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**INTERNATIONAL REPORT**

# PRIVACY LAWS & BUSINESS

DATA PROTECTION & PRIVACY INFORMATION WORLDWIDE

## Spain adopts GDPR implementing law

The new law entered into force on 7 December.

**Rafael García del Poyo** of Osborne Clarke reports from Spain.

Spain's Senate approved, on 21 November, the law that complements the GDPR, and the text of the law was published in the Official Gazette on 6 December<sup>1</sup>. The adoption of the law was delayed because, among other reasons, Spain's legislature took the opportunity to add provisions that guarantee

citizens' "digital rights".

In general terms, the law closely follows the GDPR. But as the national law must avoid derogations or overlaps with the GDPR, subsequent interpretation will be made by Spain's DPA, as it is in their practical

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## How Ireland's DP Commission will exercise its powers

This will be a long process as many multinational cases need to go through the EDPB cooperation and consistency mechanism.

By **Helen Dixon**, Ireland's Data Protection Commissioner.<sup>1</sup>

The GDPR has undoubtedly given rise to considerable additional work specific to EU Data Protection Authorities due to new obligations. Ireland's Data Protection Commission (DPC) has

had to introduce a new classification system internally to deal with cases that pertain to cross-border processing entities in order to ensure the cases are appropriately recorded on

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**“ comment ”**

## GDPR still not in force everywhere

The GDPR adaptation laws were delayed both in Finland (p.14) and Spain (p.1) due to national legislative traditions, and ambitions to add extra provisions on digital rights. In Spain, the new law is now in force and Finland's law will follow on 1 January 2019. But there are still some EU Member States that have not yet managed to bring the GDPR's provisions into national law, for example Greece, Portugal and the Czech Republic.

The European Data Protection Board (EDPB) will now increase its work rate by meeting every month for three days and is trying to achieve consistency in GDPR implementation. The Board is now dealing with cross-border cases. Much pressure has landed on Ireland, and the Data Protection Commissioner, Helen Dixon, says that many complaints and cases on systemic issues about tech companies do not need to be led by her office alone, as they apply equally across the EU (p.1). She promises fines, but not yet – the correct procedures takes time.

The EDPB has issued opinions on national lists for Data Protection Impact Assessments. In December it evaluated the European Commission's adequacy opinion on Japan. Japan's adequacy decision is close but not there yet. Korea has decided to amend its laws to facilitate its entry to the club of adequate countries (p.9). Another regional development is the new Asia-Pacific free trade agreements that include strict limits on how legislation can restrict personal data exports or require data localisation (p.22).

In October, Stewart Dresner and I attended the Data Protection Commissioners' International Conference in Brussels. DPAs spent a few days discussing the importance of data ethics (p.26). A valuable message was heard and reported also by national media, at least in the UK, but my impression was that the real work took place behind closed doors and at 31 side events on one afternoon and more on another. We organised a very well attended event on the potential for collective action under the GDPR and will be returning to this theme both on these pages and at our future events.

Laura Linkomies, Editor

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