

NATIONAL DATA PROTECTION COMMISSION

OPINION/2020/64

I. Order

The Committee on Constitutional Affairs, Rights, Freedoms and Guarantees asked the National Data Protection Commission (CNPd) to issue an opinion on Bill No. 358/XIV/1.a (PEV), on support for victims of domestic violence in a time of pandemic.

The request made and the opinion issued now derive from the attributions and powers of the CNPD, as the national authority for controlling the processing of personal data, conferred by subparagraph c) of paragraph 1 of article 57 and paragraph 4 of article 36 . of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 (General Regulation on Data Protection - RGPD), in conjunction with the provisions of article 3, no. 2 of article 4 and in point a) of paragraph 1 of article 6, all of Law n.º 58/2019, of 8 August. The assessment of the CNPD is limited to the rules that provide for or regulate the processing of personal data.

II. appreciation

The Bill under consideration promotes the approval of support for victims of domestic violence during a pandemic, through the creation of a subsidy for the inclusion of victims of violence, with a view to guaranteeing their autonomy and full integration, when, for reasons of security, have to leave their residence and are demonstrably in a situation of financial need.

Provided as an exceptional and temporary measure, the inclusion allowance is awarded up to three months after the cessation of measures for the prevention, containment, mitigation and treatment of epidemiological infection by SARS-COV-2.

The Bill provides for the Government to define the amount of the subsidy to be allocated by the public Social Security system, having as a reference the Social Support Index, and shall regulate the allocation of inclusion subsidy to victims of violence, within 15 days.

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As it stands, the bill does not prescribe the processing of personal data, which are sent to the later phase of regulation by the Government, when the allocation of the subsidy is established according to criteria established regarding the situation of economic need.

Such regulation is subject to the current personal data protection regime and, therefore, must be the subject of a prior pronouncement by the CNPD, and the sensitive nature of such treatment should be highlighted, due to the stigmatizing and risky context associated with it, therefore, there is a need to ensure that all the principles of protection of personal data are respected, in particular the principle of data minimization, the principle of limitation of retention and the principle of confidentiality (cf. Article 5 of the GDPR).

There is nothing more to say about the Bill under consideration.

Approved at the plenary meeting of June 8, 2020.

Filipa Calvão (President)