

Council of Europe  
Conseil de l'Europe



Strasbourg, 3 August 1992

0604  
92/2666

Restricted  
CJ-PD (92) 13

English only

**PROJECT GROUP ON DATA PROTECTION  
(CJ-PD)**

**ACT CONCERNING THE REGISTRATION AND HANDLING  
OF PERSONAL DATA (1989)**

**I C E L A N D**

Translated from the Icelandic

# Act Concerning the Registration and Handling of Personal Data.

(No. 121 of 28th December 1989)

## SECTION I

### Scope of the Act.

#### Art. 1

This Act shall apply to all forms of systematic registration and other handling of personal data. The Act shall apply whether the registration is effected mechanically or by hand. The Act shall apply to registration by employers, companies, societies and institutions and registration carried out under the auspices of public bodies.

Systematic registration of data refers to the collection and registration of particular data as part of a systematic whole.

Personal data refers to data concerning private affairs, financial affairs or other affairs of individuals, institutions, companies or other legal persons which it is reasonable and natural to keep secret.

The provisions of the Act shall apply to data concerning the private affairs of a particular party, even though he is not identified by name, if he is specified by name number, personal identification number or other means of specific identification which may be used to establish a personal identity with or without an identification key.

#### Art. 2

Registration according to the Act No. 30/1956 and registration for the purpose of genealogical research and the writing of biography lie outside the scope of this Act.

## SECTION II

**Authorization for Registration: General Rules.**

## Art. 3

The systematic registration of personal data covered by Art. 1 shall only be permitted if the registration constitutes a normal part of the activity of the relevant party and concerns only those who are connected with his work or sphere of operations, such as customers, employees or members.

## Art. 4

Registration of the following data concerning the private affairs of individuals shall be not be permitted:

- a. data concerning skin colour, race, political opinion and religion,
- b. data on whether a person has been suspected of, charged with or sentenced for a punishable deed,
- c. data on people's sexual behaviour, health matters and use of medicines, alcohol or drugs,
- d. data concerning substantial social problems,
- e. data on private affairs of the same sort as are referred to in a-d

Registration of the data covered in para. 1 shall be permitted if specially authorized according to other Acts. The registration of data referred to in para. 1 shall also be permitted if the individual himself has provided the data or if the data are collected with his assent. It shall be a condition for such collection that the data be collected in circumstances such that the person about whom data is registered can not be unaware of the intention to register the relevant data.

Even if the conditions of para. 2 are not met, the Data Protection Commission may permit the registration of the data referred to in para. 1 if it is unambiguously clear that it is a matter of urgent necessity to the the party effecting the registration to register the data in connection with his activity. The Data Protection Commission shall make permission for such registration dependent on the the conditions it considers necessary in each individual case.

## SECTION III

**Access to Registered Data.**

## Art. 5

It shall not be permitted to disclose the data listed in para. 1 of Art. 4 without special authorization in other Acts except with the consent of

the registered party or a party who has authority to enter into obligations on his behalf.

The provisions of para. 1 of this Article notwithstanding, the Data Protection Commission may authorize the disclosure of the data referred to in para. 1 of Art. 4 if it is demonstrated that this is demanded by urgent public interests or the interests of individuals, including the interests of the registered party. It shall then be demonstrated unequivocally that the necessity of acquiring the data outweighs the view that it should be kept secret.

Data covered by the provisions of this Act other than those data referred to in para. 1 of Art. 4 may only be disclosed without the consent of the registered party if the passing on of such data constitutes a normal part of the ordinary activity of the party effecting the registration.

It shall not be permitted to disclose data concerning events dated more than four years back in time without special authorization in law unless it is shown that access to the data may be of crucial importance in the assessment of a particular matter with which the data are connected.

It shall be permitted to disclose data if it is not possible to trace them to particular individuals or legal persons.

**Interconnection of Registers**

## Art. 6

It shall not be permitted to interconnect registers covered by the provisions of this Act except in the case of registers belonging to the same registering party. The same registering party here refers to the same individual, company, society or public body. By interconnection of registers is meant both the mechanical and manual transference of data between registers.

Notwithstanding the provisions of para. 1, it shall be permitted to connect to a register data concerning names, name numbers, personal identification numbers, firm numbers, addresses, places of residence and postcodes, even though this data is obtained from the register of another party.

