

# CNPD Course: Data Protection Basics

*Presentation of Luxembourg's  
data protection authority*



Esch-sur-Alzette (Belval)

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Dani Jeitz

Legal department

# Programme

1. Introduction
2. Basic concepts
3. The rights of data subjects
4. **The role of the CNPD**
5. The obligations of controllers
6. Main innovations introduced by the new European data protection regulation

# Outline

- Luxembourg's data protection authority
- Organisational structure
- Missions
- Recent trends
- Statistics

# Luxembourg's data protection authority

- independent authority created by the Act of 2002
- public institution with financial and administrative autonomy
- verifies if personal data is processed in accordance with the law
- ensures the respect of personal freedoms and fundamental rights with regard to data protection and privacy
- ensures the protection of privacy in the sector of electronic communications

# Organisational structure (2017)

## **Secretariat**

1 employee

## **Collegiate body**

3 commissioners

## **General administration, budget and finances**

## **Legal department**

11 employees

## **Notifications**

1 employee

## **IT department**

3 employees

## **Prior authorisations**

2 employee

## **Communications department**

1 employee

## **Guidance and investigations**

# Missions

- Ensure the application of the “Data Protection Law” and verify the lawfulness of processing by:
  1. prior formalities:
    - prior notifications (art. 12)
    - prior authorizations (art. 14 + 19)
  2. receiving and examining complaints
  3. carrying out investigations (direct access to data)
  4. taking disciplinary sanctions + engaging in legal proceedings
  5. cooperating with other DPA’s of the European Union + representing Luxembourg in the “Article 29” WP

# Missions

- Advise the legislator and give data protection recommendations to the government
- Approve sectoral codes of conduct
- Raise public awareness + inform the general public
- Provide guidance to data controllers, data processors and users
- Keep a public register of processing operations
- Write and publish an annual report

# Missions

- Surveillance of processing operations by competent authorities for criminal purposes:
  - Current situation : control authority « article 17 » (State Prosecutor + 2 members of the CNPD)
  - Directive 2016/680
    - Processing carried out by competent authorities for criminal purposes
    - Exception for processing operations of courts when acting in their judicial capacity: judicial control authority
- New missions for the CNPD by the GDPR

