

NATIONAL DATA PROTECTION COMMISSION

Regulation No. 757/2020

Summary: Regulations for the organization and functioning of the Commission's support services

National Data Protection.

Law n.º 43/2004, of 18 August, amended and republished by Law n.º 58/2019, of 8 August, and concerning the organization and functioning of the National Data Protection Commission (CNPd), determines the competence to approve the regulation of organization and operation of the services of support of this entity in paragraph 3 of article 22.

Under this competence, the organization and functioning regulation of the CNPD reflects and develops, at the organizational level, the set of norms provided for in that law, filling the legal omission of the formal provision of the collegiate body of the CNPD legal person, as the attribution center for the powers defined in Regulation (EU) 2016/679 of the Parliament and Council, of 27 April 2016, and in Law No. 58/2019, of 8 August, which the performs in the national legal system, as well as in Law No. 59/2019, of August 8, and in the other special legislation.

In relation to other bodies of the CNPD, it adds specific indispensable competences to the development of the functions and powers legally assigned to this entity, such as those relating to the appointment of representatives in external bodies and the performance of preparatory acts. in decision-making procedures, seeking to define a regime that ensures the feasibility the exercise of such powers.

Still at the organizational level, the statute of the secretary of the CNPD is formalized, integrating the

legal gap resulting from the insufficiency of Law n.º 43/2004, of August 18, in the current wording, and the simplified hierarchical structure of the CNPD, which jeopardize the application of Law No. 2/2004, of 15 January, last amended by Law No. 128/2015, of 3 September, in particular by the fact that that law does not expressly establish the qualification and grade of the managerial position in the terms of no. 6 of article 2 of Law no. 2/2004, of 15 January. At this point, regulation now defined results from the application of the underlying principles of this legal regime, as well as of the reproduction of regulatory norms of the services of the Assembly of the Republic, having taking into account that the status and functioning of the CNPD's support services, due to the proximity functional of the CNPD in relation to that sovereign body, followed closely, from the beginning, the same rules.

It is also part of the organic structure of the CNPD, in addition to the single inspector, the person in charge of the data protection, taking into account the advisory and control powers assigned to it by Regulation (EU) 2016/679 of the Parliament and of the Council, of 27 April 2016, and by the Law No. 58/2019, of August 8th.

With regard to the CNPD procedures, the regulation develops the practices of procedures already implemented and takes into account the specificities arising from the articulation with different legal and regulatory regimes to which the CNPD is bound.

Thus, it defines a common regime for the deliberative procedures of the CNPD, without prejudice to the application of special regimes such as the General Regime for Administrative Offenses and Fines (Decree-Law No. 433/82, of 27 October, last amended by Law No. 109/2001, of 24 December).

It also takes into account the CNPD fee regime set out in Regulation No.

March 31. It also establishes a set of specific rules for articulation with the procedures provisions regulated in Regulation (EU) 2016/679 of the Parliament and of the Council, of 27 April 2016, in particular with regard to their implication in the counting of national decision deadlines and limitation period, under, respectively, the provisions of article 128, paragraphs 3 and 4, of the Code of Administrative procedure, approved by Decree-Law no. 4/2015, of January 7, and article 27.º -A

of the General Regime of Administrative Offenses and Fines.

Pursuant to paragraph 3 of article 22 of Law n.º 43/2004, of 18 August, amended and republished

58/2019, of 8 August, which defines the competence to approve the regulation of

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organization and functioning of support services, the National Data Protection Commission

approves the following regulation:

TITLE I

general provisions

Article 1

Object

The present regulation regulates the organization and functioning of the National Commission of

Data Protection (CNPD), developing the general framework established by Law no.

18 August, as amended by Law No. 58/2019, of 8 August.

CHAPTER I

Organic structure of the CNPD

Article 2

organs

The bodies of the CNPD are the collegiate body Commission, the President, the Secretary, the Auditor

and the Data Protection Officer.

SECTION I

Commission

Article 3

Composition

The Commission is composed of the president and six members.