The Data Protection Commission may grant exemption from the prohibition on the interconnection of registers in para. 1 if the conditions of paras. 2-4 of Art. 5 are met concerning the authority of

the Data Protection Commission to grant access to registered data. In such cases it shall be demonstrated unequivocally that the interests which it is intended to protect by the interconnection outweigh the interests of those registered. The Data Protection Commission may make permission for interconnection dependent on further conditions, including conditions as to how the data are to be used, and the condition that the registered party is to be informed that the interconnection may take place.

#### Art. 7

It shall be permitted to provide a doctor or dentist who is giving a person medical treatment with data from the medical records of a hospital or other patients' records concerning the registered person. It shall also be permitted, when doctors are involved, to provide data concerning other persons, especially relatives of the registered person, where such is considered to be of importance regarding the medical treatment of the registered person.

#### Art. 8

If a particular party demonstrates that he needs certain registered data which are covered by the provisions of this Act in connection with a court case or other such legal requirements, the Data Protection Commission shall be able to give permission for the person with such interests to be furnished with the data, providing that it is demonstrated unequivocally that the necessity of acquiring the data outweighs the view that it should be kept secret. This shall not apply, however, to data which is to be treated in confidence according to special legal provisions.

### SECTION IV

#### Rights of Registered Parties.

#### Art. 9

If a party considers that data concerning him have been entered in a particular register, he shall be able to request the keeper of the register to disclose to him what is registered there. It shall be obligatory to comply with such a request without unreasonable delay.

The provisions of para. 1 shall not apply if it appears appropriate that the interests of the registered party in being informed about the contents of the data take second place, either entirely or in part, to

unequivocal public or private interests, including those of the registered party himself. If this applies to a part of the data, but not to all parts of it, then the party making the request shall be informed about the parts which it does not seem questionable to disclose.

#### Art. 10

The provisions of the Medical Practitioners' Act, No. 53 of 19th May 1988, shall apply concerning the obligation of a doctor to present a medical file, in its entirety or in part, to a patient or his legal guardian.

#### Art. 11

The provisions of Art. 9 shall not apply to registers or registrations which are established solely for the purpose of statistical extracts. The Data Protection Commission shall also be able to decide that other registers shall be exempt from these provisions if it may be considered that the provisions of para. 2 of Art. 9 would entail requests for data from such registers being generally denied.

#### Art. 12

The data referred to in Art. 9 shall be provided in writing if so desired. The keeper of the register shall comply with the request of the registered party and disclose to him what has been registered at the first opportunity, and not later than two weeks from the time of submitting a demand to this effect, or else give the registered person a written account of the the reasons why his request has not been complied with.

If the keeper of a register denies the request of a party to have the contents of registered data disclosed (cf. the provisions of paras 1 and 2 of Art 9), the keeper of the register shall be obliged to draw the attention of the registered person to his right to refer the dispute to the Data Protection Commission (cf. the provisions of Art. 13).

#### Art 13

It shall be permitted to refer a dispute concerning the right of access to data according to this section of the Act to the Data Protection Commission, which shall deliver a ruling concerning the dispute

## Art. 14

If a registered party considers that data concerning him in registers covered by this Act are incorrect or misleading, he shall be able to demand that the party responsible for the registration rectify them, delete them or augment them, as appropriate in each individual case. The same shall apply if a party considers that there are data in a register which it is not permitted to register, or data which are no longer relevant.

If the party responsible for the register refuses to comply with a demand for correction according to para. 1 or has not replied to such a demand within four weeks of the time when it was verifiably submitted, the registered party shall then be able to approach the Data Protection Commission with the request that the commission determine whether and to what extent his demand for the correction or deletion of data should be considered. If the Data Protection Commission agrees to the person's demand that data be deleted or corrected, it shall require the keeper of the register to delete the data or correct them.

In the event of refusal by the keeper of a register to correct or delete incorrect or misleading data as referred to in para. 2, the registered party shall be informed that he is able to refer a dispute in the matter to the Data Protection Commission.

In the case of data concerning financial affairs and creditworthiness according to Section V, the keeper of the register shall without delay send all those who have received such data from him in the previous six months, and the registered party, a correction in writing. The registered party shall also receive a statement from the keeper of the register as to who has received incorrect data and who has been sent corrections. In the case of other data, the Data Protection Commission may require the keeper of a register to send a written notification of correction to all those who received incorrect data from the register in the six months before the request for correction was submitted. The keeper of the register shall then also inform the registered party of who has received a notification of such correction.

