The Public Employment Act Available at: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-1994260-om-offentlig-anstallning_sfs-1994-260">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-1994260-om-offentlig-anstallning_sfs-1994-260</a></p> <p>The State Audit Act Available at: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-20021022-om-revision-av-statlig-verksamhet_sfs-2002-1022">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/lag-20021022-om-revision-av-statlig-verksamhet_sfs-2002-1022</a></p> <p>The Government Agencies Ordinance Available at: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/myndighetsforordning-2007515_sfs-2007-515">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/myndighetsforordning-2007515_sfs-2007-515</a></p> <p>Public Information and Confidentiality Act Available at: <a href="http://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/offentlighets--och-sekretesslag-2009400_sfs-2009-400">http://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/offentlighets--och-sekretesslag-2009400_sfs-2009-400</a></p> <p>The Instrument of Government</p>



List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
		<p>Available at: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/kungorelse-1974152-om-beslutad-ny-regeringsform_sfs-1974-152">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/kungorelse-1974152-om-beslutad-ny-regeringsform_sfs-1974-152</a></p> <p>The Swedish Code of Judicial Procedure Available at: <a href="http://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/rattegangsbalk-1942740_sfs-1942-740">http://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/rattegangsbalk-1942740_sfs-1942-740</a></p> <p>Legal Aid Act Available at: <a href="http://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/rattshjalpslag-19961619_sfs-1996-1619">http://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/rattshjalpslag-19961619_sfs-1996-1619</a></p> <p>The Freedom of the Press Act Available at: <a href="https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/tryckfrihetsforordning-1949105_sfs-1949-105">https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/tryckfrihetsforordning-1949105_sfs-1949-105</a></p>
<b>SI</b>	<p>Act on the Protection of Personal Data in the Area of Treatment of Criminal Offences Available at: <a href="https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2020-01-3110?sop=2020-01-3110">https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2020-01-3110?sop=2020-01-3110</a></p> <p>Constitutional Court Act Available at: <a href="http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO325">http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO325</a></p> <p>Criminal Procedure Act Available at: <a href="http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362">http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362</a></p> <p>General Administrative Procedure Act</p>	<p>Criminal Code Available at: <a href="http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050">http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050</a></p> <p>Rules on criminal records Available at: <a href="http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV13104">http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV13104</a></p> <p>Foreign Affairs Act Available at: <a href="http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1611">http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1611</a></p> <p>Human Rights Ombudsman Act Available at: <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO300">http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO300</a></p>

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Available at: <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1603">http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1603</a></p> <p>Court of Audit Act Available at: <a href="http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO2550">http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO2550</a></p> <p>Obligations Code Available at: <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1263">http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1263</a></p> <p>State Administration Act Available at: <a href="http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3225">http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3225</a></p> <p>Inspection Act Available at: <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3209">http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3209</a></p> <p>Public Employees Act Available at: <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3177">http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3177</a></p> <p>Minor Offences Act Available at: <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO2537">http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO2537</a></p> <p>Personal Data Protection Act Available at: <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3906">http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3906</a></p> <p>Information Commissioner Act Available at: <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4498">http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4498</a></p> <p>Protection of Documents and Archives and Archival Institutions Act</p>	

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Available at:  <a href="http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4284">http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4284</a></p> <p>Administrative Dispute Act            Available at: <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4732">http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4732</a></p> <p>Integrity and Prevention of Corruption Act            Available at: <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5523">http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5523</a></p> <p>State Prosecution Service Act            Available at:  <a href="http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5812">http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5812</a></p> <p>Electronic Business and Electronic Signature Act            Available at:  <a href="http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1973">http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1973</a></p> <p>Protection of Right to Trial without Undue Delay Act            Available at: <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4726">http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4726</a></p> <p>Police Tasks and Powers Act            Available at: <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6314">http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6314</a></p> <p>Organisation and Work of the Police Act            Available at: <a href="http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6315">http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6315</a></p>	
<b>SK</b>	<p>Act No 18/2018 on personal data protection and amending and supplementing certain acts            Available at: <a href="https://www.slov-lex.sk/domov">https://www.slov-lex.sk/domov</a></p> <p>Act No 71/1967 Coll. on administrative procedures (Administrative</p>	<p>Act No 160/2015 Coll. Civil Dispute Proceedings Code            Available at: <a href="https://slov-lex.sk/domov">https://slov-lex.sk/domov</a></p>

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Code) Available at: <a href="https://www.slov-lex.sk/domov">https://www.slov-lex.sk/domov</a></p> <p>Act No 460/1992 Coll. the Constitution of the Slovak Republic Available at: <a href="https://www.slov-lex.sk/domov">https://www.slov-lex.sk/domov</a></p> <p>Act No 575/2001 Coll. on the organisation of the activity of the government and on the organisation of the central state administration Available at: <a href="https://www.slov-lex.sk/domov">https://www.slov-lex.sk/domov</a></p> <p>Act No 514/2003 Coll. on liability for damage caused in the context of exercise of public authority Available at: <a href="https://www.slov-lex.sk/domov">https://www.slov-lex.sk/domov</a></p> <p>Constitutional Act No 357/2004 Coll on the protection of public interest in the performance of offices by public officials Available at: <a href="https://www.slov-lex.sk/domov">https://www.slov-lex.sk/domov</a></p> <p>Act No 523/2004 Coll. on budget rules of the public administration and amending and supplementing certain acts Available at: <a href="https://www.slov-lex.sk/domov">https://www.slov-lex.sk/domov</a></p> <p>Act of the Slovak National Council No 278/1993 Coll. on administration of State property Available at: <a href="https://www.slov-lex.sk/domov">https://www.slov-lex.sk/domov</a> Act No 145/1995 Coll. on administrative fees Available at: <a href="https://www.slov-lex.sk/domov">https://www.slov-lex.sk/domov</a></p> <p>Act No 307/2014 Coll. on certain measures related to reporting of anti-social behaviour and amending and supplementing certain acts Available at: <a href="https://www.slov-lex.sk/domov">https://www.slov-lex.sk/domov</a></p>	

