

Additional opinion of the National Commission for the Protection of data relating to bill no. 7924 amending the law amended of July 17, 2020 on measures to combat the pandemic Covid-19.

Deliberation n° 54/AV32/2021 of December 10, 2021

In accordance with article 57, paragraph 1, letter (c) of regulation n° 2016/679 of 27 April 2016 on the protection of natural persons with regard to the processing of personal data personal character and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (hereinafter "the GDPR"), to which refers article 7 of the law of 1 August 2018 on the organization of the National Commission for the data protection and the general data protection regime, the Commission National Commission for Data Protection (hereinafter referred to as "the National Commission" or "the CNPD") "advises, in accordance with the law of the Member State, the national parliament, the government and other institutions and organizations regarding legislative measures and administrative procedures relating to the protection of the rights and freedoms of natural persons with regard to treatment".

On December 8, 2021, the CNPD notified draft law no. 7924 amending the law of July 17, 2020 on the measures to combat the Covid-191 pandemic (hereinafter "Bill No. 7924").

By email dated December 9, 2021, the Minister of Health invited the National Commission to notify government amendments to Bill No. 7924, approved by the Government Council in its meeting of December 9, 2021 (hereafter the "amendments").

The CNPD welcomes the fact that some of its recommendations have been taken into account in the said amendments. However, it regrets that its other recommendations, although important from a data protection point of view, have not been followed by the

1 Full title: "Bill of law no. 7924 amending: 1° the amended law of 17 July 2020 on the measures fight against the Covid-19 pandemic; 2° the amended law of 11 April 1983 regulating the placing on the drug market and advertising; 3° the amended law of 6 January 1995 relating to the distribution in bulk drugs; 4° the amended law of 24 June 2020 introducing temporary measures relating to the amended municipal law of December 13, 1988 and the amended law of March 27, 2018 on the organization of the civil security in the context of the fight against Covid-19; 5° of the amended law of 24 June 2020 introducing a temporary measure relating to the application of article 12 of the amended law of July 19, 2004 concerning municipal planning and urban development in the context of the fight against Covid-19; 6° of the law amended of June 24, 2020 concerning the celebration of marriage in a municipal building other than the house municipal as part of the fight against the Covid-19 pandemic; 7° of the law of 24 July 2020 derogating temporary in Articles L. 524-1, L. 524-2, L. 524-5, L. 541-1 and L. 541-2 of the Labor Code; 8° of the amended law of June 20, 2020 on the 1st temporary derogation from certain labor law provisions relating to with the state of crisis linked to Covid-19; 2° amendment of the Labor Code; 9° of the amended law of 19 December 2020 temporarily derogating from Article L. 121-6 of the Labor Code; 10° of the amended law of 19 December 2020 the purpose of which is to set up a temporary State contribution to the uncovered costs of certain businesses; 11° of the amended law of 19 December 2020, the purpose of which is to set up new aid for RELAUNCH ; 12° of the amended law of 22 January 2021 relating to: 1° modification of articles L. 234-51, L. 234-52 and L. 234-53 of the Labor Code; 2° temporary derogation from the provisions of Articles L. 234-5, L. 234-52 and L. 234-53 of the Labor Code. »

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authors of the bill. As such, the CNPD can only reiterate its observations made in its opinion of December 8, 2021, but which have unfortunately not been included in

the text of the bill as amended.

Thus decided in Belvaux on December 10, 2021.

The National Data Protection Commission

Tine A. Larsen

President

Thierry Lallemand

Commissioner

Alain Hermann

Commissioner

Marc Lemmer

Commissioner

2 Deliberation n°53/AV31/2021 of December 8, 2021.

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