In special circumstances, the Data Protection Commission may decide to oblige the keeper of a register referred to in para. 4 to send a written correction covering a period longer than the last six months prior to the making of the request for correction.

## SECTION V

**Registration of Data Concerning Financial Matters  
and Creditworthiness.**

## Art. 15

The collection and registration of data concerning the financial matters and creditworthiness of individuals and legal persons with the intention of passing on data on these matters to other persons shall be forbidden without a licence from the Data Protection Commission. A licence may be granted only to a party who, in the opinion of the Data Protection Commission, is likely to be able to discharge the duties of a keeper of a register according to this Act.

## Art. 16

A licensee as referred to in Art. 15 shall only be permitted to register data which by their nature may have importance in the assessment of the financial standing or creditworthiness of the registered party. It shall never be permitted to enter in such a register the data referred to in para. 1 of Art. 4 of this Act.

Data concerning financial matters or creditworthiness which are older than four years old may not be registered or passed on unless it is established unequivocally that the relevant data have substantial significance in the assessment of the financial standing or creditworthiness of the registered party. Before such data are registered or passed on, the party concerned shall be notified and he shall be given the opportunity of expressing comments within a specified period from the date of receipt of the notification. This period shall be a minimum of one week from the date of receipt of the notification. If the party expresses an objection, the registration or passing on of the data shall only be permitted on receipt of the approval of the Data Protection Commission.

## Art. 17

It shall not be permitted to enter in a register covered by this section data other than a person's or firm's name, address, personal identification number, name number, position and occupation, or other data obtainable from public records, without notifying the registered party.

If items other than those listed in para. 1 are entered in a register, the licensee shall notify the registered party about whom data is registered for the first time about this registration within four weeks of

the deletion of the names of individuals or firms from a mailing list (cf. para. 1). If a request for deletion is received by the sender of the post specified above, he shall be obliged to convey such a request to the keeper of the register.

The Data Protection Commission shall be able to set rules regarding markings according to para. 1.

#### Art. 23

If the keeper of a register according to Art. 21 receives a register of members or a register of regular customers or similar registers, he shall not be permitted to pass the materials on to others without the permission of the party who has presented him with them or to disclose to others data contained in the registers or the materials.

#### Art. 24

Those who carry out professional market surveys or opinion polls concerning matters covered by the provisions of this Act shall be in possession of a licence for this purpose granted by the Data Protection Commission. A licensee shall send the Data Protection Commission a description of the proposed survey or poll, together with a questionnaire, at least seven days before the survey or poll is carried out.

Those other than licencees according to para. 1 shall not be permitted to carry out the surveys and polls referred to in para. 1 without the permission of the Data Protection Commission.

Those who carry out market surveys and opinion polls according to paras. 1 and 2 shall in the course of carrying them out observe the following:

- a. It shall be explained to a person being questioned that he is under no obligation to answer individual questions or the questionnaire as a whole.
- b. If the answers are not destroyed after the survey, they shall be kept in such a way that they can not be traced to individual parties.
- c. At no time may questions be asked other than those which have a clear relevance in terms of the subject of the survey.
- d. It shall not be permitted to use the data which have been recorded for a purpose other than that which was the purpose of the survey.
- e. It shall not be permitted to grant others access to the data which have been recorded.

The Data Protection Commission shall be able to impose further conditions for the conduct of such surveys and the treatment and preservation of materials if it considers necessary.

### SECTION VII

#### Computer Services.

##### Art. 25

A party who carries out computer services for others shall not be permitted to preserve or process the following data on personal affairs without a licence granted by the Data Protection Commission:

- a. data covered by the provisions of para. 1 of Art. 4,
- b. data covered by Section V,
- c. data covered by the provisions of para. 3 of Art. 6,

By computer services is meant any aspect of work involving automatic processing of data using computer technology.

A licensee according to para. 1 shall not be permitted to use the data he receives for purposes other than performing the service covered by his contract with the owner of the register, or to present the data to others for processing or storage without approval from the owner of the register. In special circumstances, e.g. in the event of a sudden malfunction in computer equipment, the party shall nevertheless be permitted to have computer processing carried out by another party, even though the latter party does not have a licence for such processing. As regards the provisions of this Act, the materials and the processing shall nevertheless remain the responsibility of the party who originally undertook the work.

