

Netherlands - Law for the protection of personal information

Applicable of 01-07-2017 t / m present

Act of July 6, 2000, containing rules on the protection of personal data (Data Protection Act)

Chapter 1. General Provisions

article 1

In this Act and the provisions based on the following definitions apply:

- a. Personal data:** any information relating to an identified or identifiable natural person;
- b. processing of personal data:** any operation or set of operations involving personal data, including at least the collection, recording, organization, storage, adaptation or alteration, retrieval, consultation, use, disclosure by transmission, dissemination or any other form of posting, assembling, alignment or combination, blocking, erasure or destruction;
- c. file:** each structured set of personal information, whether or not this data is centralized or distributed on a functional or geographical basis, which is accessible, and according to certain criteria relating to different individuals;
- d. responsible:** the natural or legal person or any other person or the governing body that, alone or in conjunction with others, the purpose of and the means of the processing of personal data;
- e. processor:** the person who processes the benefit of the responsible party, without being subjected to direct authority;
- f. person:** the person to whom personal data relates;
- g.** Third, each one, other than the person, the controller, the processor, or any person who is authorized under the direct control of the controller or the processor to process personal data;
- h. Receiver:** Any person to whom the personal data;
- i. consent** means any freely given specific and informed indication of his wishes by which the data subject signifies processed his personal data;
- j. Our Minister:** Our Minister of Security and Justice;
- k. the Data Protection Board or the Board:** the Board referred to in [Article 51](#) ;
- l. Officer:** the Data Protection Officer referred to in [Article 62](#) ;
- m. prior investigation:** an investigation pursuant to [Article 31](#) ;
- n. Providing personal information** the disclosure or making available of personal data;

- o. collection of personal data:** obtaining personal data;
- p. the Framework:** the [Framework independent administrative bodies](#) ;
- q. binding instructions,** the independent charge imposed for an offense;
- r. self burden:** the single load to perform certain actions referred to in [Article 5: 2, second paragraph, of the General Administrative Law Act](#) , to promote compliance with legal requirements.

Article 2

1This law is applicable to the fully or partly automated processing of personal data, as well as the non-automated processing of personal data which have been recorded in a file or are intended to be included therein.

2This Act does not apply to processing of personal data:

- a.**for activities of a purely personal or household activity;
- b.**by or on behalf of the intelligence and security services specified in the [Law on the Intelligence and Security in 2002](#) ;
- c.**for the purposes of the implementation of the police tasks, referred to in the [items 3 and 4, first paragraph, of the Police 2012](#) ;
- d.**which is regulated by or under the [Act basic registration persons](#) ;
- e.**for the purposes of the execution of the [Law judicial and prosecution data](#) , and
- f.**for the purposes of the implementation of the [Electoral](#) .

3This Act does not apply to the processing of personal data by the armed forces if the Minister of Defense so decides in view of the use or disposal of the armed forces to maintain or promote the international legal order. The decision shall be notified as soon as possible done to the College.

Article 3

1This Act shall not apply to the processing of personal data solely for journalistic, artistic or literary purposes, subject to the other provisions of this Chapter and in [Articles 6 to 11](#) , [13 to 15](#) , [25](#) and [49](#) .

2The prohibition on processing personal data referred to in [Article 16](#) process does not apply to the extent necessary for the purposes referred to in the first paragraph.

Article 4

1 This Act applies to the processing of personal data in the context of activities of an establishment of a controller in the Netherlands.

2 This Act applies to the processing of personal data by or on behalf of a manager who has no establishment in the EU, using all automated or who are in the Netherlands, unless they are used only for the throughput of personal data.

3 It is responsible parties referred to in paragraph prohibited personal information unless they designate a person or entity acting on his behalf in the Netherlands under the provisions of this Act. For the purposes of this Act and the provisions based upon it, he is considered responsible.

Article 5

1 If the person is a minor and age has not reached sixteen years, or is placed under guardianship, or on behalf of the person was established a mentoring is replace the consent of his legal representative necessary.

2 A consent can be revoked by the person concerned or his legal representative time.

Chapter 2. Conditions for the lawful processing of personal data

Paragraph 1. The processing of personal data, in general,

Article 6

Personal data shall be in accordance with the law and in a proper and careful manner.

Article 7

Personal data shall be collected for specified, explicit and legitimate purposes.

Article 8

Personal data may be processed only if:

- a.** the data processing has unambiguously given his consent;
- b.** the processing is necessary for the performance of a contract to which the data subject is a party, or for taking steps in response to a request by the data which are necessary for the conclusion of an agreement;

- c.**the processing is necessary for compliance with a legal obligation to which the controller is subject;
- d.**the data processing is necessary in order to protect the vital importance of the data;
- e.**the processing is necessary for the proper performance of a public task by the relevant administrative body or the administrative authority to which the information is provided, or
- f.**the processing is necessary for the protection of the legitimate interests pursued by the controller or by a third party to whom the data are disclosed, unless the interests or fundamental rights and freedoms of the data subject, particularly the right to privacy, prevail.

Article 9

- 1** Personal not be further processed in a way that is inconsistent with the purposes for which they were obtained.
- 2** In determining whether processing is incompatible within the meaning of the first paragraph, the responsible shall in any case take into account:
 - a.**, the relationship between the purpose of the intended processing and the purpose for which the data have been obtained;
 - b.**the nature of the data;
 - c.**the consequences of the intended processing for the data;
 - d.**the manner in which the data have been obtained, and
 - e.**the extent to which there is provided in respect of the data in appropriate safeguards.
- 3** Further processing of data for historical, statistical or scientific purposes shall not be considered incompatible if the controller has made the necessary arrangements to ensure that the further processing is carried out solely for these specific purposes.
- 4** The processing of personal data is omitted as far as confidentiality by virtue of office, profession or statutory regulation stands in the way.

Article 10

- 1** Personal information shall be kept in a form which makes it possible to identify the data, then it is necessary for the realization of the purposes for which they were collected or further processed.

2 Personal data may be kept for longer than provided for in the first part, where they are kept for historical, statistical or scientific purposes, and the controller has made the necessary arrangements to ensure that the data will only be used for these specific purposes.

Article 11

1 Personal data are recognized only to the extent that they, in view of the purposes for which they are collected or further processed, sufficient, relevant and not excessive.

