

Notification of Personal Data Processing and Registration of Data Protection Officers

On 1 July 2009 the amendments to the Personal Data Protection Law came into force determining the changes of the notification procedure of personal data processing.

The amendments to the Personal Data Protection Law in the Article 21 of the Law determine additional exemptions when it is not necessary to notify Data State Inspectorate regarding the personal data processing (that is register personal data processing). The Transitional provisions with the point 7 supplement the Personal Data Protection Law regarding the exclusion of personal data processing from the personal data processing register in cases when the law doesn't foresee the notification anymore.

All the state and local government institutions, natural and legal persons that are processing or wish to commence the processing of personal data, notify it to Data State Inspectorate in the order determined by Personal Data Protection Law.

The order of notification determined by the Personal Data Protection Law **does not apply** to personal data processing carried out:

- 1) for the purposes of bookkeeping and personnel record keeping;
- 2) for the information systems of state and local government institutions when the data gathered there are publically available;
- 3) for journalistic purposes in accordance with the Law on Press and Other Mass Media;
- 4) for purposes of archiving in accordance with the Law on Archives;
- 5) carried out by religious organizations;
- 6) if the controller has registered the data protection officer in the order determined by the Personal Data Protection Law;
- 7) for the personal data processing carried out in accordance with the Article 7 chapter 1., 2 or article 13.¹ of the Personal Data Protection Law;
- 8) the processing is carried out for the needs of scientific, statistic and genealogical researches.

The controller may choose not to notify the personal data processing if he assigns the personal data protection officer.

The controller **can assign** a person as a personal data protection officer if this person:

- 1) has university degree in law, information technologies or in a similar sphere;
- 2) has accomplished the data protection officer's studies in the order determined by the Cabinet of Ministers;
- 3) has passed the examination at Data State Inspectorate (for more detailed information please see the Cabinet of Ministers regulations of 5 February 2008, No.80 "The Order of the training of personal data protection specialist".

Apart from the exemptions mentioned above, these are the cases when personal data processing should be **always** notified to Data State Inspectorate:

- 1) it is foreseen to transfer personal data to a third country which is not the European Union member state or the member state of the European Economic Zone;
- 2) personal data would be processed regarding the provision of financial services, for market or public opinion researches, for personnel selection or personnel evaluation as entrepreneurship if it is provided as a service to other companies/ state institutions/ natural persons, for raffling or lotteries;
- 3) information on person's health is being processed;
- 4) personal data processing is related to crime, criminal record and cases of administrative infringements.

Forms to be filled out for the notification of personal data processing and data protection officer:

- application form for the notification of personal data processing [MS Word](#);
- application form for the amendments to personal data processing [MS Word](#);
- application form for the registration of the personal data protection officer [MS Word](#);
- application form for the exclusion of personal data processing from the personal data processing register [MS Word](#);
- application form for the exclusion of personal data protection officer from the register of Data State Inspectorate [MS Word](#).

For the notification of each personal data processing or for the amendments to the personal data processing the state tax should be paid:

- 1) the fee for the notification of personal data processing is 40 lats;
- 2) if the controller is natural person or micro enterprise that corresponds to the definition determined by the Commission **Regulation (EC) No.364/2004** of 25 February 2004 amending **Regulation (EC) 70/2001** as regards the extension of its scope to include aid for research and development (Attachment No.1), the notification fee is 20 lats.

Bank account for the payment of state tax

Recipient: State Treasury

Registration No.: 90000050138

Account No. (**LV51TREL1060190913600**)

Receiving institution: State Treasury

The BIC of the receiver: TREL LV22

Please note that according to the Official Language Law (section 10) all the documents submitted to Data State Inspectorate should be in Latvian.