

## DATA PROTECTION NEWS

### Hong Kong

The Law Reform Commission of Hong Kong published in August this year its *Report on Reform of the Law Relating to the Protection of Personal Data*. The price of the report is HK \$88 (approximately US \$11) plus postage. It is available from the Hong Kong Government Publications Centre. Fax: + (852) 537 1543. The government is expected to take a decision later this year on whether to proceed with a bill (see page 4).

### Portugal

Portugal's Law for the Protection of Personal Data of 1991 was amended in August this year. The amendments concern conditions for processing sensitive data and transborder data flows.

#### Article 17- Conditions for the processing of special categories of personal data

1. Automatic processing of personal data, as referred to in Article 11, paragraph 1(b), may be carried out by *public bodies*, in accordance with specific law, provided there is no discrimination and after approval by the CNPDPI (the Data Protection Authority).

2. The automatic processing of personal data as referred to in paragraph 1 above may be carried out, within the same limits, by *other bodies*, after approval by the CNPDPI:

- with the data subject's consent and full knowledge of the purpose and use to be made of the data
- for the fulfilment of legal or contractual obligations
- for the protection of the data subject's vital interests authorised by law
- when processing by its nature is not likely to adversely affect the right of privacy or cause discrimination.

3. The automatic processing of other data may be carried out in accordance with the provisions of this law and after communication

to the CNPDPI of the information referred to in Article 18.

#### Article 33 - Transborder data flows

1. The provision in this law applies to transborder flows of personal data, by whatever medium, undergoing automatic processing, or collected with a view to their being automatically processed.

2. Transborder flows of personal data between Contracting Parties to the Council of Europe Convention for the Protection of Individuals with Regard to automated Processing of Personal Data shall be carried out according to the conditions and with safeguards set out in that Convention.

3. Transborder flows of personal data going to the States which are non-Contracting Parties to the above referred Convention shall be submitted to the approval of the CNPDPI in order to ensure their adequate protection.

The full text of this law, in Portuguese and English but without these latest amendments, is available from the PL&B office. The name and the address of the President of the Data Protection Authority was published in PL&B December 1993 p. 26. The contact numbers are: Telephone: + (351) 1 396 6190 or + (351) 396 6228 Fax: + (351) 1 397 6832.

### Spain

After a slow start, Spain's data protection law, enacted in October 1992, now has a Data Protection Authority where registrations must be submitted in diskette or paper format. Contact details are:

Mr. Juan José Martín-Casallo, Director General, Agencia de Protección de Datos Po de la Castellana 41, 5.a planta, Madrid 28046, Spain. Telephone: + (34) 1 308 4702 Fax: + (34) 1 308 4692.

### United Kingdom

New Registrar, Elizabeth France, this month announced the setting up of an informal advisory group from the commercial, government, and academic fields. She also aims to clarify her office's role to the public.