

# COUNCIL OF EUROPE

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# CONSEIL DE L'EUROPE

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Committee of Experts on Data Protection (CJ-PD)

Norwegian Act relating to personal  
data registers of 9 June 1978

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Information Document

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Norwegian Act relating to personal data registers of 9 June 1978Chapter 1 - Scope of the Actparagraph 1

The Act is applicable to personal data registers and to other facilities whereby personal information is utilised in certain types of activities.

The term "personal information" shall mean information and assessments which are, directly or indirectly, traceable to identifiable individuals, associations or foundations. The term "personal data registers" shall mean registration files, records etc where personal information is systematically stored so that information concerning an individual person may be retrieved.

The Act is applicable to personal data registers in central or local government institutions as well as in private enterprise, societies or foundations.

The King may determine that the Act shall not apply to certain types of personal data registers.

Chapter 2 - Data Surveillance Serviceparagraph 2

There shall be established a data surveillance service. The Data Surveillance Service shall be a separate institution subordinate to the King and the Ministry designated by the King.

The Data Surveillance Service shall be under the direction of a Board, which shall consist of seven members. The members shall be appointed by the King, who shall also nominate the chairman and vice-chairman of the Board.

paragraph 3

The opinion of the Data Surveillance Service shall be obtained before decisions are adopted, which under the terms of this Act, are delegated to the King. The foregoing, however, shall not apply to decisions rendered in pursuance of paragraph 2.

Otherwise the Data Surveillance Service shall

1. Keep itself informed of general developments with regard to the utilisation of personal data registers and to the problems connected with such registers, as well as providing information in this respect

2. provide advice and guidance on questions relating to the protection of the individual and data safeguards to those who are planning to establish personal data registers.
3. ensure that the statutes, rules and regulations applicable to personal data registers are observed, and that errors or deficiencies are rectified
4. upon request or on its own initiative, give its opinion on questions relating to the use of personal data registers or on questions of a general nature relating to the utilisation of personal information.

The King may assign additional duties to the Data Surveillance Service concerning the use etc of personal data registers or the utilisation of personal information otherwise.

Paragraph 4

The Data Surveillance Service shall keep a systematic record of personal data registers for which a government concession is required in pursuance of paragraph 9. The record shall show who is responsible for the register, what kind of information the register may contain and to what uses it may be put. The record shall refer to the rules which are otherwise laid down in pursuance of paragraph 11. A copy of the rules shall be kept with the Data Surveillance Service.

The record and the rules shall be available to the general public.

The King may issue specific rules concerning the record and may make such exceptions to the provisions of the first paragraph as are necessary for reasons of emergency preparedness or the security of the realm.

Paragraph 5

The Data Surveillance Service may demand such information as is needed to enable it to carry out its duties. The Service may request admittance to such places where personal data registers and technical aids are located, as well as to undertake such tests or control checks as it seems necessary.

The Data Surveillance Service's right to demand information shall not be limited by any statutory provisions concerning pledge of secrecy.

The King may make such exceptions to the provisions of the first and second paragraphs as are necessary in consideration of the security of the realm. The King may also issue regulations concerning the reimbursement of expenses incurred in connection with such supervision.

Chapter 3 - General provisionsparagraph 6

The registration of personal information must be justified on objective grounds, having due regard to the administrative and operational activities of the institution or enterprise undertaking such registration.

Unless necessary, registration may not be undertaken in respect of

1. information referring to race or political or religious beliefs
2. information on whether a person has been a suspect, indicted or convicted in a penal case,
3. information referring to the state of health or abuse of intoxicants,
4. information concerning sexual life
5. other information concerning family affairs than those referring to family relationships or family status, property arrangements between spouses and bread-winner status.

paragraph 7

Everyone shall have the right to be informed of the information concerning himself which are stored or processed by means of electronic aids. This right to be informed shall nevertheless not apply to registers which are only used for statistical research or general planning purposes. Nor does the right to be informed apply to such information which it is considered inadvisable to bring to the knowledge of the person concerned out of regard for his health or his relations with persons close to him.

As regards personal data registers in central or local government institutions, the right to be informed, as defined in the first paragraph, shall also apply to information which is not stored or processed by means of electronic aids. The person so registered may not, however, demand access to documents which are deemed to be internal documents by virtue of paragraph 18 of the Administrative Procedures Act.