Article 4

Skills

It is up to the Commission to exercise the powers defined in Article 58 of Regulation (EU)

2016/679 of the Parliament and of the Council of 27 April 2016 (hereinafter, GDPR) and 45 of the Law

59/2019, of 8 August, to carry out the tasks defined in article 57 of the GDPR and

in article 6 of Law no. 58/2019, of 8 August, in article 44 of Law no. 59/2019, of 8 August,

and in special legislation.

Article 5

meetings

1 — The Commission operates on a permanent basis.

2 — The Commission has regular and extraordinary meetings.

3 — Ordinary meetings are held with the frequency defined by the President, in terms appropriate to the performance of the Commission's functions, and must be communicated to all members any change of day and time with a minimum period of 48 h in advance.

4 — Extraordinary meetings take place:

- a) On the initiative of the President;
- b) At the request of at least three of its Members.

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5 — The Committee's meetings are not public and are, as a rule, held in person at the its facilities or, by its deliberation, in any other place in the national territory.

6 — Whenever the President deems it necessary or at the request, substantiated, of at least three members, the Committee's meetings are held by teleconference.

7 — Without prejudice to the provisions of numbers 5 and 6, whenever the urgency of the matter justifies it, may a proposal for a resolution or an opinion be considered by the members of the Commission by the means that proves to be most appropriate, in which case the legal act is signed by the respective rapporteur and ratified at the next meeting.

8 — The President, whenever he deems it convenient and with a favorable vote of the Committee, may invite to participate in meetings, except at the decision-making stage, any person whose presence be considered useful.

9 — Minutes are drawn up of the meetings, which, after being approved by the Committee, are signed by the President and the Secretary.

Article 6

work order

1 — The order of business for each ordinary meeting is set by the Chairman, and must be communicated to the Members at least two working days in advance of the scheduled date for its realization.

2 — The agenda must include the subjects that for this purpose are indicated to the President by any Member, provided that they fall within the competence of the body and the request is submitted in writing at least five days prior to the date of the meeting.

Article 7

Resolutions

1 — The Commission can only meet and deliberate in the presence of at least four members.

2 — The decisions of the Committee are taken by a majority of the members present, having the President casting vote.

SECTION II

president

Article 8

Skills

1 — It is incumbent upon the President:

- a) Represent the CNPD;
- b) Superintend support services;
- c) Convene meetings and set the respective agenda;
- d) After hearing the Commission, appoint the map staff and authorize the forms of pre-existing mobility.
seen in the law;
- e) After hearing the Commission, authorize the hiring of staff under a service contract regime
of services when the complexity or specificity of the subjects so requires;
- f) Grant contracts on behalf of the CNPD and oblige it in other legal transactions;
- g) Authorize expenditures within the limits legally included in the
competence of ministers;
- h) Imposing fines and ratifying resolutions, in accordance with the law;
- i) After hearing the Commission, establish the rules for the distribution of cases;
- j) Submit the activity plan to the Commission for approval;
- k) Issue mandates for the exercise of inspection and audit powers by the CNPD, as well as
such as the mandates provided for in the first part of Article 62(3) of the GDPR;

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- l) Decide on the opening of procedures and determine, whenever it proves to be appropriate and
efficient, the carrying out of instructive acts, with the possibility of delegating powers in the
Secretary;

- m) After hearing the Committee, appoint from among the Members or workers, depending on what is appropriate, the representatives of the CNPD in Organs external bodies in which it legally participates;
- n) In general, ensure compliance with the laws and the regularity of deliberations.

2 — The President is replaced, in his absences and impediments, by the Member that the Commission designate.

SECTION III

Secretary

Article 9

Skills

1 — It is incumbent upon the Secretary:

- a) Secretary the Commission;
- b) Implement the decisions of the Commission, in accordance with the President's guidelines;
- c) Ensuring the proper organization and functioning of support services, namely in terms of financial management, personnel and facilities and equipment, in accordance with the guidelines of the President;
- d) Prepare the draft budget, as well as the respective amendments, and ensure its execution;
- e) Prepare the draft annual report;
- f) Direct the services of the CNPD;
- g) Carry out the performance evaluation of CNPD workers, under the terms established mentioned in the respective regulation.