2 The controller shall take the necessary measures to ensure that personal data in view of the purposes for which they were collected or further processed, are correct and accurate.

Article 12

1 Any person acting under the authority of the controller or the processor, as well as the processor itself, provided that they have access to personal data, processes it, only to instructions from the controller, except in differing legal obligations.

2 The persons referred to in the first paragraph, who is not already by virtue of office, profession or legal provision secrecy, are required to maintain the confidentiality of the personal information they hear, except where any statutory regulation obliges them to communicate or their task the need arises to communicate. [Article 272, second paragraph, of the Criminal Code](#) does not apply.

Article 13

The controller implements to protect personal appropriate technical and organizational measures against loss or any form of unlawful processing. These measures ensure, taking into account the state of the art and the cost of implementing a security appropriate to the risks to protect the processing and the nature of data entail. The measures are also aimed at avoiding unnecessary collection and further processing of personal data.

Article 14

1 If the responsible party for his benefit it processed by a processor, he shall ensure that it provides sufficient guarantees in respect of the technical and organizational security measures to carry out processing, and regarding the notification of a security breach referred to in [Article 13](#) , leading to the

significant risk of serious adverse effects or serious adverse consequences for the protection of personal data processed by it. The controller monitors the compliance with those measures.

2, the carrying out of processing is controlled by a processor in an agreement, or pursuant to any other legal act whereby an obligation is created between the processor and the controller.

3 The responsible party shall ensure that the processor:

a.the personal data processed in accordance with [Article 12, first paragraph](#);

b.the obligations incumbent upon the responsible party under [Article 13](#) , and

c.the obligations incumbent upon the responsible regarding the obligation to report a security breach as referred to in [Article 13](#) , leading to the significant risk of serious adverse effects or serious adverse consequences for the protection of personal data by it is processed.

4 If the processor is established in another country of the European Union, it bears the responsibility ensure that the processor complies with the law of that country, notwithstanding paragraph b and c.

5 With a view to keeping proof, the parts of the contract or the legal act relating to data protection, the security referred to in [Article 13](#) , and the obligation to report a breach of security leading to the substantial risk of serious adverse effects or serious adverse consequences for the protection of personal data processed by it, in writing or recorded in any other equivalent form.

Article 15

The manager is responsible for compliance with the obligations referred to in [Articles 6 to 12 and 14, second and fifth paragraphs](#) of this chapter.

Section 2. The processing of sensitive personal data

Article 16

The processing of personal data relating to a person's religion or belief, race, political opinions, health, sexual life, as well as personal data concerning trade union membership is prohibited except as provided in this section. The same applies to criminal data and personal information on unlawful or objectionable conduct in connection with a ban imposed in respect of that behavior.

Article 17

1 The prohibition on processing personal data concerning a person's religion or belief referred to in [Article 16](#) shall not apply where the processing is done by:

- a.** denominations, sub-assemblies thereof, or other spiritual organizations as far as it concerns data of persons belonging thereto;
- b.** Settings on religious or ideological principles, to the extent that given the purpose of the institution is necessary for the achievement of their principles, or
- c.** other institutions to the extent necessary for the spiritual care of the person concerned, unless it has lodged an objection in writing.

2 In the cases referred to in the first paragraph, under a, the ban also does not apply to personal data relating to religion or belief of the family of the person concerned provided that:

- a.** the relevant association with that family members under its objectives and maintains regular contacts
- b.** which family members have raised no objection in writing.

3 In the cases referred to in the first paragraph and any personal data to third parties are provided without consent.

Article 18

The prohibition on processing personal data concerning a person's race as referred to in [Article 16](#) shall not apply where the processing is:

- a.** in order to identify the person concerned and only where this is unavoidable for this purpose;
- b.** with the aim of people of a certain ethnic or cultural minority to grant a privileged position in order actual disadvantages linked to the ground of race to eliminate or reduce, and only if:

- 1** this is necessary for that purpose;
- 2** The data relate only to the birth of the person, of his parents or grandparents, or other criteria specified by law, which can be determined objectively if someone in a minority as defined in the preamble of b belongs, and
- 3** the person concerned has lodged any written objection.

Article 19

1The prohibition on processing personal data concerning a person's political affiliation as provided for in [Article 16](#) shall not apply where the processing is:

a.through political institutions based on their members or employees or other persons belonging to the institution, to the extent necessary in view of the purpose of the institution to achieve its base, or

b.in view of the requirements with regard to political affiliation can be reasonably related to the performance of duties in administrative bodies and advisory boards.

2In the case referred to in the first paragraph, under a, no personal data to third parties are provided without consent.

Article 20

1, the prohibition of personal data relating to process a person's membership in a union as provided for in [Article 16](#) , does not apply if the processing is carried out by the respective union or the Confederation of which the bond is a part, to the extent that, in view of the purpose of the or central union is necessary.

2In the case referred to in paragraph no personal data to third parties are provided without consent.

Article 21

1, the prohibition to process personal information on a person's health as defined in [Article 16](#) , does not apply if the processing is carried out by:

a.social workers, institutions or facilities for health care or social services, provided that the purpose of the proper treatment and care of the person, or the management of the institution or professional practice;

b.insurers as referred to in [Article 1: 1 of the Act on Financial Supervision](#) and financial service brokering insurance as referred to in [Article 1: 1 of the Act](#) , to the extent necessary to:

1 °.the assessment of the individual risk by ensuring the insurer and has not objected; or

2 °.the performance of the contract of insurance;

c.schools as far as the purpose of the special supervision of students or to make special provisions relating to their state of health is required;

d. a rehabilitation institution, a special probation officer, the Council for Child Protection or the certified institution referred to in [Article 1.1 of the juvenile law](#) and the legal entity referred to in [Article 256, paragraph](#) , or [Article 302, second paragraph, of Book 1 of the Civil Code](#) , to the extent necessary for the performance of their statutory functions;

e. Minister to the extent related to the enforcement of custodial or custodial measures is necessary or

f. governing bodies, pension funds, employers or institutions which relatives are working on behalf to the extent necessary:

1 °.the proper execution of regulatory requirements, plans or collective agreements providing for claims that are dependent on the state of health of the person concerned, or

2 °.the rehabilitation or supervision of employees or beneficiaries due to illness or disability.