Furthermore, as regards personal data registers in central or local government institutions, everyone shall have the right to be informed of the types of information which are included in the register.

The King may prescribe by regulation that the rules laid down in the second and third paragraphs shall also apply to personal data registers in private enterprise, societies or foundations, or for certain such registers.

The King may, by regulation or in respect of an individual register, make additional exceptions to the right to be informed and lay down specific rules or set conditions for the use of such a right.

paragraph 8

If a personal data register contains erroneous or incomplete information, information which it is not permitted to enter into the register, or information which is no longer relevant, such information shall be corrected, deleted or supplemented if the faulty information may be of significance for the person so registered. If the fault has resulted in erroneous or incomplete information having been issued, all possible steps shall be taken to ensure that the error does not adversely affect the person registered.

When there are errors as described in the first paragraph, the Data Surveillance Service may order corrections, deletions and supplements to be made to the register as well as order such steps as are mentioned in the final sentence of the first paragraph.

Chapter 4 - Duty to obtain permission for the establishment of personal data registers

paragraph 9

Permission of the King (government concession) is required for the establishment of personal data registers which are to utilise electronic aids. Such permission is also required for the establishment of other personal data registers if they are to include

1. information referring to race or political or religious beliefs,
2. information on whether a person has been a suspect, indicted or convicted in a penal case
3. information referring to the state of health or abuse of intoxicants
4. information concerning sexual life

5. other information concerning family affairs than those referring to family relationships or family status, property settlements between spouses and bread-winner status.

The King may decide that certain types of personal data registers shall be excepted from the government concession requirement pursuant to the first paragraph. In respect of such registers, regulations may be prescribed concerning such circumstances as are described in paragraph 11. Other regulations may also be prescribed in order to minimise the problems which the register could otherwise give rise to in respect of an individual person, inter alia rules prescribing that the register shall be subject to control by the Data Surveillance Service and be included in the record kept in pursuance of paragraph 4.

The King's powers under the first and second paragraphs may only be delegated to the Ministry or to the Data Surveillance Service.

The King may issue regulations concerning security measures for installations operating personal data registers as referred to in the first paragraph.

#### paragraph 10

When deciding whether permission shall be granted, an assessment shall be made - within the framework laid down in paragraph 6 - as to whether the establishment and utilisation of the personal data register in question may cause problems for the individual person, which cannot be solved satisfactorily by rules prescribed under paragraph 11. If such problems are liable to arise, due consideration shall be given as to whether these problems are outweighed by such considerations as favour the establishment of the register.

#### paragraph 11

When permission is granted in pursuance of paragraph 9, rules shall be prescribed for the personal data register indicating what types of information the register may contain and for what purposes the register may be used.

In addition, the rules shall prescribe such terms and conditions as are relevant for the utilisation of the register or which can minimise the disadvantages the establishment and utilisation of the register could otherwise give rise to. In particular consideration should be given to prescribing rules on

1. the collection and control of such information as the register may contain

2. the handling and storage of such information
3. Whether sharing with another personal data register should be permitted
4. use of national registration number
5. the release of information, including the question whether data may be transferred to other registers
6. the scope and content of the information to be given by notification or other forms of communication to the person registered
7. the right of the individual person to demand information in accordance with paragraph 7
8. rectifying data or routine procedures in the register
9. keeping the system currently up-to-date
10. the deletion or non-use of data after a certain lapse of time, and whether the register should be transferred to the general archive system
11. security measures and destruction of data material.

In addition the rules shall designate the institution or enterprise or the person responsible for ensuring the proper implementation of the rules.

paragraph 12

The rules prescribed in paragraph 11 may not be dispensed with except by permission of the institution prescribing the rules or - if the rules so prescribe - of the Ministry or the Data Surveillance Service.

Chapter 5 - Credit and personal information services

paragraph 13

The term "credit information services" shall, in this Chapter, mean activities which consist in providing information which throws light on credit-worthiness or financial reliability (credit information). This Chapter shall not apply to the utilisation of information within an enterprise or in relation to enterprises within the same corporate group. Nor does it apply to providing information to another credit information enterprise to which this Act applies, provided that the information shall be utilised in connection with this enterprise's own credit information service.

The King may issue supplementary regulations on what is to be understood by the term "credit information services". For certain types of enterprises the King may, by regulation or by individual decision, make exceptions to the individual provisions in this Chapter.

