

Data. Protection. Adding Value.

GDPR Local Insights*



Austria

Legislation

Datenschutzgesetz (DSG), supplemented by data protection rules in special fields of law legislation

Supervisory Authority

In Austria only one Data Protection Authority (**Datenschutzbehörde [DSB]**) exists, as the single federal authority for data protection.

Special Conditions for Data Processing

- There are special requirements for employment contracts which need to include data privacy clauses to ensure confidentiality during and after the employment.
- CCTV of publicly accessible areas is especially permitted if (i) it is **unavoidable** to fulfil the purpose of CCTV otherwise, (ii) it is required for the precautionary protection of persons or items subject to the controller's **right to undisturbed possession** because that right **has already been infringed** or the place, by its nature, has a **special risk potential**, or (iii) it serves a private documentary interest **and does not aim to record uninvolved persons** to identify them or to record, in a targeted manner, items that are appropriate for indirectly identifying such persons.
- Maintaining CCTV data for more than 72 hours must be proportionate.
- Processing of personal data in case of emergencies is allowed to public-sector controllers and relief organizations.

Special Categories of Data

The DSG makes use of the right under the GDPR to maintain or introduce further conditions for the processing of special categories of data. This includes **additional legal bases for the processing of personal data by a public bodies**, e.g. for danger and risk prevention and in the areas of social security, public health as well as for prevention, investigation, detection or prosecution of criminal offences.

The DSG further allows the transfer of special categories in emergencies to close relatives without consent if they prove their identity and their capacity as a relative and if the transfer is necessary to safeguard their rights or the rights of the data subject.

Furthermore, the collection of special categories of data is possible without consent **for archiving, research and statistical purposes** under certain conditions.

Restrictions on Individuals' Rights

The DSG does not contain any further restrictions on individuals' rights which are not included in the GDPR.

Other Relevant Exemptions

- Consent to processing of the personal information of a child shall be lawful where the **child is at least 14 years old**.
- In case of the provision of address data of a certain group of data subjects in order to inform or interview them **no consent is required if an infringement of the data subject's interests in confidentiality is unlikely**.

Let's connect to discuss how we can help:



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*The overview intends to provide general insights on the level of supplementary rules implemented in a country and for such purpose provides examples where the relevant member states have made use of the exemption provided by the GDPR. It is therefore non-exhaustive.

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