

Data. Protection. Adding Value.

GDPR Local Insights*



Belgium

Legislation

Law of 30 July 2018 July relating to the protection of individuals with regard to the processing of personal data

Supervisory Authority

Belgian Data Protection Authority, jointly with other sector specific authorities

Special Conditions for Data Processing

The Belgian law further completes specific provisions of the GDPR. It also covers some areas that are not covered by the scope of regulation (e.g. law enforcement). It also covers a dedicated regime for data processing activities in the scope of journalism and research.

Specific conditions for data processing can also be found in other laws, such as the law on the national registration number, the law on the criminal records or the law on private cameras.

Public authorities, in the performance of the tasks entrusted to them, cannot be fined in case of breach of the GDPR.

Belgian has adopted a specific law regarding the processing of personal data by private investigators or companies, which affects also internal auditors, fraud auditors or investigations teams. Said law foresee important deviations and additions to the principles imposed by the GDPR and the Belgian law of 2018.

Special Categories of Data

As a principle the similar restrictions apply for the processing as sensitive data.

Unlike other countries, Belgium has not recognized the processing of health data for insurance policy purposes as a substantial public interest, which means that other grounds under article 9 GDPR must be invoked.

Restrictions on Individuals' Rights

No notable deviation from the Individual rights contained in the GDPR.

The Belgian Data Protection authorities has, by virtue of guidelines or decisions, clarified the scope and the restriction to be given to some data subject requests.

Other Relevant Exemptions

Designating and changes of Data Protection Officer requires a special notification to the regulator.

The law enforcement authorities, as well as the Flemish public authorities are subject to dedicated data protection authorities.

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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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