2In the cases referred to in the first paragraph, the data is processed by persons who by virtue of office, profession or legal provision, or be obliged by a confidentiality agreement. If the responsible data processing personally and has not already by virtue of office, profession or legal provision a duty of confidentiality, it is obliged to maintain the confidentiality of the data, except where the law him notice required or of his duties necessary that the information is communicated to others who are entitled under subsection to processing.

3The prohibition on other personal data referred to in [Article 16](#) to apply, does not apply to the extent necessary in addition to the processing of personal data concerning a person's health as mentioned in the first paragraph, under a, with a view to a proper treatment or care of the person.

4Personal information relating to hereditary traits may only be processed in so far as this processing is carried out with respect to the subject from whom the corresponding data have been obtained unless:

a.prevails a serious medical interest, or

b.the processing is necessary for the purpose of scientific research or statistics.

In the case referred to in b, is [article 23, first paragraph under a, and a second member](#) , mutatis mutandis.

5by general administrative order concerning the application of subsection be b and f modalities.

Article 22

1The prohibition to process criminal data referred to in [Article 16](#) shall not apply where the processing is done by bodies entrusted by law with the application of criminal law, as well as controllers that they have acquired under the [Police Data Act](#) or the [law and judicial prosecution data](#) .

2, the prohibition is not applicable to the controller which this information for their own purposes to:

- a.review of an application by the person concerned to make a decision about him or to him to provide a service or
- b.protection of his interests far as offenses or based on facts and circumstances to be committed expected against them or against persons in his service.

3The processing of this data on staff employed by the controller takes place according to rules established in accordance with the procedure referred to in the [Works Councils Act](#) .

4, the prohibition is not applicable when these data are processed for the benefit of a third party:

- a.by officers acting under a permit under the [Law on private security firms and detective agencies](#) or
- b.if the third party is an entity which is connected in the same group as referred to in [Article 2: 24b of the Civil Code](#) , whether
- c.if suitable specific safeguards are taken and the procedure followed as referred to in [Article 31](#) .

5The prohibition of other personal data referred to in [Article 16](#) process, shall not apply where this is necessary in addition to the processing of criminal data for the purposes for which these data are processed.

6, the prohibition does not apply to the processing of criminal data, and for the purpose of public-groupings of controllers or of groups of controllers if the processing is necessary for the execution of the task of these controllers or groups of persons in charge, and when the embodiment is provided in so ensuring that the privacy of the data subject does not disproportionately.

7, the second to sixth paragraph applies mutatis mutandis to the personal data relating to the prohibition imposed by the right in response to unlawful or objectionable behavior.

8In general administrative regulations may be the appropriate and specific guarantees referred to in subsection c.

Article 23

1 Subject to [Articles 17 to 22](#) , the prohibition on processing personal data referred to in [Article 16](#) , to handle not apply where:

- a.** this is done with the explicit consent of the individual;
- b.** The data have been clearly disclosed by the person concerned;
- c.** this is necessary for the establishment, exercise or defense of legal claims;
- d.** This is necessary to protect the vital interests of the data subject or a third party requesting the explicit consent proves impossible;
- e.** this is necessary to comply with an obligation under international law or
- f.** this is necessary is determined in order to be offered a substantial public interest, adequate safeguards to protect the privacy and this by law or has granted an exemption. The Board may impose restrictions and conditions on the grant of exemption;
- g.** The data are processed by the College of the Ombudsman pursuant to [article 9:17 of the General Administrative Law Act](#) and this is necessary in view of an important public interest, for the performance of their statutory duties assigned and has been executed in such ensure that the privacy of the data subject does not disproportionately.

2 The prohibition on processing personal data referred to in [Article 16](#) process, the purpose of scientific research or statistics does not apply where:

- a.** The investigation is in the public interest,
- b.** the processing for the particular examination or the relevant statistics is required,
- c.** it appears asking permission impossible or involves a disproportionate effort and
- d.** in the embodiment is provided in such a guarantee that the privacy of the person concerned not disproportionately.

3 Processing referred to in subsection f, be notified to the European Commission. Our Minister concerned shall make the notification if the processing is provided for by law. The Board carries out the message if it has waived processing.

Article 24

1 A number that identifies a person is required by law, is in the processing of personal data used only for the purposes of the said law or for purposes stipulated by law.

2In the general administrative measure may be other than be identified in the first paragraph of cases in which a referred thereby to designate number referred to in the first paragraph, may be used. In addition, further rules may be given on the use of such a number.

Chapter 3. Codes of conduct

Article 25

1The organization or organizations that intend to adopt a code of conduct can be explained requests the Board which stated that the rules, given the particular characteristics of the sector or sectors of the society in which these organizations operate, form a proper impact of this Act or other laws regarding the processing of personal data. If a code of conduct provides for resolution of disputes over compliance, the Commission may only issue the certificate if provided safeguards regarding the independence.

2The first paragraph shall apply to amendments or extensions to existing codes of conduct.

3The Board takes the request only in treatment, if it considers the applicant or applicants are sufficiently representative and the sector or sectors concerned in sufficient detail in the code.

4A decision on a request referred to in paragraph shall constitute a decision within the meaning of the [General Administrative Law Act](#). In its preparation [section 3.4 of that Act](#) applies.

5The declaration applies to the period for which the code will however not apply for more than five years after the date the statement was made public. Prompting the declaration of a change of conduct which has already been issued, it will apply for the duration of the earlier statement.

6, the explanation shall be, together with the code to which it relates, placed through the care of the College in the Official Gazette.

Article 26

1By order in council further rules for a particular sector be on in [Articles 6 to 11](#) and [13](#) regular issues.

2The Commission shall indicate in its annual report to what extent it considers application of paragraph is desirable.

3The recommendation for an order in council as referred to in paragraph relating to the [Act Supplementary Provisions processing personal data in healthcare](#) is not made earlier than

four weeks after the draft has been submitted to both Houses of Parliament. If one of the Houses of Parliament decides not to approve the design, there has been no nomination and can not be earlier than six weeks after the decision of the Chamber of Representatives are redesigned to both Houses of Parliament submitted.

Chapter 4. Reporting and prior research

Section 1. Notification

Article 27

1A fully or partly automated processing of personal data, which is intended for the achievement of a purpose or several related purposes, is reported.

2A non-automated processing of personal data, which is intended for the achievement of a purpose or several related purposes, it is reported if it is subjected to a preliminary examination.

