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» Practice » Opinions of the CPLD for 2022□

» Opinion of the CPLD on the Draft Law amending and supplementing the Law on Roads 47-254-01-65 of 10.06.2022 Opinion□

OPINION□

ON□

COMMISSION FOR THE PROTECTION OF PERSONAL DATA□

Reg. No. PNMD-01-75/2022□

Sofia, 01.08.2022□

REGARDING: Bill to amend and supplement the Law on Roads 47-254-01-65 dated 10.06.2022.□

The Commission for the Protection of Personal Data (CPDP), composed of Chairman: Ventsislav Karadzhov and members: Mar□

Article 10, para. 2, sentence one is amended as follows:□

"In the case of established traffic on the paid road network, when the relevant fee under para. has not been paid for the relevant□

On the occasion of the thus proposed revision of the provision, the ombudsman asks for an opinion on the following issues:□

1. "Do e-mail and mobile number constitute personal data within the meaning of § 1, item 1 of the Additional Provisions of the Pe□

2. Should there be express text in the Roads Act requiring drivers of vehicles when purchasing a vignette to provide their e-mail□

Legal analysis:□

According to the legal definition in Art. 4, item 1 of Regulation (EU) 2016/679 (General Data Protection Regulation, GDPR) "pers□

As can be seen from the legal definition, there are no specific and comprehensive lists that define which categories of data are p□

• name;□

• address;□

• email address, such as name.lastname@xxx.com;□

• identity document number;□

• location data (eg the location data function of a mobile phone);□

• Internet Protocol (IP) address;□

• cookie identification number;□

• phone number, etc.□

The GDPR protects personal data regardless of the technology used to process it – it is "technology neutral" and applies to both

In this sense, it can be reasonably concluded that e-mail and mobile number generally fall within the scope of the concept of per

As a general rule, the processing of personal data should be carried out in compliance with the basic principles declared in Art. 5

Put in this way, the second question is related to the expediency of processing personal data, and it cannot be defined by the su

It should be noted that even at the moment, for the purchase of an electronic vignette through the specialized portal, it is require

For the sake of completeness of the statement, in the proposed amendment, the replacement of administrative criminal liability v

For these reasons and on the basis of Art. 58, par. 3, b. "b" of Regulation (EU) 2016/679 in conjunction with Art. 10a, para. 1 of t

OPINION: ☐

1. E-mail and mobile number generally fall within the scope of the concept of personal data, as they can be used to directly or in

2. The assessment of expediency, necessity and proportionality of the processing of e-mail and mobile number should be carri

3. Legislation should create clear legal grounds for processing personal data, taking into account the principles proclaimed in Ar

CHAIRMAN: ☐

MEMBERS: ☐

Vencislav Karadjov /p/ ☐

Maria Mateva /p/ ☐

Veselin Tselkov /p/ ☐

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