A licensee shall be obliged to take appropriate measures to prevent data being misused or coming into the possession of an unauthorized person. The Minister of Justice shall by means of a regulation be able to set further provisions regarding the keeping and handling of computer data by those who undertake computer services for others.

##### Art. 26

Employees of a licensee according to Art. 25 shall be bound by a vow of secrecy regarding matters which come to their knowledge in the course of their work, and they shall sign a vow of secrecy before they begin work.

If a computer service firm which is not operated by a public body carries out projects for such a body, the employees of the firm shall

then be under an obligation not to divulge matters which they discover in the course of carrying out the project, in the same way as are the public employees who have worked on it. An infringement by an employee in such circumstances shall be punishable according to Art. 136 of the Penal Code.

## SECTION VIII

### Collection of Data in Iceland for Processing Abroad

#### Art. 27

The systematic collection of personal data in Iceland for storage or processing abroad shall be forbidden. The Data Protection Commission may nevertheless permit such collection in special circumstances.

A register or original materials containing data listed in para. 1 of Art. 4 may not be released for storage or processing abroad except with the permission of the Data Protection Commission.

Permits according to paras. 1 and 2 may only be granted if the Data Protection Commission considers that the passing on of registers or materials does not significantly reduce the degree of protection which this Act affords to registered parties or legal persons.

The Minister of Justice may, after receiving the comment of the Data Protection Commission, determine by means of a regulation that the provisions of paras. 1 and 2 shall not apply to particular registers or data in particular fields, or with regard to particular countries, if such is necessary for the fulfilment of obligations according to international law or considerations of international cooperation in this area so recommend.

## SECTION IX

### Registration and Preservation of Data.

#### Art. 28

Active measures shall be taken to prevent data being misused or coming into the possession of unauthorized persons.

Registered data which because of their age or other reasons have lost their value in terms of the purpose which the register is intended to serve shall be deleted. Registers which are in constant use shall contain data which are correct at any given time, while obsolete data shall be deleted.

The Data Protection Commission may permit transcripts from registers to be kept in the National Archives or other archives according to conditions specified in further detail.

#### Art. 29

If particular registers contain data which are considered likely to be of practical value for a foreign state, then security measures shall be taken to make it possible to destroy the registers immediately if war breaks out or the threat of war seems imminent.

## SECTION X

### Implementation of this Act.

#### Art. 30

In order to supervise the implementation of this Act and the rules set according to it, the Minister of Justice shall appoint a five-man commission, which is referred to in this Act as the Data Protection Commission. The commission shall be appointed for terms of four years at a time. The chairman of the commission, the vice-chairman and one other member of the commission shall be lawyers. The chairman and vice-chairman shall meet the conditions set for appointment as a judge. One member of the commission shall be a specialist in matters concerning computing and data registration. He shall be nominated by the Icelandic Society for Information Processing (Skýrslutæknifélag Íslands). Deputy members shall be appointed in the same way for terms of four years at a time and shall meet the same conditions as the full members.

The Data Protection Commission shall, following consultation with the Minister of Justice, be able to engage the necessary staff for the commission.

#### Art. 31

The Data Protection Commission shall supervise the implementation of this Act. The commission shall, on its own initiative or following information supplied by registered parties, see to it that registration is carried out and registers used in the manner prescribed in this Act. The Data Protection Commission shall grant, according to the further provisions of this Act, licences, permits or approval for individual projects. The commission shall also deliver rulings in any cases of dispute that may arise.

The rulings of the Data Protection Commission in accordance with this Act shall not be referable to other authorities.

#### Art. 32

The Data Protection Commission may demand from the keeper of a register and those who work for him all the data necessary for the commission to carry out its role, including data needed to take decisions on whether a particular activity shall be subject to the provisions of this Act.

The Data Protection Commission and its staff shall in connection with their supervisory functions have access without a warrant to premises in which registration is carried out or where registered data are kept or processed.

#### Art. 33

The Data Protection Commission may order a party to cease registration or not to supply others with data from his registers or materials if, in the view of the Data Protection Commission, the registration or supplying of information infringes the provisions of this Act. If the same conditions are met, the Data Protection Commission may also give instructions for data in registers to be deleted or for registers to be destroyed in their entirety.

The Data Protection Commission may order a registering party to delete a registration containing particular items or to correct it in cases in which either the registration of the items is forbidden or the Data Protection Commission considers that the items are incorrect or misleading.

