

NATIONAL DATA PROTECTION COMMISSION

OPINION/2020/55

The Parliamentary Group of the Portuguese Communist Party (PCP) asked the National Data Protection Commission (CNPd) to issue an opinion on the draft Law No. (6th amendment to Law No. 112/2009, of 16 September).

The request made and the present opinion fall within the attributions and powers of the CNPD, as the national authority for controlling the processing of personal data, in accordance with the provisions of subparagraph c) of paragraph 1 of article 57 and paragraph 4 of article 36 0 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 subparagraph a) of paragraph 1 of article 6, all of Law no. of the GDPR).

The bill under analysis aims to make a specific amendment to Law no. 112/2009, of 16 September, amended by Laws no. of December, 129/2015, of September 3, 42/2016, December 28, 24/2017, of May 24, and 2/2020, of March 31, which establishes the legal regime applicable to the prevention of domestic violence, to the protection and assistance of its victims, enabling them to request that the respective address be hidden from the aggressor in court notifications that have it as addressee, either in the context of criminal proceedings or in the context of civil proceedings.

Although the legislation on domestic violence devotes special attention to the protection of victims - through measures that include providing shelter solutions for victims in safety conditions and by applying measures to the defendants that prevent them from contacting them -, it does not provide for the possibility of the victim omitting his address in the notifications made to the aggressor in order to prevent him from knowing the current address, thus frustrating his effective protection.

In this sense, the bill adds a paragraph 5 to article 20 of Law n.º 112/2009, stating that "The victim may request that his address be hidden in court notifications that have the aggressor as the addressee."

Av. D. Carlos I, 134 - 1st

1200-651 LISBON | WWW.CNPD.PT | TEL: +351 213 928 400 | FAX: +351 213 976 832

Process PAR/2020/36 1v.

NATIONAL COMMISSION ■ ON DATA PROTECTION

The analysis of the draft law, which corresponds to this specific addition to Law No. 112/2009, of 16 September, in its current

version, does not raise doubts or questions as to its compliance with data protection legislation, it is understood that the provision introduced by the project promotes the realization of the fundamental right to the protection of personal data as a right to informational self-determination, as enshrined in paragraph 1 of article 35 of the Constitution of the Portuguese Republic.

Approved at the meeting of May 21, 2020

Filipa

Calvão

Digitally signed by Ffíípa Caiváo Data: 2020.05.21 15:07:40 +0V00'

Filipa Calvão (President)

AV. D. CARLOS I, 134-Io I 1200-651 LISBON I WWW.CNRD.pt I TEL:+351 213 928 400] FAX:+351 213 976 832