

NATIONAL DATA PROTECTION COMMISSION

OPINION/2020/98

I. Order

The Regulatory Entity for the Media (ERC) requested an opinion from the National Data Protection Commission (CNPd) on the articles of the Regulation establishing the Regime for the electronic procedure of acts of registration of the media.

The request made and the present opinion fall within the attributions and powers of the CNPD, as the national authority for the control of the processing of personal data, in accordance with the provisions of subparagraph c) of paragraph 1 of article 57 and n. 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, in paragraph 2 of article 4 and paragraph a) of paragraph 1 of article 6, all of Law n.º 58/2019, of 8 August (which aims to ensure the execution, in the internal legal order, of the GDPR).

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

II. appreciation

The Regulation under review is issued under Article 10(3) of Regulatory Decree no. 8/99, of 9 June, amended by Regulatory Decree no. 2/2009, of 27 January.

Bearing in mind that the main elements of the processing of personal data involved in the registration procedure are provided for in that Regulatory Decree, the Regulation being limited to defining the operating conditions of the electronic site where the personal data subject to registration are inserted and to indicate that the ERC is the controller (cf. Articles 3 and 4 and Article 1(2)), this does not give rise to reservations from the perspective of the protection of personal data. In fact, the conditions for access and authentication provided for in Article 3 of the Regulation appear to be sufficient, also considering that sensitive personal data are not involved, deserving of enhanced protection (cf. Article 9(1) of the GDPR). Furthermore, and establishing paragraph 2 of article 7 of the Regulation that the ERC

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adopts the appropriate technical and organizational measures for the protection of personal data, it is only important to

remember the need to observe the provisions of article 32 of the RGD.

III. Conclusion

The Regulation does not raise reservations from the perspective of the protection of personal data.

Lisbon, August 11, 2020

Formally signed

digital by Filipa Calvão

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Filipa Calvão (President, who reported)

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