3, the controller reports before the processing to be started at the College of the staff member.

Article 28

1The report includes a statement of:

- a.**the name and address of the controller;
- b.**the purpose or purposes of the processing;
- c.**a description of the categories of data subjects and of the data or categories of data relating to them;
- d.**the recipients or categories of recipients to whom the data may be provided;
- e.**proposed transfers of data to countries outside the European Union;
- f.**a general description allowing a preliminary assessment of the adequacy of the proposed measures, the application of [Article 13](#) and [14](#) , to ensure the security of processing.

2The notification shall include the purpose or purposes for which the data or categories of data have been collected.

3A change in the name or address of the person responsible will be notified within a week. Changes in the statement relating to the components b to f of the first paragraph shall be notified in each case within one year after the prior notification provided that they prove to be of more than incidental.

4A processing different from that in accordance with the first paragraph, b to f, has been reported, is recorded and stored for at least three years.

5Further rules may be made pursuant to a Decree on how the report should be made.

Article 29

1can be determined by order in council that while specifying processing of data to which the infringement of the fundamental rights and freedoms of the data subject is unlikely to be exempt from the notification referred to in [Article 27](#) .

2In addition, be established:

- a.**the purposes of the processing,
- b.**the processed data or categories of data processed,
- c.**the categories of data subjects,
- d.**the recipients or categories of recipients to whom the data, and
- e.**the period during which the data are stored.

3case can be determined general administrative order, if necessary for the investigation of criminal offenses in a particular case, thereby indicating processing of data by managers responsible for detection by law, be exempted from the notification. It may be fixed compensatory safeguards for the protection of personal data. The processed data can be used only for the purposes expressly stated in the Order in Council.

4The notification requirement does not apply to public registers set up by law or in kind to an administrative body under a legal obligation.

Article 30

1, both the College and the staff member to keep a register of the data processing notified to them. The register shall contain at least the information specified under [Article 28, first paragraph, under a to e](#) .

2, the registry can be consulted by anyone, free of charge.

3The responsible party shall provide everyone who requests the information referred to in [Article 28, first paragraph, under a to e](#) , on the registration exempt data processing.

4The third paragraph does not apply to:

- a.**a data exempted under [Article 29, paragraph](#) ;
- b.**public records that are set by law.

Section 2. Prior research

Article 31

1The College represents a processing prior to an investigation if the controller:

- a.** is to process a number for identification of persons intending for a purpose other than that for which the number is specifically designed so as to be able to transmit data in connection with data that is processed by another controller, except in the use of the number shall be made for cases as defined in [Article 24](#) ;
- b.** intends to capture data based on the targeted collection of information through their own research without informing the data subject accordingly, or
- c.** is planning to processing for third parties criminal data or data on unlawful or objectionable behavior, except in the cases mentioned in [Article 22, paragraph a and b](#) .

2Paragraph b shall not apply to public registers set up by law.

3The first paragraph, section c, shall not apply to data processing operations already submitted by another responsible for appraising and for which the College a declaration under [article 32, paragraph](#) , issued.

4Law and Order in Council, other data processing which pose a particular risk to be designated for the individual personal rights and freedoms to which the first paragraph applies. The Commission shall indicate in its annual report to what extent it considers desirable such designation.

5The Commission shall notify processing referred to in paragraph c, to the European Commission.

Article 32

1A data which [Article 31, first paragraph](#) , applies, be notified as such by the responsible at the College.

2The reporting of such data requires responsible handling it intends to conduct, suspend until the investigation of the Commission has completed or has received a message that is not proceeding to further investigation.

3In the event of a notification of data to which [Article 31, first paragraph](#) , applies, the Board decides writing within four weeks of the notification or until further investigation.

4The decision to proceed with further investigation gives the Board time limit within which it intends to conduct this investigation. This period shall not exceed twenty weeks.

5The detailed investigation referred to in paragraph leads to a statement of the lawfulness of data.

6The declaration of the College serves as a decision within the meaning of the [General Administrative Law Act](#) . In its preparation [section 3.4 of that Act](#) applies.

Chapter 5. Information to the person concerned and the obligation to report to security breaches of personal data to the College

Article 33

1, if personal data are obtained from the subject, the controller before the moment of obtaining the person concerned shall communicate the information, referred to in the second and third paragraph, except where he is already aware.

2The responsible party shall inform the person concerned and the identity of the processing for which the data are intended, in part.

3, the controller provides further information to the extent that, in view of the nature of the data, the circumstances under which they are obtained or the use which is made thereof, it is necessary to respect of the data to ensure a proper and careful processing.

Article 34

1, if personal information can be obtained in a different manner than as described in [item 33](#) , the data controller shall forward it, as referred to in the second and third paragraphs, unless it is already at the height thereof:

a.at the time of recording of data relating to him or

b.when data are to be disclosed to a third party, by the time of the first delivery.

2The responsible party shall inform his identity and the purposes of the processing co.

3, the controller provides further information to the extent that, in view of the nature of the data, the circumstances under which they are obtained or the use which is made thereof, it is necessary to respect of the data to ensure a proper and careful processing.

4The first paragraph does not apply if the person turns out to possible disclosure of the information or involve a disproportionate effort. In this case, determines the responsible origin of the data.

5The first paragraph does not apply if the recording or disclosure is required by or under the law. In that case, the data controller shall inform at the request of the legal regulation that led to the capture and transmission of data concerning him.

Article 34a

1The responsible College shall immediately inform a security breach as referred to in [Article 13](#) , leading to the significant risk of serious adverse effects or serious adverse consequences for the protection of personal data.

2The charge referred to in the first paragraph shall inform the person concerned without delay of the offense referred to in the first paragraph, if the breach is likely to adversely affect their privacy.

3, the notification to the College and the person concerned, in any case, the nature of the infringement, the instances in which more information about the infringement can be obtained, and the recommended action to reduce the adverse effects of the breach.

4The notification to the Board also include a description of the observed and the probable consequences of the infringement for the processing of personal data and the measures taken by the controller or proposes to take to remedy the consequences.

5The notification to the person concerned is done in such a way that, taking into account the nature of the infringement, the observed and the actual impact on the processing of personal data, the circle of people involved and the costs of enforcement, a proper and careful information is guaranteed.

