

## BELGIUM'S NEW DATA PROTECTION LAW ENTERS INTO FORCE IN STAGES

*Belgium's Law of December 8th, 1992 for the Protection of Personal Privacy in the Area of Personal Data Processing (PL&B Oct '92 pp. 6,7,22,23, and Dec '92 p.1, 25) enters into force in stages from April 1st 1993 to December 1st 1994. The text, distributed with this newsletter, was published in the Moniteur belge (the Belgian Official Journal) of March 18th, 1992. Two Royal Decrees accompany the text of the new law and specify when different sections of the law enter into force.*

### New personal data processing timetable

The first Royal Decree specifies:

**April 1, 1993:** Mainly the articles concerning the definitions, the general principles, the Data Protection Commission, and also the obligation to make a description of all (new) personal data processed in the organisation (Arts. 1-3, 5, 16, (paragraph 1, subsection 1), 21-33).

**September 1, 1993:** The articles concerning the obligation to inform the Data Protection Commission at the time of collection of the data, the rules concerning sensitive and medical data, the duty to inform at the time of registration (Arts. 4, 6, 7 (paragraphs 1-3), 8-15, 16, (paragraph 1, subsection 3), 46, 47 and 50).

**March 1, 1994:** The articles concerning the duty to register automated processing of personal data, the right of access and correction, etc. (Arts. 16 (paragraph 1, subsection 2), 17-20, 34 paragraph 2)

**September 1, 1994:** Communicating medical data and limiting access to those who have a functional need to do so (Arts. 7 (paras. 4 and 5), 16 (para. 1, subsections 4 and 5)).

### Existing personal data processing

The second Royal Decree concerns personal data processing existing at the above dates:

**April 1, 1993:** The "right to privacy" (Art. 2).

**September 1, 1993:** The duty to inform when collecting personal data (Art. 4).

**October 1, 1993:** The rules of finality and proportionality (Art. 5)

**January 1, 1994:** The duty to make a statement on all personal data processed (Art. 16, paragraph 1, subsection 1).

**June 1, 1994:** The articles concerning sensitive and medical data, and the duty to inform the Data Protection Commission at the time of registration

**December 1, 1994:** The duty to register automated personal data processing (Art. 17).

The new Belgian law contains an obligation for each data user (called "holder of the file", "maitre du fichier") to mention the registration number of the file, which he receives from the Data Protection Commission, in each document based on that file (for instance on address labels or mailings). For existing processing operations, the holder has three months to conform to this new obligation.

### Further registration information

At present, Belgium's Privacy Commissioner has told PL&B that he is developing draft registration documentation which he expects the Minister of Justice to approve toward the end of this year. He then expects that registration forms will be available from his office in January or February 1994. In the meantime, he is available for discussion with companies and associations on how he interprets the new law. His contact details are: M. Paul Thomas, Président, Commission de la Protection de la Vie Privée, Ministère de la Justice, Place Poelaert 3, Brussels, B-1000, Belgium. Telephone: + (32) 2 504 6620 Fax: + (32) 2 504 7000.

**This report was written by Professor Dr. Jos Dumortier, Director of the Interdisciplinary Centre for Law & IT, the University of Leuven, Belgium. He will lead a session on Belgium's new law at the PL & B 6th Annual Conference at Oxford 28-30th June.**