

NATIONAL DATA PROTECTION COMMISSION

OPINION/2019/37

I. Order

The Office of the Deputy Minister and Economy sent to the National Data Protection Commission (CNPd), for consideration, the “draft diploma approving the Regulation for the Installation and Operation of Simple Pressure Vessels and Pressure Equipment”.

The request made and the opinion issued now derive from the attributions and powers of the CNPD, as an independent administrative entity with powers of authority to control the processing of personal data, conferred by subparagraph c) of paragraph 1 of article 57 and by no. 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 no. 1 of article 21 and no. 1 of article 22, both of Law No. 67/98, of 26 October, amended by Law No. 103/2015, of 24 August (Law of Personal Data Protection - LPDP).

The assessment of the CNPD is limited to the rules that provide for or regulate the processing of personal data.

II. appreciation

1. Processing of personal data: categories of personal data

The Regulation for the Installation and Operation of Simple Pressure Vessels and Pressure Equipment, to be approved by the draft diploma, provides in paragraphs 4 and 6 of article 4 for the request by the owner of said vessels and equipment of the reassessment of their conformity, which implies the collection of a set of personal data by the competent administrative entity (the Instituto Português da Qualidade, I.P.) and the recording of such data in the conformity approval document.

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The aforementioned precepts of article 4 of the Regulation refer to annexes (Annexes I and II), which list the information necessary for the decision to be taken and the issuance of the conformity approval document.

Likewise, article 9, concerning the prior communication of the operation of Simple Pressure Vessels, and article 11, concerning the approval of the installation of Pressure Equipment refer to two annexes (III and IV, respectively) where the information to be processed is listed.

Essentially, the annexes provide for the same type of personal data (i.e. information relating to an identified or identifiable natural person, in accordance with the concept defined in Article 4(1) of the GDPR): identification data and contact of the owner of the containers or equipment or the user thereof, when they are natural persons, duly specified.

In view of the purpose pursued with the collection and conservation of this information, the personal data listed in the aforementioned annexes appear to be adequate, necessary and not excessive, so the CNPD understands that the Regulation to be approved by this draft law respects the principles of protection of personal data, in particular that of data minimization (cf. points a) to c) of paragraph 1 of article 5 of the GDPR).

Lisbon, June 25, 2019

Filipa Calvão (President)