6The second paragraph shall not apply if the implement appropriate technical protection measures have been making the personal information it is incomprehensible or inaccessible to anyone who is not entitled to notification of data.

7If the manager does not notified to the person concerned, the Board may, if it considers that breach likely adverse consequences for the privacy of the data subject, the responsible desire he still does notice.

8The controller maintains a record of any breach leading to the significant risk of serious adverse effects or serious adverse consequences for the protection of personal data. The list contains at least the facts and information about the nature of the infringement referred to in the third paragraph, and the text of the notification to the person concerned.

9This Article shall not apply if the responsible in his capacity as a provider of a public electronic communications has made a notification referred to in [Article 11.3a, first and second paragraph, of the Telecommunications Act](#) .

10This article, with the exception of paragraph does not apply to the responsible in his capacity as a provider of trust services provided for in Regulation (EU) no. 910/2014 of the European Parliament and the Council of July 23, 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93 / EC (OJ 2014 L 257).

11The second and seventh paragraph shall not apply to financial enterprises as defined in the [Act on Financial Supervision](#) .

12By Order in Council may issue further rules regarding the notification.

Chapter 6. Rights of the data

Article 35

1The data subject has the right freely and at reasonable intervals to the controller to use with the request to inform him or processed personal data concerning him. The controller shall inform the data subject in writing or incorporated his personal data within four weeks.

2, if such data are being processed, the information comprises a full description of these in an intelligible form, a description of the purpose or purposes of the processing, the categories of data to which the processing pertains and the recipients or groups of recipients, and the available information about the origin of the data.

3Before a manager makes a declaration referred to in the first paragraph, which a third is expected to have second thoughts, he suggests that third party the opportunity to express his views if the communication includes data concerning them, unless this proves impossible or a disproportionate effort.

4If requested, the controller does provide information concerning the logic which is the basis of the automatic processing of data relating to them.

Article 36

1The person who, pursuant to [Article 35](#) has been notified of his personal data, the controller may request to correct, amend, delete, or foreclose on if they are factually incorrect, for the

purpose or purposes of the processing incomplete or are not relevant or otherwise processed in violation of a statutory provision. The request contains the changes.

2The controller notifies the applicant within four weeks of receiving the request in writing whether or to what extent he will comply. A refusal is justified.

3, the controller ensures that a decision to improve, supplement, removal or blocking is carried out as soon as possible.

4If the personal data are recorded on a data carrier in which no changes can be made, he will find the amenities necessary to inform the user of the information about the impossibility of correction, addition, deletion or protection despite the fact that there are grounds adjustment of data under this Article.

5The provisions in the first to fourth paragraph does not apply to public records established by law, if a special procedure for the correction, addition, deletion or blocking data contained in that law.

Article 37

1If an important interest of the applicant requires, meets the controller to a request referred to in [Articles 35](#) and [36](#) , other than in written form, which is adapted to that interest.

2The controller ensures a proper determination of the identity of the applicant.

3The request referred to in [Articles 35](#) and [36](#) , be regarding minors who have not attained the age of sixteen years, and done regarding receivership made by their legal representatives. The question shall also be provided to the legal representatives.

Article 38

1The controller who in response to a request under [Article 36](#) has improved personal, supplemented, deleted or blocked, is obliged to third parties to whom the data had been provided before, as soon as possible notify the correction, addition, erasure or blocking unless this proves impossible or involves a disproportionate effort.

2The responsible party shall notify the applicant, referred to in [Article 36](#) , request details of those to whom he made the announcement.

Article 39

1The responsible party may require a notification pursuant to [article 35](#) by or pursuant to an order to establish government reimbursement request which does not exceed € 5.

2The fee is returned if the charge at the request of the person concerned, on the recommendation of the Board or by order of the court for correction, addition, deletion or blocking has passed.

3The amount mentioned in the first paragraph may be changed in special cases, by order in council.

Article 40

1Where data are the subject of processing in accordance with [Article 8, e and f](#) , the person concerned may lodge an appeal with the responsible opposition at all times in connection with his particular personal circumstances.

2The responsible within four weeks after receipt of the objection or the objection is justified. If the objection is justified, it immediately terminates the processing.

3The responsible party may require the handling of a protest a reimbursement request, which may not exceed an amount set by or pursuant to a Decree. The fee is returned if the opposition is found justified.

4This Article shall not apply to public registers set up by law.

Article 41

1Where data are processed in connection with the creation or maintenance of a direct relationship between the responsible party or a third party and the person with a view to recruitment for commercial or charitable purposes, the person concerned against the responsible at any time free of charge they maintained .

2In case of objection, the responsible measures to terminate this form of processing immediately. The manager does to the individual request within four weeks stating the measures taken. If the notification can not be made within four weeks, the controller shall not later than four weeks after the date of receipt of the request within the time limit may be made or the notice.

3The controller who processes personal data for the purposes referred to in paragraph shall take appropriate measures concerned to disclose the potential to make a protest.

4, the controller who personal data processed for the purpose referred to in the first paragraph, will ensure that if for this purpose a message is sent directly to the person concerned, this is thereby in each case referred to the possibility to make resistance.

Article 42

1 No one shall be subjected to a decision which produces legal effects concerning him or take him to a substantial degree, if that decision is taken only on the basis of automated processing of personal data intended to get a picture of certain aspects of his personality.

2 The first paragraph does not apply if the decision referred to there:

a. is taken in the course of entering, or execution of an agreement, and

1 °. at the request of the data subject or

2 °. appropriate measures are taken to protect their legitimate interests; or

b. are based on a law in which measures have been defined which are designed to protect the legitimate interest of the data.

3 A suitable measure referred to in the second paragraph, under a, is taken where the person concerned is given the opportunity on the decisions as referred to in the first paragraph, to put forward his point of view.

4 In the case referred to in the second paragraph, the controller shall inform the person concerned with the logic which is the basis for the automatic processing of data relating to them.

Chapter 7. Exceptions and limitations

Article 43

The controller may be the [articles 9, first paragraph](#) , [30, third paragraph](#) , [33](#) , [34](#) , [34a](#), the [second member](#) , and [35](#) refrain from applying to the extent that this is necessary in the interests of:

a. the security of the state;

b. the prevention, detection and prosecution of criminal offenses;

c. important economic and financial interests of the state and other public bodies;

d. monitoring compliance with legal requirements laid down for the interests mentioned in b and c, or

e. protecting the data subject or the rights and freedoms of others.