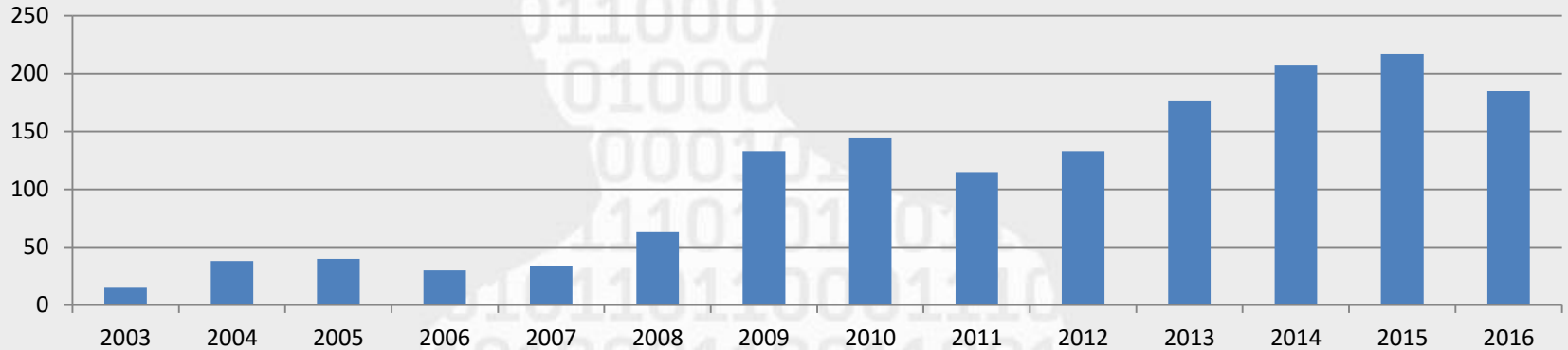


# Recent trends

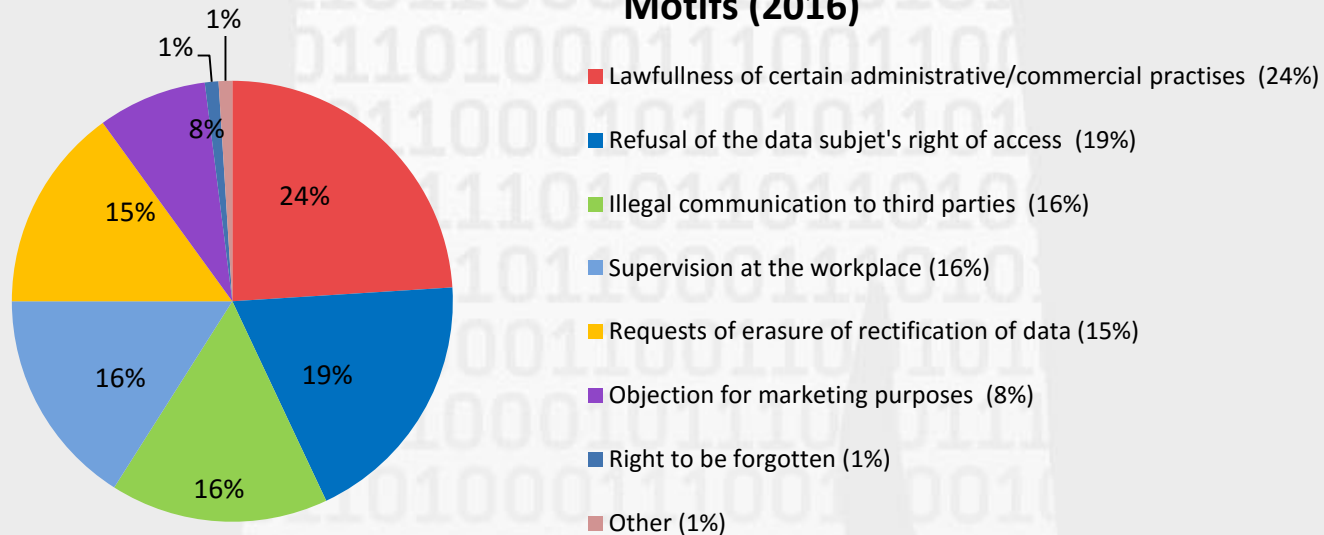
- An increasing number of highly technological and sophisticated cases with cross-border implications:
  - Approval of BCRs as lead authority: eBay (2009), Arcelor Mittal (2013), Rakuten (2017)
- A significant increase of:
  - complaints and requests for information
  - authorization requests and opinions on legal texts
- Internal reorganization and progressive reinforcement of staff to be ready for 25 May 2018

# Increase of complaints (2016)

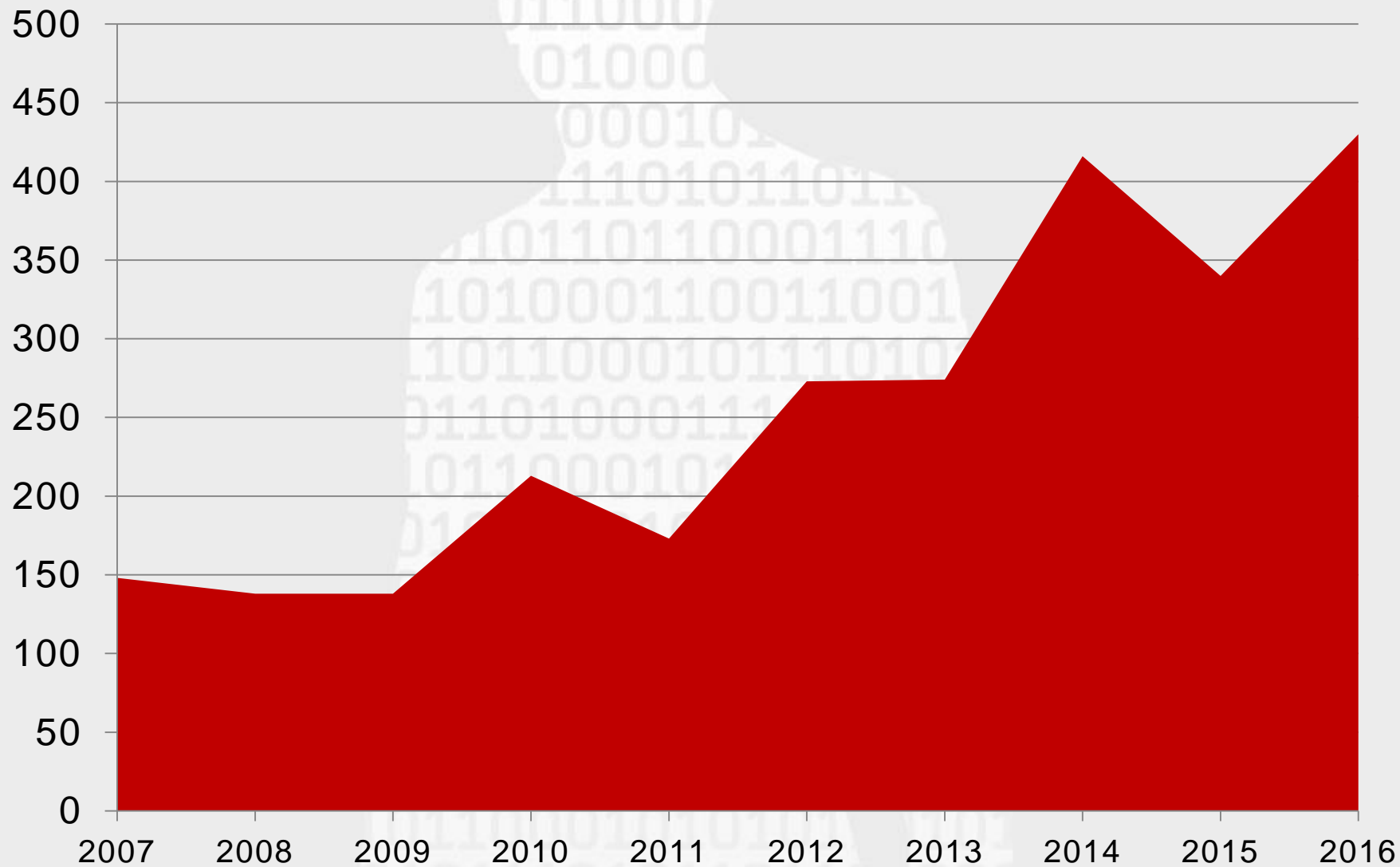
## Evolution of the number of complaints