The Data Protection Commission may order a registering party to delete or correct data registered before the entry into force of this Act if the registration of the data infringes the provisions of this Act or the data are incorrect or misleading.

The Data Protection Commission may, in special circumstances, order a registering party to delete data which on account of their age or for other reasons have lost their value.

The Data Protection Commission may prohibit a registering party from employing a particular method in the collection, registration and passing on of data, if the commission considers that the method employed entails a substantial risk of the registration or passing on being incorrect or misleading. The Data Protection Commission shall

have the same authority to act if it considers there is a risk that data which it is not permitted to register or pass on will be entered in a register or passed on from registers.

The Data Protection Commission may order a registering party to take particular measures to ensure that items which it is not permitted to register are not entered in a register or that data concerning such items will not be passed on. The same shall apply to items which are incorrect or misleading. In the same way, the Data Protection Commission may order a registering party to take measures to ensure that registered data will not be misused or come to the notice of unauthorized persons.

If a party does not act on the orders of the Data Protection Commission according to paras. 1-6 of this Article, the Data Protection Commission shall be able to revoke the licence, approval or permit it has granted according to the provisions of this Act until the matter has been rectified in a manner considered satisfactory by the commission.

#### Art. 34

The Minister of Justice shall be able to issue specifications by means of a regulation governing collaboration between the Data Protection Commission and foreign supervisory bodies on the preservation or processing in Iceland of data gathered abroad, including a special obligatory notification procedure concerning such matters.

#### Art. 35

The Data Protection Commission shall be able to issue rules concerning the form and content of notifications and applications according to this Act.

If the Data Protection Commission is expected to grant a licence or approval according to this Act for individual projects, it shall be authorized to restrict the licence or approval by conditions or to restrict its time of validity.

The Minister of Justice shall be able to determine the fee to be paid for the granting of licences and individual permits.

#### Art. 36

The Data Protection Commission shall publish a report on its activities every year. In the report shall be published a survey of the licences, approvals and permits which the commission has granted, the



rules it has laid down and the rulings it has delivered. The annual report shall also give an account of other activities of the commission which it may be expected that the public is interested in or has an interest in knowing.

## SECTION XI Punishments and Other Penalties

### Art 37

Infringement of the following provisions of this Act shall be punishable by fines or imprisonment of up to three years except where heavier punishment is prescribed according to other Acts:

- a. Articles 3-6,
- b. Articles 9 and 12,
- c. paras. 2 and 4 of Article 14,
- d. Articles 15-20,
- e. Articles 21-24,
- f. Articles 26, 27 and para. 1 of Art. 32.

The same punishment shall apply for failing to comply with the requirements of the Data Protection Commission according to Art. 33.

The same punishment shall furthermore apply for failing to observe the conditions set for a licence, permit or approval according to this Act or rules issued by the authorities in accordance with it and for failing to act on an order or prohibition set according to this Act or the rules issued by the authorities in accordance with it.

Legal persons as well as individuals may be sentenced to pay fines for infringements of this Act. A fine may be imposed on a legal person regardless of whether it is possible to prove the guilt of an employee of the legal person. If an employee of the legal person has infringed this Act or rules set in accordance with it, that employee may also be fined and deprived of his licence in accordance with Art. 38, provided that the infringement has been committed in the interests of the legal person or he has profited by the infringement. A legal person shall bear responsibility for the payment of a fine which his employee is sentenced to pay because of an infringement of this Act, providing that the infringement is connected with his work for the legal person.

### Art 38

In addition to the punishment according to Art. 37, a licensee according to arts. 15, 21, 24 and 25 may be deprived of his licence by a court order in cases of substantial guilt. In other respects, the provisions of paras. 1 and 2 of Art. 68 of the Penal Code, No. 19/1940, with subsequent amendments, shall apply.

Equipment with which major infringements of this Act have been perpetrated, and profits derived from such an infringement, may be confiscated by order of a court (cf. Art. 69 of the Penal Code, No. 19/1940).

### Art. 39

Attempted infringement and aiding or abetting in the infringement of this Act are punishable according to the stipulation of Section III of the Penal Code.

## SECTION XII Implementation and Entry into Force

### Art. 40

The Minister of Justice shall be authorized to issue a regulation on the further implementation of this Act.

This Act enters into force on 1st January 1990.