Article 44

1 If processing is carried out by institutions or services for scientific research or statistics, and the necessary measures have been taken to ensure that personal data can only be used for statistical and scientific purposes, the controller can be a communication pursuant to [Article 34](#) drop and refuse a request under [Article 35](#) to comply.

2, if a processing is carried out of personal data which are part of records which, under the [articles 12](#) or [13 of the 1995 Archives](#) be transferred to an archive, the controller may be a communication in accordance with [Article 34](#) omitted.

Chapter 8. Legal

Article 45

A decision on an application referred to in [Article 30, paragraph](#) , [35](#) , [36](#) and [38, second paragraph](#) , and a decision following the entry of opposition referred to in [Articles 40](#) or [41](#) apply to the extent that it was taken by a as an administrative decision within the meaning of the [General administrative law Act](#) .

Article 46

1 If a decision as referred to in [Article 45](#) is taken by a person other than an administrative body, the party concerned may apply to the court by recommending the written request, the manager still an application referred to in [Article 30, paragraph](#) , [35](#) , [36](#) or [38, second paragraph](#) , to assign or off, or a resistance as referred to in the [articles 40](#) or [41](#) whether or not to honor.

2 The application must be submitted within six weeks of receiving the response from the controller. If the controller does not respond within the prescribed period, the application must be submitted within six weeks after the end of that period.

3 The court assigns the request to the extent it considers it justified. Before the court decides, it shall, if necessary stakeholders the opportunity to express their views.

4 The submission of the application need not be by a lawyer.

5 The third division of the fifth title of the Second Book of the Code of Civil Procedure shall apply mutatis mutandis.

6The court may submit requests parties and others within a period to be determined by giving written information and documents in their possession. The responsible party and are required to comply with this request. [Article 8:45, second and third paragraphs](#) , and [8:29 of the General Administrative Law Act](#) shall apply mutatis mutandis.

Article 47

1The party may also within the period for appeal under the [General Administrative Law Act](#) , or those referred to in [Article 46, second paragraph](#) , to the College pretending to mediate with the request or advise in his dispute with the controller, or use of a dispute settlement regime under a code of conduct for which a certificate has been issued as referred to in [Article 25, first paragraph](#) . In that case, notwithstanding [section 6: 7 of the General Administrative Law Act](#) the action be brought, or the procedure under [Article 46](#) be brought after the party of the College of following a dispute settlement regime under a code of conduct for which a certificate has been issued as referred to in [Article 25, first paragraph](#) , has been notified that the proceedings are completed, but no later than six weeks after that date.

2During the hearing of the appeal and the procedure referred to in the first paragraph, the authorities may in charge of the handling of the dispute, seek the advice of the Board.

Article 48

The bodies responsible for handling the dispute, send a copy of their statement to the Board.

Article 49

1If someone suffers harm as compared to him is breached the rules by or under this Act, the following paragraphs shall apply without prejudice to the claims of other legal rules.

2For drawback which does not exist in terms of power loss, the injured party has the right to a to establish fairness compensation.

3The responsible party is liable for damage or loss resulting from the non-fulfillment of conditions mentioned in the first paragraph. The processor is responsible for such damage, or that disadvantage, to the extent caused by its efficacy.

4The controller or the processor may be wholly or partially exempt from liability if he proves that the damage can not be attributed to him.

Article 50

1If the controller or the processor acts contrary to the provisions of or and another suffers damage under this Act or threaten to cause, the court may forbid him to claim that this such behavior and take him recommending measures to restore the consequences of that behavior.

2Processing may not form the basis for a claim of a legal person referred to in [Article 1: 2, third paragraph of the General Administrative Law Act](#) or [Section 3: 305 of the Civil Code](#) , if the person affected by this processing , object thereto.

Chapter 9. Monitoring

Section 1. The Data Protection Commission

Article 51

1A Protection Board whose task is to oversee the processing of personal data given in accordance with and under the law. It also holds the Board monitor the processing of personal data in the Netherlands, where processing takes place under the law of another country of the European Union.

2The Board is consulted on Bills and draft orders in council wholly or largely related to the processing of personal data.

3The [Framework](#) applies to the Board, subject to the exceptions listed in this law.

4The Board indicated in society as: personal authority.

Article 51a

1The Board is authorized, in the interest of efficient and effective supervision to the processing of personal meetings with other supervisors and purpose together with the regulators cooperation protocols to determine. A cooperation protocol will be published in the Government Gazette.

2The Board and supervisors referred to in the first paragraph, are authorized on its own initiative and shall be obliged to provide each other information concerning the processing of personal data necessary for the performance of their duties.

Article 52

1The Board, moreover, carry out the duties to him by law or assigned to it under treaty.

2The Board performs its duties independently.

Article 53

1The Board consists of a chairman and not more than two other members. The College may also associate members are appointed. In appointing members extraordinary efforts shall be made on the various sectors of society.

2The President shall meet by or pursuant to [Article 5 of the Law legal judicial officials](#) prescribed requirements for appointment as a judge in a court.

3The Chairman, the other members and associate members are by royal decree on the recommendation of the Minister, appointed for a period of five years. Members may be reappointed once for a period of five years. At his own request, they are dismissed by the Minister. [Article 12 of the Framework Act](#) does not apply.

4There is an advisory board to advise the Commission on general aspects of the protection of personal data. The members are drawn from the various sectors of society and are appointed by the Minister on the recommendation of the Board. Members are appointed for up to four years. May be reappointed twice and each of up to four years. With or adopted pursuant to Order in Council, the reimbursement of expenses to members.

Article 54

The [items 46c , 46d, second paragraph , 46f , 46g , 46i, with the exception of the first member, part c , 46j , 46l, the first and third member , 46m , 46n , 46o and 46p of the legal Wet court officials](#) are correspondingly application, with the proviso that:

a.the disciplinary measure referred to in [Article 46c, the first paragraph](#) in respect of the members of the Board shall be imposed by the Chairman of the Board;

b.in [Article 46c, subsection b](#) , listed ban in a meeting or conversation to engage with the parties or their lawyers or agents or any special information or written piece of them do not take the members of the Executive is applicable.

[Article 12, second paragraph of the Framework Act](#) does not apply.

Article 55

The legal status of the Chairman, the other members and associate members is regulated by ministerial order.

