

PETERKA PARTNERS

THE CEE LAW FIRM

THE DRAFT BULGARIAN DATA PROTECTION LEGISLATION WAS FINALLY SUBMITTED TO THE PARLIAMENT

The long awaited draft law amending the Bulgarian Personal Data Protection Act was finally submitted with the National Assembly yesterday. This new legislative act shall be adopted on the basis of the well-known General Data Protection Regulation (that applies as of 25 May 2018) and it shall also introduce the provisions of Directive (EU) 2016/680. It is expected for the draft to shed more light on issues related to day-to-day data processing carried out by both controllers and processors that are differently handled by the different players and still represent certain legal risks.

Based on our initial review of the draft local law, here are some highlights of the act that we find quite interesting especially compared to the draft that was available for public discussions until 30 May:

- Information covered by professional secrecy or otherwise protected by the law generally cannot be subject to examination by the personal data protection watchdog;
- There won't be a data protection officers ('DPOs') register kept by the Personal Data Protection Commission, but instead a register of controllers and processors that have appointed DPOs shall be created;
- The provision that Bulgarian personal data protection watchdog shall provide training for DPOs is not part of the draft law submitted with the parliament i.e. there won't be such trainings;
- The draft act explicitly states that a data controller/ processor is not entitled to take copies of personal identification documents, including driving licence and residence permit, unless explicitly provided so in the law;
- Recruitment related documents cannot be kept for more than 6 six months unless respective data subject has explicit consented to this. This retention period is appreciably reduced - the previous draft provided for up to 3 years;
- It is provided for that the data processing for anti-money laundering purposes is considered a matter of public interest i.e. this means that this is confirmed to be a lawful ground for data processing.

Now we shall wait for the final draft to be adopted by the parliament. Regretfully, no one (except perhaps for the legislator itself) can say with certainty when this will happen. As some may know, under Bulgarian law the National Assembly adopts legislative acts in two readings where respective draft legislation could be changed/ amended/ supplemented/ developed further between the two readings. According to the Rules of procedure of the National Assembly, generally, the latter shall be in recess from 1 August till 31 August i.e. no legal acts will be adopted during this period.

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