Enterprises operating credit information services may not, save by permission of the King, operate other forms of personal information services.

paragraph 14

An enterprise may not start a credit information service before the King has granted permission thereto.

When deciding whether permission shall be granted, due regard shall be paid to the question whether the activities concerned may be expected to be operated in an honest and sound manner. Within the framework of the provisions laid down in this Act, such terms and conditions may be prescribed in respect of the government concession as are appropriate and promote these aims, inter alia concerning surety in respect of liability. As regards enterprises under the control of foreign interests, terms and conditions may be prescribed concerning the form of establishment and the composition of the company's management.

paragraph 15

The credit information enterprise shall ensure that the information utilised for credit information purposes shall, as far as possible, be complete and that information shall not be used which may give grounds for unjustified or an unreasonably negative attitude in respect of the person to whom the information applies.

Information, which at the end of a calendar year will be 5 years old or more, may only be utilised if it is abundantly clear that such information continues to be of substantial significance for the proper assessment of the person to whom the information applies.

paragraph 16

The enterprise may not as part of its credit information service utilise

1. information referring to race or political or religious beliefs
2. information on whether a person has been a suspect, indicted or convicted in a penal case

3. information referring to the state of health or abuse of intoxicants
4. information concerning sexual life
5. other information concerning family affairs than those referring to family relationships or family status, property arrangements between spouses and bread-winner status.

However, the King may permit information, mentioned in sub-paragraphs 2 and 3 of the first paragraph, to be collected and notified in certain cases.

paragraph 17

No credit information may be provided when it is evident from the facts of the case that the applicant requesting such information lacks justification for such a request.

The King may, by regulation or in respect of the individual enterprise, issue rules concerning the safeguarding against misuse of information collected.

paragraph 18

Credit information shall normally be notified in writing. It may be given verbally, provided it does not contain any information which can be charged against the person to whom the information applies, or if the credit information for practical reasons, must be provided without delay. If credit information is given verbally, the content of the information together with the applicant's name and address shall be recorded and kept on file for at least 6 months. If it contains anything which can be charged against a person to whom the information applies, such information shall be confirmed in writing.

Credit information may be supplied by circulation of publications or lists, provided that the publication or list only contains information concerning entrepreneurs, and that the information is given in summary form. Such publications may only be sent to members and subscribers.

Applications for credit information indicating that the applicant shall be kept informed of any information which comes to the knowledge of the credit information enterprises in future or during a certain period of time, may only contain information on entrepreneurs.

paragraph 19

When credit information is provided or confirmed in writing concerning someone who is not an entrepreneur, the credit information enterprise shall send a copy or other notification concerning the content free of charge to the one about whom information has been requested. The enterprise shall not be bound to disclose who has requested the information or from whom it has received such information.

paragraph 20

Everyone has a right to be informed of what information the enterprise has stored about himself for use for credit information purposes, and to be informed of what credit information has been provided about him during the last 6 months. Replies shall be given in writing unless the person concerned has consented to its being given in another manner. If the information on what the register contains is given in summary form or if the enterprise has stored information which is not fully repeated, this shall be stated in the reply. The person to whom the information applies may request to examine all documents etc upon application to the enterprise.

The enterprise shall not be obliged to disclose who has requested the information or from whom it has received such information.

The enterprise may charge a reasonable remuneration in cases where information under the first paragraph is provided in writing.

paragraph 21

The King may prescribe by regulation that paragraph 14 concerning the government concession requirement, shall also apply to other enterprises operating personal information services. In the concession permit, terms and conditions may be prescribed for the collection, storage and use of such information, as well as for supervision, for the right of the person to which the information applies to be informed and for the right to have his name deleted from the register.

Chapter 6 - Data processing enterprisesparagraph 22

Activities which consist in processing personal information for third parties by means of electronic aids may not be initiated before the King has given permission thereto. Paragraph 14, second paragraph, shall apply correspondingly.

The provisions in the first paragraph shall not apply if such processing takes place exclusively for other enterprises within the same corporate group.

The King may issue supplementary regulations on what is to be considered as a data processing enterprise for the purpose of applying the provisions of the first paragraph, and may, by regulation or by individual decision make exceptions to the individual provisions in this Chapter.

paragraph 23

Enterprises which are required to obtain a government concession under paragraph 22, first paragraph, may not, save by agreement with the client, utilise the information for other purposes than those covered by the assignment. Nor may the information, save through such an agreement, be entrusted to anyone else for storage or processing purposes.

paragraph 24

The enterprise shall adopt such security measures as are needed.

