

# Data. Protection. Adding Value.

GDPR Local Insights\*



## Luxembourg

### Legislation

**Luxembourg Act** of 1 August 2018 on the organisation of the National Data Protection Commission and the general data protection framework, supplemented by data protection rules in special fields of law legislation

### Supervisory Authority

**The National Data Protection Commission** (*La Commission Nationale pour la Protection des Données* or the “**CNPD**”) is the Luxembourgish supervisory authority

### Special Conditions for Data Processing

- In Luxembourg, there are specific rules on the processing of personal data in the **employment context**, in particular for the purposes of **surveillance** and the processing of **criminal records for recruitment** and **background checks**.
- There are exemptions regarding the processing in the context of **journalism or academic, artistic or literary expression** as well as for **scientific or historical research or statistical purposes**.
- There are specific rules in connection with **retention periods**.

### Special Categories of Data

The Luxembourg Act makes use of the right under the GDPR to maintain or introduce further conditions for the processing of special categories of data. By way of example:

- The processing of **genetic data** for the purposes of the exercise of the specific rights of the controller in the field of **labour law and insurance** is prohibited.
- The processing of special categories of data is allowed for **archiving, scientific or historical research and statistical purposes** under certain conditions.

### Restrictions on Individuals' Rights

**Certain restrictions on individuals' rights may apply**, for example, within the processing in the context of journalism or academic, artistic or literary expression; and where personal data are processed for scientific or historical research purposes or for statistical purposes.

### Other Relevant Exemptions

- Controllers may have to appoint a **data protection officer (DPO)** for processing carried out for **scientific, historical research, or statistical purposes** taking into account the nature, scope, context, and purposes of processing as well as the risks of varying likelihood and severity for the rights and freedoms of natural persons.
- The CNPD adopted a list of processing operations for which a **Data Protection Impact Assessment (DPIA)** is mandatory.
- There are special rules for **data localisation** in certain specific sectors, particularly the regulated ones where professional secrecy applies (e.g. supervised entities in the financial sector).

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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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