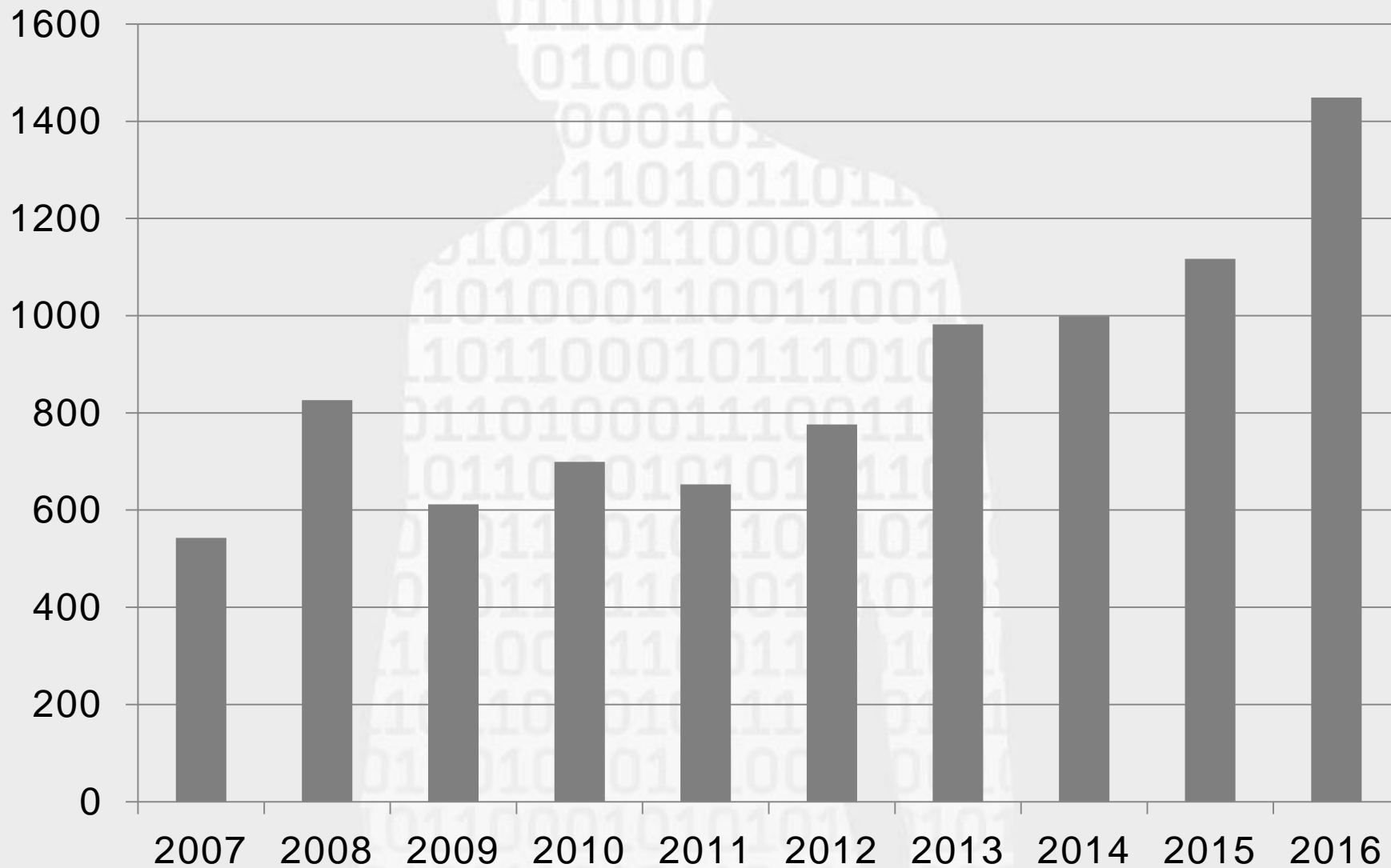
## Motifs (2016)



