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...or the Reed Smith lawyer with whom you regularly work.

Four months until the GDPR: Which EU countries have already implemented local GDPR laws? Is there anything relevant in these laws?

At a Glance...

The GDPR will eventually be in effect on May 25, 2018. The GDPR will mostly harmonize data protection law throughout the EU. However, the law will not be harmonized completely as the GDPR comprises more than 70 opening clauses leaving room for the EU Member States' legislators to implement (stricter, less strict, or more detailed) rules. To help clients identify specifics for all Member States at one glance, Reed Smith, in cooperation with partner law firms from every EU Member State, has been compiling an overview of local GDPR implementations on various aspects of the GDPR.

In the linked chart, you will find – listed by EU Member State – the current status of each Member State's local GDPR laws, links to drafts, and a couple of highlights from each Member State.

The GDPR's opening clauses

January 28 is International Data Privacy Day. The purpose of the day is to raise awareness and promote privacy and data protection best practices. Although the EU General Data Protection Regulation (GDPR) is omnipresent when it comes to data protection at the moment, we take the opportunity of this particular day to highlight one of the GDPR's issues: the opening clauses.

The GDPR intends to strengthen and unify data protection law within the EU. However, the hoped for harmonization of laws will not be achieved completely as a certain level of complexity will remain because of the so-called opening clauses. These clauses permit Member States to modify the provisions of the Article relating to the opening clause in question, thereby implementing

stricter local rules than set out in the Article. The GDPR comprises more than 70 opening clauses and therefore many and varied local specifics have to be observed with regard to European data protection laws.

The opening clauses cover a wide variety of aspects relating to data protection. For example, Member States may implement local rules on important issues, such as the requirements for the designation of a data protection officer, the age of consent of children, data protection in the context of employment, and data breach notification obligations.

So far, only Germany has passed an Act to implement the GDPR, making use of the opening clauses. Many other countries have already published draft Bills, but with barely four more months to go, considerable uncertainty remains about preparations throughout the EU.

Reed Smith's present for you

To help you and your organization obtain information on local specifics and to prepare accordingly, Reed Smith, in cooperation with partner law firms from all 28 Member States, has compiled an overview of the current status in each country and the (planned) utilization of the opening clauses. The chart shows the status of legislation in the EU Member States and is updated regularly. Over time, additional aspects covered by the opening clauses will be added, providing further information on the most important local specifics in each EU Member State.

We, Reed Smith, and all our partner law firms are happy to help you and your organizations with questions relating to the GDPR and local implementation. Contact details for every jurisdiction are listed in [this full chart](#).

Member State	Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision	Information status
Austria	Bill Data Protection Amendment Act 2018	Nov-17
Belgium	Bill in draft (but not published yet)	Nov-17
Bulgaria	No draft yet.	Jul-17
Croatia	No draft yet.	Nov-17
Cyprus	1st draft bill prepared by Cyprus DPA. Still under consideration and review. Not published	Nov-17
Czech Republic	Draft government bill not yet in the Parliament	Nov-17
Denmark	No draft yet.	Jul-17

Member State	Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision	Information status
Estonia	The Ministry of Justice has drafted a conceptual paper on the new legal framework for the protection personal data. Currently the paper is subject to intra-governmental coordination. At the moment no draft law has been published yet.	Jul-17
Finland	<u>Draft bill</u>	Jan-18
France	France has <u>adopted a draft law</u> on December 13, 2017 which will be examined by the French Parliament under the fast-track procedure for the adoption of the law.	Jan-18
Germany	<u>Law</u>	Nov-17
Greece	Regulation will be automatically applicable- No information on adjustments laws in Greece	Nov-17
Hungary	Proposed wording of the draft bill has already been published on the website of the government of Hungary.	Nov-17
Ireland	<u>General Scheme of Bill</u> published on 12 May 2017 (this is an outline of the proposed Bill). The draft Bill is scheduled to be published before the end of 2017.	Nov-17
Italy	No draft yet. General Guidelines on GDPR / NA Guidelines available here.	Jul-17
Latvia	A <u>draft law</u> , prepared by the Ministry of Justice and named "Personal Data Processing Law", has been introduced at the Meeting of State Secretaries. This is the first of legislative stages - the draft law will have to be reviewed by the Cabinet of Ministers and approved in 3 Parliament hearings.	Nov-17

Member State	Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision	Information status
Lithuania	The Ministry of Justice of the Republic of Lithuania has prepared and submitted the <u>draft of the Law on Legal Protection of Personal Data</u> for the relevant institutions and public consideration. The draft of the local law follows GDPR requirements closely.	Nov-17
Luxembourg	"A <u>draft bill</u> (n° 7184, hereafter the "Draft Bill") for the implementation of the GDPR has been published on 12 September 2017. Please note that this is only a draft bill, which may likely be amended over the different stages of the legislative process."	Jan-18
Malta	Draft at an advanced stage - soon to be concluded.	Nov-17
Netherlands	The <u>GDPR Implementation Bill</u> (Uitvoeringswet Algemene verordening gegevensbescherming, Bill) was presented to the Parliament on 13 December 2017. The Bill needs to be decided upon by the Second Chamber followed by the Upper Chamber.	Jan-18
Poland	<u>Draft bills:</u> (i) (a) Personal Data Protection Act (PL – Ustawa o ochronie danych osobowych) and (ii) (b) Act – Provisions Implementing the Personal Data Protection Act (PL – Ustawa – Przepisy wprowadzaj ce ustaw o ochronie danych osobowych)	Nov-17
Portugal	No draft yet.	Jul-17
Romania	No draft yet.	Jan-18
Slovakia	<u>Draft bill</u> in Parliament (after 1st reading)	Nov-17
Slovenia	Currently we have a draft of the new Personal Data Protection Act ("ZVOP-2")	Nov-17

Member State	Current status of the local GDPR adjustment laws -> Law, bill, no draft yet / link to existing provision	Information status
Spain	<u>Bill</u>	Jul-17
Sweden	No draft yet (On 12 May 2017, the Swedish government presented SOU 2017:39 - an official report to propose a new national regulation that supplements the GDPR on a general level (the "Report").) Update 2017-10-17: The report is still under evaluation and referral.	Nov-17
United Kingdom	<u>Draft Bill</u> published on 14 September 2016. Bill is currently in the House of Lords.	Oct-17

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