Article 56

1The Board has a secretariat whose officials by the Minister, on the recommendation of the chairman, are appointed, suspended and dismissed.

2The President shall direct the work of the Board and the Secretariat.

3The Board shall adopt rules of procedure. This includes at least rules on financial management and accounting system, as well as methods and procedures with a view to a proper and careful performance of the various tasks. In addition, there is provided safeguards against mixing of the supervisory, advisory and enforcement function of the College. It can also provide further control of the Advisory Board referred to in [Article 53 paragraph](#) .

Article 57

1The Board is represented by the Chairman and the other members or by one of them.

2Members establish a division of tasks and then as far as possible involve the special members.

Article 58

The report referred to in [Article 18 of the Framework Act](#) , shall be transmitted to the data protection officials, referred to in [Article 62](#) , and made generally available.

Article 59

[Article 20 of the Framework Act](#) does not apply if the Board has obtained under the condition that the secrecy it maintains the information of third parties.

Article 59a

1, the [articles 21 and 22 of the Framework](#) are not apply in the College.

2 [Article 23 of the Framework Act](#) will only apply in respect of the financial management and accounting system implemented by the Board.

Article 60

1 The Board of its own motion or at the request of an interested investigate how regarding application data is given to the provisions of or pursuant to the law.

2 The Commission shall present its preliminary findings to the manager or group of managers involved in the research involved and allows them the opportunity to give their views. Maintain the provisional findings relating to the implementation of any law, the Board also takes this to the attention of Our Minister concerned.

3 In case of an investigation initiated at the request of an interested party, the Board does this statement of his findings, unless such communication is incompatible with the purpose of the data or the nature of the personal data or important interests of persons other than the applicant, including the responsible, this would be disproportionately harmed. If omit disclosure of its findings, it sends the party such information as it deems appropriate.

Article 61

1 With the supervision of compliance as referred to in [Article 51, paragraph](#) trusted the members and associate members of the College, the officials of the secretariat of the Board and the persons appointed by decision of the Board.

2 The persons referred to in the first paragraph are authorized to enter a dwelling without the consent of the occupant.

3 The persons referred to in paragraph requiring the exercise of the powers specified in subsection express and specific mandate from the Board, without prejudice to [Article 2 of the General Act on Entry into](#) .

4 The Commission is authorized to impose an order for administrative measures of [Article 5:20, first paragraph, of the General Administrative Law Act](#) , as far as the obligation to provide assistance to at or under paragraph designated official .

5 No action may be required on a confidentiality obligation, where information or assistance in connection with its own involvement in the processing of personal data.

6The Board shall be obliged to the supervisory authorities of the other Member States of the European Union to cooperate to the extent necessary for the performance of their duties.

Section 2. The data protection official

Article 62

A manager or an organization where leaders are members may appoint its own data protection official, without prejudice to the powers of the Commission under [section 9](#) and [10](#) of this Act.

Article 63

1If staff may only be appointed a natural person who has sufficient knowledge for the performance of its task and can be deemed sufficiently reliable.

2The Commissioner may regard the performance of his duties no instruction from the controller or by the organization which appointed him. He does not suffer from the performance of its duties. The controller allows the officer the opportunity his job properly perform. The agent may request to determine the sub-district which is to give the person in charge due to what is provided in the second sentence.

3The first official performs his duties after the responsible party or organization which appointed them has registered them with the Commission. The College maintains a list of registered officers.

4The official is obliged to keep to them in connection with a complaint or a request from data subjects, unless the person consents to disclosure.

Article 64

1The officer monitors the processing of personal data in accordance with and pursuant to the Act. The monitoring extends to the processing of personal data by the responsible party who appointed him or by the managers who are members of the organization which appointed him.

2If the processing pursuant [to Article 25](#) is adopted code of conduct, monitoring is also made into compliance with this code.

3The responsible party or organization referred to in the first paragraph shall ensure that the officer to fulfill his duties powers equivalent to the powers as provided in [Administrative Title 5.2 of the Act](#) .

4The Commissioner may make recommendations to the responsible party to better protection of the data processed. In cases of doubt, he shall consult the College.

Chapter 10. Penalties

Section 1. Administrative coercion

Article 65

The Board is authorized to impose an order for administrative measures of the obligations imposed by or under this Act.

Section 2. Administrative fines

Article 66

1The Board may impose an administrative fine not exceeding the amount of the fine of the fourth category of [Article 23, paragraph of the Criminal Code](#) in respect of breach of the provisions of or pursuant to [Article 4, paragraph](#) , or [78, second paragraph, heading and under a](#) .

2The Board may impose an administrative fine not exceeding the amount of the fine sixth category of [Article 23, paragraph of the Criminal Code](#) in respect of breach of the provisions in or under [Articles 6 to 8 , 9, first and fourth paragraph, 10, first paragraph , 11 to 13 , 16 , 24 , 33 , 34, first, second and third paragraph , 34a , 35, first paragraph, second sentence, second, third and fourth member , 36, the second, third, and fourth member , 38 to 40, second and third member, 41, second and third paragraphs , 42, first and fourth paragraphs , 76 , 77 or 78, third and fourth paragraph](#) , and of [Administrative Section 5:20 of the General Act](#) . Article 23, paragraph, of the Code of Criminal Law applies, mutatis mutandis.

3The College does not impose an administrative fine for violation of the provisions under or pursuant to the [Article 66, paragraph](#) mentioned items, after it has given a binding instruction. The Board, the offender may set a deadline for the designation must be followed.

4The third paragraph does not apply if the infringement was committed intentionally or was the result of serious negligence on his part.

5The Board may impose an administrative fine not exceeding the amount of the fine sixth category of [Article 23, paragraph, of the Penal Code](#) in the case of non-compliance with a binding instruction. Article 23, paragraph, of the Code of Criminal Law applies, mutatis mutandis.

Article 67

The College will consult prior to the adoption of a policy regarding the interpretation of the provisions in or pursuant to in [Article 66, second paragraph](#) , those articles with the Minister and the Minister of the Interior and Kingdom Relations.

Article 68 [repealed on 01-07-2009]

Article 69 [repealed on 01-07-2009]

Article 70 [repealed on 01-07-2009]

Article 71

The operation of the decision is suspended until the imposition of the administrative fine until the objections or action period has expired, or if an objection is made, respectively, action is set, a decision on the object, respectively, the appeal.

