

Latvia Enacts Personal Data Protection Law

Report by Eugene Oscapella

ON JANUARY 1ST 2001 the Latvian Registration and Protection of Personal Data Processing Systems Law (Personal Data Protection Law) entered into force.

The new Law generally applies to the processing of all types of personal data, and to any natural and legal person involved in personal data processing. However, it does not cover information systems made by natural persons in which the personal data are used for personal or household and family purposes and are not disclosed to other persons.

The Law also does not apply to the processing of personal data carried out by public institutions in the fields of national security and criminal law. Instead, the protection of personal data that have been declared to be official secret matters falls under the Law on Official Secrets. Personal data processed for journalistic, artistic or literary purposes are covered by the Law, but certain of the general principles for

personal data processing set out in Chapter II of the Law do not apply.

The State Data Inspection Authority is responsible for the protection of personal data. The Authority is subject to the supervision of the Ministry of Justice and its Director is appointed and can be dismissed from the position by the Latvian Cabinet on the recommendation of the Minister for Justice.

The Authority is charged with making decisions and reviewing complaints regarding the protection of personal data. It has the power to inspect personal data processing systems before their registration, order that data be blocked, or that incorrect or unlawfully obtained data be erased or destroyed. And it may permanently or temporarily prohibit data processing. The State Data

Protection Authority may bring an action in court for violations of the Law, and its decisions may also be appealed to the courts. Access to the courts provides another independent mechanism for ensuring compliance with the Law.

The Law provides the Authority specific investigative powers, such as the authority to enter non-residential premises, and to require explanations and the production of documents. The Law also gives persons the right to receive commensurate compensation if harm or losses have been caused to them by a violation of the Personal Data Protection Law.

The European Commission is now analysing the Latvian legislation to see if it meets the "adequacy" requirements of Article 25 of the EU Data Protection Directive.



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