

*Good lawyers give good answers.
Excellent lawyers ask the right questions.*

Pontes lawyers act for international, regional and local corporations and individuals and advise on many data protection related matters, from drafting GDPR compliant documentation (such as personal data processing notices, agreements or records of processing activities) to representation in proceedings before regulatory authorities.

PENALTIES UNDER THE LOCAL DATA PROTECTION ACTS

POLAND

Maximum amounts against bodies from public finances sector, research institutes and the Polish National Bank are reduced. Obstructing the authority when conducting supervision of compliance, is subject to a fine or imprisonment of up to two years. Unauthorized disclosure of personal data is penalized.

SOLIVAN.

www.solivan.pl

CZECH REPUBLIC

Mainly duplication of fines under the GDPR; local law moderates maximum amount of the fine that can be imposed against public authorities to 400.000 EUR and non-profit organizations to 600 EUR.



www.jsk.cz

AUSTRIA

Administrative penalties of up to EUR 50.000 for breach of local law if such breach is not subject to GDPR fines. Fines primarily to be imposed against the responsible legal entity. Besides, fines may also be imposed on natural persons. Criminal offence to unlawfully process data with the intention to gain profit or with the intention to damage another person.

OOO graf patsch taucher

www.gpra.at

SLOVAKIA

Mainly duplication of administrative fines under the GDPR for breach of local law. Controller or processor may be sanctioned by fine up to EUR 2.000 for failure to secure adequate conditions in exercise of control or up to EUR 10.000 if control is impeded by controller or processor. Regulator may impose fines up to EUR 2.000 to third parties, for failure to provide assistance to the regulator. Unauthorized disclosure of personal data is a criminal offense and may be punished by imprisonment for up to one year.

MAJERNÍK MIHÁLIKOVÁ
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www.mmlaw.sk

ROMANIA

Moderates maximum amount of fine that can be imposed against public authorities and non-profit organizations to Euro 40.000.

J JINGA ASOCIATII

www.ja.ro

BULGARIA

Administrative fines of up to EUR 2.500 for breach of local law if such breach is not subject to GDPR fines. In case of repeated violation within 1 year of imposition of fine the fine may be doubled, provided that it does not exceed the amounts specified in the GDPR.

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Warning: We like clarity just as much as you do. This overview could not be made without extensive implication, generalisation and simplification.

This overview can be used for general reference, but please call or email us before drawing any conclusions based upon it.

PONTES: the CEE lawyers is a network of independent law firms providing full service commercial legal support in the Central and Eastern European countries (CEE). For more details, please visit www.ponteslegal.eu

	AUSTRIA	BULGARIA	CZECH REPUBLIC	POLAND	ROMANIA	SLOVAK REPUBLIC
Local rules on data secrecy	YES, general duty of data secrecy for all data controllers, processors and their employees.	No specific requirements under the local act.	YES, the general duty of data secrecy for all data controllers, processors and their employees.	No specific requirements under the local act.	No specific requirements under the local act.	YES, general duty of data secrecy for all data controllers, processors and their employees.
Special rules for employment in the local Data Protection Act?	NO	YES, in accordance to the GDPR and the local Personal Data Protection Act with regards to the processing of personal data of job applicants.	NO, however, specific provisions of the Labour Code will apply; monitoring of employees and processing of certain information about employees (such as information on pregnancy, health, sexuality etc.) is generally forbidden.	YES, video surveillance only permitted for the employees security, property protection, production control or securing. confidentiality of information. Employer is entitled to check e-mails to ensure proper use working time and equipment.	YES, for electronic communications systems or video surveillance for monitoring employees' activity.	YES, for disclosure of personal data of employee; must not interfere with seriousness, dignity and security of employee.
Special rules for personal data of deceased in the local Data Protection Act?	NO	YES, under local Personal Data Protection Act controllers and processors need lawful basis in order to process personal data of deceased persons.	NO, however, the specific provision of the Civil Code regarding the protection of the personality will apply; after the death, the protection of deceased personality may be claimed by persons close to the deceased.	NO	NO	YES, consent may be granted by a close person; consent will be invalid if any close person objects to such processing.
Child's online consent: what is the local minimum age for child's online consent?	14	14	15	16	16	16
Are there specific rules on freedom of expression and information?	YES, there are specific lower requirements for processing of personal data for journalistic purposes as well as for scientific, artistic or literary purposes (exceptions from the information obligation and limitation of the right to erasure or rectification).	YES, there are specific lower requirements for processing of personal data for journalistic purposes as well as for scientific, artistic or literary purposes (exceptions from the information obligation and limitation of the right to erasure or rectification).	YES, there are specific lower requirements for processing of personal data for journalistic, scientific, artistic or literary purposes (mainly exceptions from information obligation and limitation of the right to erasure or rectification).	YES, there are specific lower requirements for processing of personal data for journalistic purposes as well as for scientific, artistic or literary purposes (exceptions from the information obligation and limitation of the right to erasure or rectification). Exceptions apply only to creative aspect (eg publisher who collects data of portal users still needs to comply with GDPR).	YES, there are specific lower requirements for processing of personal data for journalistic, scientific, artistic or literary purposes (exceptions from the most of the GDPR's requirements), in case the processing refers to i) the data made publicly available by the data subjects; ii) data connected to the public nature of the data subject or to the public nature of the event in which the data subject is involved.	YES, licensed journalists may process personal data without consent of the data subject for purposes of informing the public by means of mass media. Personal data may also be processed without a data subject's consent for academic, artistic and literary purposes (certain restrictions apply)