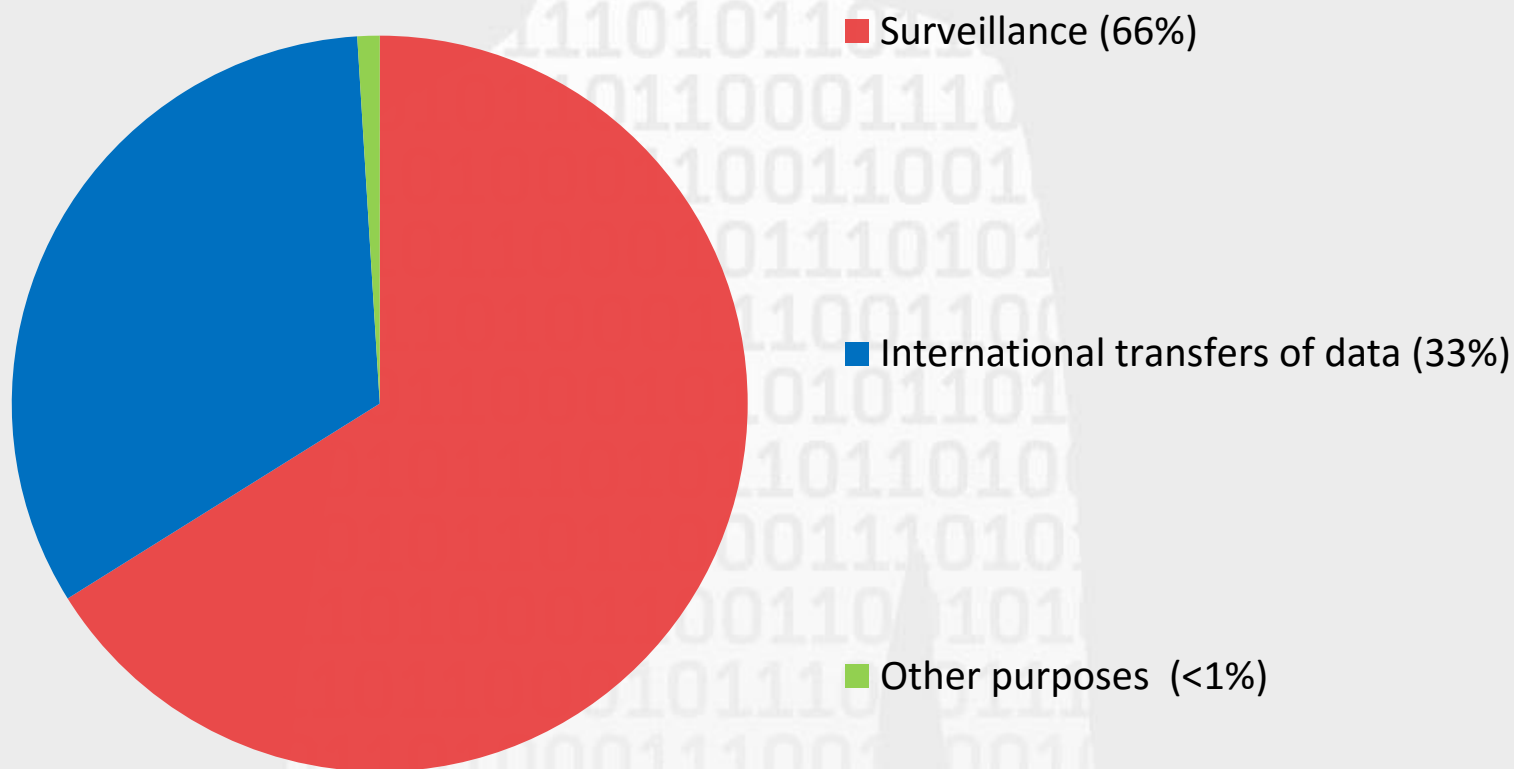
## Increase of written information requests (2016)