2 - The Secretary is replaced, in his absences and impediments, by the superior technician or consultant appointed by the President, after obtaining a favorable opinion from the Commission.

Article 10

Commencement, exercise and termination of functions

1 — The Secretary is appointed by order of the President after obtaining a favorable opinion from the Commission.

are, preferably chosen from among employees already belonging to the CNPD map, enabling graduated with a degree and recognized competence for the performance of the post, under a regime of service commission, for periods of three years.

2 — The Secretary cannot carry out private professional activities or perform other public functions, except as provided for in articles 21 to 23 of the General Labor Law in Public Functions, with the following adaptations:

- a) The exercise of public functions may be combined with functions of manifest interest public and, when remunerated, only if they correspond to participation in commissions or working groups or activity of recognized public interest, namely activities teaching or research, holding conferences, lectures, short-term training duration and other activities of a similar nature, in all cases with the authorization of the President;
- b) The accumulation of private functions depends on the authorization of the President, having verified the respective legal assumptions.

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3 — The Secretary retains the right to the place of origin and the social security regime for that is covered and cannot be harmed in their professional career because of the exercise exercise of those functions, for all purposes, in the place of origin, the length of service provided in that position.

4 — The termination of the service commission of the Secretary who has exercised these functions in three or more consecutive years, has as its main effect the integration of the same in the higher than the one held, to be attributed according to the number of years in which these functions have been exercised.

5 — The provisions of the previous number do not apply whenever the termination of the service was based on negligence or lack of merit in the exercise of the function of Secretary.

SECTION IV

Single Tax

Article 11

Designation and competences

1 — The Single Auditor is the body responsible for controlling the legality, regularity and good financial and asset management of the CNPD, and consultation by the CNPD in this area.

2 — The Statutory Auditor is a statutory auditor appointed by the Assembly of the Republic, by resolution, and who takes office before the President of the Assembly of the Republic.

3 — In particular, it is incumbent upon the Sole Auditor to:

- a) Monitor and control the financial and asset management of the CNPD;
- b) Periodically examine the financial and economic situation of the CNPD and verify compliance with ment of the regulatory rules of its activity;
- c) Issue a prior opinion within a maximum period of 10 days on the acquisition, encumbrance, lease-ment and disposal of movable assets;
- d) Issue an opinion on any matter submitted to it by the CNPD;
- e) Inform the competent authorities of the irregularities that it detects.

SECTION V

Data protection officer

Article 12

Designation, function and competencies

1 — The CNPD has a data protection officer in relation to personal data.
that it deals with in the exercise of its activity.

2 — The data protection officer is appointed by the President, after hearing the Commission,

which may correspond to a CNPD worker or act on the basis of a service contract

service, provided that he has specialized knowledge and experience in the field of protection of personal data and demonstrate the ability to perform legally defined functions.

3 — The data protection officer of the CNPD is prevented, under the terms of paragraph 6 of the article 12 of Law no. 58/2019, of 8 August, to perform the same function in a public entity or private sector subject to the control of the CNPD.

4 — The CNPD publishes on its website the contact details of the person responsible for the protection of

5 — In addition to the legally defined functions and powers, the person in charge of protecting data must respond within a reasonable period, preferably not exceeding 10 working days, to requests of data subjects regarding the processing of data under the responsibility of the CNPD, it is incumbent upon the latter to provide the necessary means for this purpose.

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CHAPTER II

support services

Article 13

Organization of support services

1 — The CNPD has its own support services comprising units and nuclei.

2 — The support services are made up of the following units:

a) Rights and Sanctions Unit;

b) Inspection Unit;

c) Public and International Relations Unit;

d) IT Unit;

e) Administrative and Financial Support Unit.

3 — The Administrative and Financial Support Unit is organized into four nuclei, in the terms defined in Article 18 of this Regulation.