The King may, by regulation or in respect of the individual enterprise, issue rules concerning the security measures which shall be implemented.

Chapter 7 - Addressing and distribution services

paragraph 25

Services which consist in selling or in other ways offer addresses of groups of people, or in executing assignments involving the dispatch of advertising and other notifications to such groups, may not be commenced before the King has given permission thereto. Paragraph 14, second paragraph, shall apply correspondingly.

The King may issue supplementary regulations as to which enterprises shall be subject to the government concession requirement in pursuance of the first paragraph, and may, by regulation or by individual decision, make exceptions to the provisions in this Chapter.

paragraph 26

A register utilised for such activities as mentioned in paragraph 25, first paragraph, may not contain

1. information referring to race or political or religious beliefs

2. information on whether a person has been a suspect, indicted or convicted in a penal case
3. information referring to the state of health or abuse of intoxicants
4. information concerning sexual life
5. other information concerning family affairs than those referring to family relationships or family status, property arrangements between spouses and bread-winner status.

The King may, by regulation or by individual decision, further restrict the right of the enterprise to register personal information, and regulate the use of registered information.

paragraph 27

Notwithstanding the provisions in paragraph 26, the enterprise may dispatch notifications based on customer and membership registers which are placed at its disposal by the client. Such registers may only be used for the dispatch of notifications concerning the client's goods and services etc and they may not be entrusted to others.

paragraph 28

The enterprise shall in its registers delete the name of anyone who so requests. Anyone so registered may demand information on who is the enterprise's source in respect of the registration.

If the demand for deletion applies to such registers as are mentioned in paragraph 27, such a demand shall be forwarded to the client, who shall be responsible for ensuring that the person concerned is deleted as addressee under any subsequent use of the register. The person who has made such a demand, shall be informed of the forwarding of the demand and the name of the client.

paragraph 29

The King may, by regulation or in respect of the individual enterprise, lay down provisions with a view to preventing personal information being used in violation of paragraphs 26 and 27 and to ensure the implementation of the rules in paragraph 28.

paragraph 30

The King may prescribe by regulation

1. that paragraphs 26 to 28 shall apply correspondingly in respect of enterprises which, in individual cases, undertake such assignments as are mentioned in paragraph 25, first paragraph,
2. that certain types of information may not be utilised for the choice of addressees in the dispatch of notifications on the enterprise's own goods and services etc, and that paragraph 28 shall apply correspondingly to such address lists.

Chapter 8 - Opinion polls and market investigations

paragraph 31

Services which consist in conducting opinion polls or undertaking market investigations for third parties, may not be commenced before the King has given permission thereto. Paragraph 14, second paragraph, shall apply correspondingly.

The King may issue supplementary regulations as to which enterprises shall be subject to the government concession requirement in pursuance of the first paragraph, and may, by regulation or by individual decision, make exceptions to the provisions in this Chapter.

Personal information provided by someone conducting opinion polls or undertaking market investigations may not be disseminated further in such a way that the information can be traced to an individual person.

Information received for the purpose of opinion polls and market investigations, may not be utilised for other purposes.

paragraph 33

Without the consent of the person to whom the information applies, information concerning name, date of birth, birth registration number, or the like, may not be entered into a register which is processed by means of electronic aids. Nor shall such information be entered into any other register which is specially designed to make the information easily accessible and capable of easy application.

Without the consent of the person to whom the information applies, the information collected shall not be stored for more than 6 months in such a form that it can be traced to an individual person.

paragraph 34

The King may issue specific regulations concerning such services as are referred to in paragraph 31. The regulations may inter alia contain provisions on the collection of information, on the storage of information collected and other provisions to ensure that personal information so collected is not utilised wrongfully or falls into the wrong hands.

paragraph 35

The King may prescribe by regulation that paragraphs 32 to 34 shall also apply to enterprises which, in individual cases, undertake such assignments as mentioned in paragraph 31, first paragraph, and to such enterprises which initiate such investigations for the benefit of its own administration and activities.

Chapter 9 - Transferral abroad etcparagraph 36

Registers governed by paragraph 9, first paragraph, must not be transferred abroad without the permission of the King.