Article 72 [repealed on 01-07-2009]

Article 73 [repealed on 01-07-2009]

Article 74 [repealed on 01-01-2014]

Section 3. Penalties

Article 75

1The controller who acts contrary to that which by or pursuant to [Article 4, paragraph](#) , or [78, second paragraph](#) , it shall be punished with a fine of the third category.

2The responsible which an offense referred to in subsection commits intentionally, shall be punished with imprisonment not exceeding six months or a fine of the fourth category.

3The offenses referred to in the first paragraph are violations. The offenses referred to in the second paragraph are crimes.

4With the detection of the offenses described in this article, except by or pursuant to [Article 141 of the Code of Criminal](#) officials designated by Our purpose entrusted the Minister designated officials of the Secretariat of the College.

Chapter 11. Data exchange with countries outside the European Union

Article 76

1Personal data undergoing processing or are intended to ensure an adequate level of protection that country for processing after their transfer, only to land transferred outside the European Union if, subject to compliance with the law.

2Contrary to personal data, the first paragraph which are undergoing processing or are intended for processing after their transfer to a country be transferred outside the European Union, if that country is a party to the concluded in Oporto on May 2, 1992 Agreement on the European Economic Area (Trb. 1992, 132), unless it results from a decision of the Commission of the European Communities or the Council of the European Union that the transfer is limited or prohibited.

3The adequacy of the protection shall take account of the circumstances which affect the data transfer operation or a data transfers. In particular, taking into account the nature of the data, the purpose or purposes and duration of the proposed processing operation or operations, the country of origin and country of final destination, the general and sectoral rules of law in the third country funds and the rules of working life and security measures which are complied with in those countries.

Article 77

1Notwithstanding [Article 76](#) , a transfer or a set of transfers of personal data to a third country which does not ensure adequate protection, place if:

- a.the data subject has unambiguously given his consent;
- b.the transfer is necessary for the performance of a contract between the data subject and the controller or for taking steps in response to a request by the data which are necessary for the conclusion of an agreement;
- c.the transfer is necessary for the closure or performance of a in the interest of the data between the controller and a third closed or agreement to close it;

- d.**the transfer is necessary on important public interest grounds, or for the establishment, exercise or defense in law of any right;
- e.**the transfer is necessary to protect the vital interests of the data subject, or
- f.**the transfer is made from a register established by law and by any person or by any person who may rely, may be accessed on a legitimate interest, to the extent that in the particular case met the legal requirements for consultation;
- g.**using a standard contract referred to in Article 26, paragraph, of Directive no. 95/46 / EC of the European Parliament and of the Council of the European Union on October 24, 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data (OJ L 281).

2Notwithstanding the first paragraph, Our Minister, having heard the Board, issue a permit for a transfer or a set of transfers of personal data to a third country which does not ensure an adequate level of protection. To permit the detailed rules connected needed to ensure the protection of the privacy and fundamental rights and freedoms of individuals, and the exercise of the related rights.

Article 78

1Minister says the European Communities, the Commission of:

- a.**Where, in his opinion, a third country does not ensure an adequate level of protection within the meaning of [Article 76, first paragraph](#) , and
- b.**authorization referred to in [Article 77, second paragraph](#) .

2If this follows from a decision of the Commission of the European Communities or the Council of the European Union, the Minister of Justice, by ministerial order or decision:

- a.**The transfer is forbidden to a country outside the European Union or,
- b.**by virtue of [Article 77, second paragraph](#) , granted authorization shall be withdrawn or modified.

3to a third country, which has determined that ensure an adequate level of protection may, without prejudice to the other passed certain personal data or under this Act, the Commission of the European Communities or the Council of the European Union.

4Notwithstanding paragraph transfers of personal data to a third country which the Commission of the European Communities or the Council of the European Union has determined that it offers ensures an adequate level of protection by the Minister of Justice by

ministerial regulation or to decide, after hearing the Board be suspended in order to protect people in the processing of personal data in cases where:

a. a competent authority has entered the third country to the conclusion that the respective recipient is in breach of the applicable standards of protection;

b. it is very likely that not met the standards of protection, there are reasonable grounds for believing that the competent authority fails to take appropriate measures in the third country or will take to settle the case at issue, the continuation of the transfer would create an imminent risk of grave harm to the data subject and the Board has made sufficient efforts to inform the controller established in the third country of his findings and respond commanded him on that occasion findings.

5The ministerial regulation, respectively the decision referred to in the fourth paragraph, shall remain in force until it is established that the requirements laid and the College for data standards it has been notified by the relevant competent authority, in a case referred to in paragraph , under a, or the Executive this adopted in a case as referred to in paragraph b. The Commission shall present its findings to the Minister of Justice.

6The notifications referred to in the first paragraph, under a and b, to be published in the Government Gazette.

Chapter 12. Transitional and Final Provisions

Article 79

1Within one year of data processing are already taking place at the time of entry into force of this Act, brought into conformity with this law and are reported as referred to in [Article 27](#) at the College of the officer. By Order in Council may extend the period referred to in the first sentence be extended up to three years in respect of the obligation to report.

2For adjusting the processing of special data to [paragraph 2 of Chapter 2](#) , a period of three years, provided that processing operations already took place and necessary established for the execution of agreements for the entry into force of this Act need not again consent to be sought pursuant to [Article 23, first paragraph, under a](#) .

3[Article 32, second paragraph](#) , does not apply to the processing referred to in [Article 31](#) , first and third paragraph, that took place at the time of enactment of the law, respectively, of the law or governmental decree which they are designated.

Article 80

Our Ministers of Justice and of the Interior and Kingdom Relations shall within five years after the entry into force of this Act to the States General a report on the effectiveness and impact of this law in practice.

Article 81

The Data Protection Act is repealed.

Article 82

This Act shall come into force on a date to be determined by Royal Decree.

Article 83

This Act may be cited as the Data Protection Act.

And ordain that this be published in the Official Gazette and that all ministries, authorities, boards and officials whom it may concern shall diligently implement the hand.

Done at The Hague, July 6, 2000

Beatrix

The Minister of Justice,

A. H. Korthals

The Minister for Urban Policy and Integration,

R. H. L. M. van Boxtel

Published on the twentieth July 2000

The Minister of Justice,

A. H. Korthals

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