



of processing is exclusively *business prospecting and list brokering*, providing the data controller does not have direct contact with the data subjects and does not hold any sensitive personal data.

The Decree determines the procedure of collective notification which has to be followed by a data controller in the above cases.

Regarding the first three cases of collective notification, the data controller has to publish information which should have been included in individual notifications, together with the criteria determining the choice of data subjects. This information has to be published in easily understood language in the Belgian official journal and in four journals or periodicals available in the data subjects' domicile. This procedure has to be repeated at least once every five years.

Regarding collective notification in the case of business prospecting and list brokering, the Decree envisages a different procedure. The information which should have been included in the individual notification, as well as the criteria determining the choice of data subjects, has to be broadcast on all the existing general interest channels of Belgian television. This has to be done in easily understood language during three consecutive days at the time of highest viewers' and listeners' coverage.

### **Decree on "judicial data"**

This Decree complements Art. 8 of the Belgian Act which deals with processing of personal data relating to judicial and similar decisions, in civil,

administrative and criminal matters. The comprehensive list of these particular categories of data is given in Art. 8 of the Act.

The Decree regulates in more detail the precise conditions under which these categories of data may be legitimately processed by public and private bodies.

Police and other public authorities with a similar function (such as in the area of money laundering) may process judicial and other related data where it is necessary for the pursuit of their policing function. They are also allowed to communicate such data abroad in the framework of international police co-operation. However, the Decree sets a number of conditions for the type of data to be communicated and the circumstances which have to be fulfilled to allow for transfer of these special categories of data abroad.

In addition to police and related public sector processing of data, the Decree explicitly lists the cases where processing of judicial data can take place within other organisations, both in the public and private sectors.

Thus, processing of judicial and other related data is allowed only where it conforms to the following objectives, criteria and conditions:

- processing is carried out for the sole purpose and by an association or a public body whose statutory objectives are defence and promotion of human rights and fundamental freedoms;
- the purpose of processing certain categories of data is to record legal decisions where they

### **The latest news from Belgium**

Organisations in Belgium have started to declare their processing activities to the Commission on the Protection of Personal Privacy. The registration forms have been published together with the Decree regulating the registration fees.

The deadlines for declaring personal data processing operations have now been firmly set and confirmed. Any new processing has to be declared as of 1st of March 1995, the date of entry into force of the four Royal Decrees. Organisations already processing personal data on that day have a deadline until the last day of November 1995 to declare their existing processing activities.

The Commission on the Protection of Personal Privacy is currently preparing two explanatory notes for data users. The notes deal with various issues of interpretation and compliance with particular articles of the Act. The first note is on the relationship between Articles 4 and 9 on the duty to notify data subjects. The second note deals with Art. 18 on keeping of the public register of registered data controllers by the Commission and its links with Art. 10 on data subjects' right of access.

Finally, the Belgian Act refers to a Royal Decree in the area of transborder data flows regulating in greater details conditions for transfers of personal data abroad. The Decree is expected to contain a list of countries which are considered as providing a level of protection equivalent to that of the Belgian Act. This Decree has not yet been passed.