Personal information collected in this realm, may not be transferred abroad without the permission of the King, if the purpose is to enter the information into a register as referred to in paragraph 9, first paragraph.

The King may, by regulation, make exceptions to the first and second paragraphs. It may be prescribed that these provisions shall not apply in relation to certain other countries.

paragraph 37

The King may issue regulations concerning co-operation between the Data Surveillance Service and surveillance authorities in other countries. In such regulations special provisions may be prescribed concerning notification requirements in respect of registers and concerning supervision or destruction of registers.

Chapter 10 - Penalties and compensationparagraph 38

Anyone who wilfully or negligently

1. omits to obtain permission in accordance with paragraph 9, paragraph 13, third paragraph, paragraph 14, paragraph 22, paragraph 25, paragraph 31 or paragraph 36

2. violates the rules or terms and conditions laid down in pursuance of paragraph 11, paragraph 14, paragraph 22, paragraph 25, paragraph 31 or paragraph 36
3. utilises information in violation of the rules in paragraph 16, paragraph 18, paragraph 23, paragraph 26, paragraph 27, paragraph 32 or paragraph 33
4. omits to comply with requirements from the Data Surveillance Service in pursuance of paragraph 5 or paragraph 8
5. omits to comply with requests for information in accordance with paragraph 7 or paragraph 20 or requests for deletion in accordance with paragraph 28
6. omits to provide notification in accordance with paragraph 19 to the person to whom the information applies

shall be punished by fines or by imprisonment up to one year or both.

Aiding and abetting therein shall be punished in a similar manner.

In regulations issued in pursuance of this Act, it may be prescribed that violations of such regulations shall be punished by fines or by imprisonment up to one year or both.

paragraph 39

If a violation, referred to in paragraph 38, is committed by anyone acting on behalf of an enterprise, fines may be imposed on the enterprise itself, even though no one is punishable under the provisions of paragraph 38.

When imposing sentence in pursuance of this section, due weight shall be given to the question whether the violation has been committed to promote the interests of the enterprise and whether the enterprise has derived any benefit from the said violation.

Paragraph 28 of the General Civil Penal Code shall not apply to fines imposed in pursuance of this section.

paragraph 40

If an enterprise, operating a service as referred to in paragraph 13, has provided information in violation of the provisions prescribed in, or issued in pursuance of, this Act, or has provided information which proves to be erroneous or obviously misleading, the said enterprise shall compensate

any losses incurred by the person to whom the information applies. This applies irrespective of whether anyone, acting on behalf of or in the service of the enterprise, has been guilty of negligence.

Chapter 11 - Relationship to other statutes. Entry into force.  
Transitional rules.

paragraph 41

The government concession requirement under paragraph 9, cf. paragraph 10, shall not apply to personal data registers, established by separate statute, in central or local government institutions. Nevertheless rules, as referred to in paragraph 11, shall be laid down for such registers as well, in so far as other rules have not been prescribed in, or issued in pursuance of, the enabling act. The other provisions in this Act shall also apply to such registers, in so far as other rules have not been prescribed in, or issued in pursuance of, the enabling act.

paragraph 42

This Act shall enter into force on the date prescribed by the King.

As regards personal data registers, established prior to the entry into force of the Act and which are governed by paragraph 9, application for permission shall be submitted within a time limit prescribed by the King. Provided that such applications have arrived within the time limit, personal data registers may be utilised unchanged until rules have been prescribed in pursuance of paragraph 11.

The provisions in the second paragraph shall apply correspondingly in cases where permission is required in accordance with Chapters 5 to 9.

paragraph 43

As from the date of entry into force of this Act the following amendments shall be made to other statutes:

1. Act no 1 of 24 May 1961 relating to Savings Banks

New second paragraph of paragraph 21 shall read:

"This provision shall however not prevent the bank from operating credit information services in accordance with the legislation applicable to such services."

2. Act no 2 of 24 May 1961 relating to Commercial Banks

New second paragraph of paragraph 18 shall read:

"This provision shall however not prevent the bank from operating credit information services in accordance with the legislation applicable to such services."

3. Act no 71 of 11 June 1976 relating to financing services

New second paragraph of paragraph 15 shall read:

"This provision shall however not prevent the enterprise from operating credit information services in accordance with the legislation applicable to such services."