

PORTUGAL AMENDS PRIVACY RIGHTS IN NEW CONSTITUTION

On 1 February this year, Portugal's Constitutional Court decided that legislation had omitted to implement Article 35 of the Constitution dealing with privacy protection, reports José Santos Pais, Director of Portugal's Procuradoria-Geral (Attorney General's Office). Subsequently, the new Constitution was enacted on 8 August this year, and Dr Seabra Lopes, Director of Portugal's Justice Ministry, informs PL&B that a new data protection bill is being prepared. The new version of Article 35 on data protection and transborder data flows follows:

1) With the exception of the law on State secrecy and Justice secrecy, all citizens shall have the right to information contained in automated data records or files concerning themselves and to the use for which it is intended. They shall be entitled to request that the contents be corrected and brought up to date.

2) The access to personal data records or files shall be forbidden for purpose of getting information of third parties as well as the interconnection of these files save in exceptional cases as provided for in the law and in Article 18.

3) Data processing shall not be used for information concerning a person's philosophical or political convictions, party or trade union affiliations, religious beliefs or private life except in the case of non-identifiable data for statistical purposes.

4) The law defines the concept of personal data for purposes of data storage as well as the conditions of establishing data banks and data bases by public or private entities and the conditions of utilisation and access.

5) Citizens shall not be given all-purpose national identification numbers.

6) The law defines the provisions applicable to the transborder data flows establishing adequate norms or protection of personal data and of any other data in which the national interest is justified.