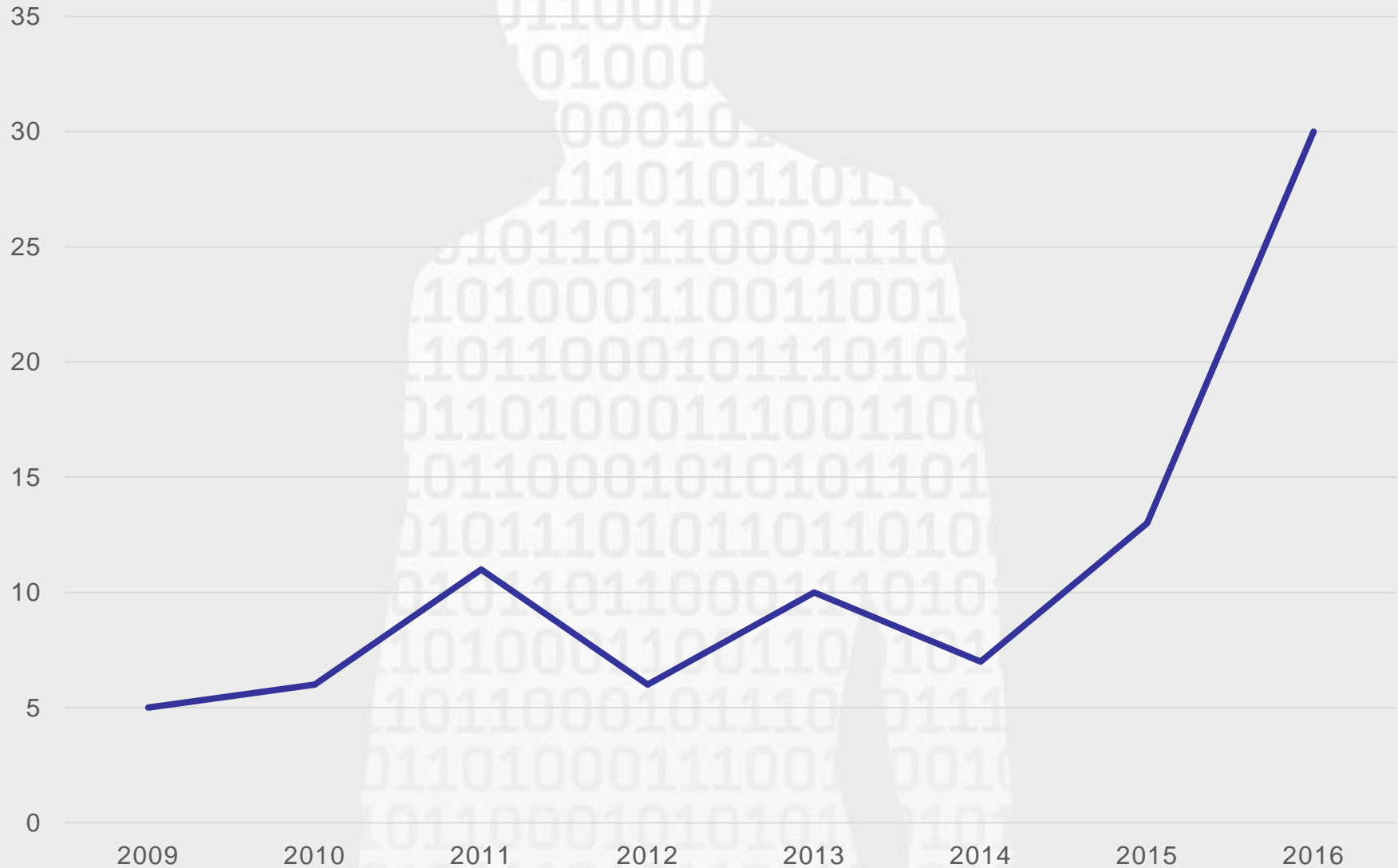
# Increase of authorization requests (2016)



# Authorization requests – Processing operations (2016)



# Increase of legal opinions - 2016



**Thank you for your attention!**

# Commission nationale pour la protection des données



1, avenue du Rock'n'Roll  
L-4361 Esch-sur-Alzette (Belval)  
261060-1  
[www.cnpd.lu](http://www.cnpd.lu)  
[info@cnpd.lu](mailto:info@cnpd.lu)