List of the national implementing measures		
MS	Implementing measure(s) notified to the European Commission	Addition implementing measure(s) identified
	<p>Act No 55/2017 Coll. on civil service and amending and supplementing certain acts Available at: <a href="https://www.slov-lex.sk/domov">https://www.slov-lex.sk/domov</a></p> <p>Act No 162/2015 Coll. Administrative Court Proceedings Code Available at: <a href="https://www.slov-lex.sk/domov">https://www.slov-lex.sk/domov</a></p> <p>Act of the Slovak National Council No 171/1993 Coll. on the Police Force Available at: <a href="https://www.slov-lex.sk/domov">https://www.slov-lex.sk/domov</a></p>	

**ANNEX 4 - OVERVIEW OF OPTIONS**

Option	Member States that have made use of the option	Member States that have not made use of the option
<b>Article 13(3)</b>	<b>AT, BE, BG, CY, DE</b> ( <i>Federal level and all 16 Länder</i> ), <b>DK, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SK</b>	<b>CZ, SI</b>
<b>Article 13(4)</b>	<b>BE, CY, DK, FI, IE, NL, RO, SK</b>	<b>AT, BG, CZ, DE</b> ( <i>Federal level and all 16 Länder</i> ), <b>EE, EL, ES, FR, HR, HU, IT, LT, LU, LV, MT, PL, PT, SE, SI</b>
<b>Article 15(1)</b>	<b>AT, BE, BG, CY, CZ, DE</b> ( <i>Federal level and all 16 Länder</i> ), <b>DK, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK</b>	-
<b>Article 15(2)</b>	<b>AT, CY, DK, FI, FR, IE, NL, RO, SI, SK</b>	<b>BE, BG, CZ, DE</b> ( <i>Federal level and all 16 Länder</i> ), <b>EE, EL, ES, HR, HU, IT, LT, LU, LV, MT, PL, PT, SE</b>
<b>Art. 16(4), first subparagraph, second sentence</b>	<b>AT, BE, BG, CY, DE</b> ( <i>Federal level and all 16 Länder</i> ), <b>EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK</b>	<b>CZ, DK</b>
<b>Article 18</b>	<b>AT, BE, BG, CY, EL, ES, FI, FR, HR, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK</b>	<b>CZ, DE</b> ( <i>Federal level and all 16 Länder</i> ), <b>DK, EE, HU, IE</b>
<b>Article 21(2)</b>	<b>BG, CY, DE</b> ( <i>Federal, BB, BE, BW, HB, HE, HH, MW, NI, NW, RP, SL, SH, SN, ST, TH</i> ), <b>EE, EL, FI, FR, HR, HU, LT, LU, MT, PT, SE, SK</b>	<b>AT, BE, CZ, DE</b> ( <i>BY</i> ), <b>DK, ES, IE, IT, LV, NL, PL, RO, SI</b>
<b>Article 32(1), second sentence</b>	<b>AT, BG, CZ, DE</b> ( <i>BB, BY, MW, NI, NW, SL, SN, TH</i> ), <b>DK, EE, EL, ES, FI, FR, HR, HU, IE, LT, MT, PT, RO, SI, SK</b>	<b>BE, CY, DE</b> ( <i>Federal, BE, BW, HE, HB, HH, RP, SH, ST</i> ), <b>IT, LU, LV, NL, PL, SE</b>
<b>Article 39(1)</b>	<b>BE, BG, CY, CZ, DE</b> ( <i>Federal and all 16 Länder</i> ), <b>DK, EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK</b>	<b>AT</b>
<b>Article 41(3)</b>	<b>AT, BG, CY, CZ, DE</b> ( <i>Federal, BB, BE, BW, HB, HE, HH, MW, NI, NW, RP, SL, SH, SN, ST, TH</i> ), <b>EE, EL, ES, FI, FR, HR, HU, IE, IT, LT, LU, LV, MT, NL, PL, PT, RO, SE, SI, SK</b>	<b>BE, DE</b> ( <i>BY</i> ), <b>DK</b>

Option	Member States that have made use of the option	Member States that have not made use of the option
<b>Article 45(2), second sentence</b>	<b>CZ, DE</b> ( <i>BE, MW, ST, TH</i> ), <b>EE, EL, ES, FI, HR, IT, PL, SI</b>	<b>AT, BE, BG, CY, DE</b> ( <i>Federal, BB, BW, BY, HB, HE, HH, NI, NW, RP, SH, SL, SN</i> ), <b>DK, FR, HU, IE, LT, LU, LV, MT, NL, PT, RO, SE, SK</b>
<b>Article 63(2)</b>	<b>BE, BG, DE</b> ( <i>Federal, BE, BW, BY, HB, HE, HH, NI, NW, SL, SH, SN, TH</i> ), <b>FI, FR, HU, IE, LU, LV, PT, SE, SK</b>	<b>AT, CY, CZ, DE</b> ( <i>BB, MW, RP, ST</i> ), <b>DK, EE, EL, ES, HR, IT, LT, MT, NL, PL, RO, SI</b>

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