4 — Other nuclei may be created, by order of the President, upon a proposal from the Secretary service, whenever they prove to be adequate for the efficient management of temporary service needs.

5 — Support services are managed by the Secretary.

Article 14

Rights and Sanctions Unit

The Rights and Sanctions Unit is responsible for providing technical-legal support, namely:

a) Instruct administrative offense proceedings, as well as other proceedings opened on the basis of

b) Prepare procedural documents and represent the CNPD in legal proceedings, when

in participations or complaints;

mandated for that purpose;

c) Prepare opinions on legislative and regulatory projects and on legal instruments

ics in preparation in European Union and international institutions;

d) Analyze and prepare decisions on data protection impact assessment studies;

e) Instruct and propose decisions on prior consultation and authorization processes in cases

f) Instruct and propose decisions on accreditation processes and accreditation review and

provided for by law;

certification;

g) Prepare and propose certification criteria;

h) Analyze and prepare decisions in cases of notification of personal data breaches;

i) Analyze and prepare decisions on codes of conduct;

j) Interact with data protection officers;

k) Collaborate in the organization of colloquia, seminars and other initiatives for the dissemination of

personal data protection policies;

l) Instruct and propose decisions regarding the exercise of rights by the holders of personal data;

m) Perform any other tasks of a technical-legal scope.

Article 15

Inspection Unit

The Inspection Unit is responsible for carrying out inspections and audits within the scope of the processes in course, with the mandate of the President, in particular:

a) Supervise the compliance of the processing of personal data, being able to access the facilities of the person in charge and the subcontractor, the equipment, the means of treatment of data, as well as all the necessary documentation;

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b) Investigate, within the scope of mutual assistance and joint operations provided for in articles 61.

and 62 of the RGPD, the processing of personal data, under the conditions set out in the previous paragraph;

c) Carry out audits to verify the adequacy of the processing of personal data,

in particular the national part of the European information systems, in accordance with the legislation of the European Union.

Article 16

Public and International Relations Unit

The Public and International Relations Unit is responsible for ensuring support in information, documentation and public relations and in the interaction with European authorities and international, in particular:

a) Manage the contents of the CNPD website and intranet;

- b) Organize and keep up-to-date a documentation center with the function of bibliography, documentation, texts, legal diplomas, normative and administrative acts and other elements of scientific and technical information related to data protection personal;
- c) Promote the disclosure and clarification of rights and obligations related to the protection of personal data;
- d) Ensure contacts with the media;
- e) Organizing, advising and promoting the holding of colloquia, seminars and other events;
- f) Collaborate in the design and edition of publications, as well as in the annual activity report;
- g) Perform any other tasks, in the scope of information and communication;
- h) Manage institutional relations with European Union or international organizations in personal data protection matters;
- i) Ensuring relations with similar control authorities, especially in the context of the competences of the European Data Protection Board;
- j) Instruct and prepare decisions on cooperation and coherence procedures;
- k) Instruct and prepare decisions regarding international transfers of personal data.

Article 17

IT Unit

It is incumbent upon the Informatics Unit to guarantee the normal functioning of the information and communication from the CNPD and the necessary technical support in the area of information, namely:

- a) Ensure the integrated management and maintenance of the CNPD's IT infrastructure and the pective communications system;
 - b) Ensure the correct functioning of the computer network and information systems of the
 - c) Carry out the technical studies necessary for the acquisition of computer and communication material;
- CNPD;

nication;

d) Ensure support for users of information and communication systems, as well as

to encourage, among them, good practices for a safe and adequate use of these systems;

e) Ensuring the application of security standards that guarantee reliability, confidentiality

and durability of information systems;

f) Design the global architecture of the CNPD's information system;

g) Design, develop and operationalize the applications and interfaces necessary for the

exercise of CNPD activity;

h) Design, develop and operate the CNPD website;

i) Carry out studies on new technologies with an impact on the processing of personal data.

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Article 18

Administrative and Financial Support Unit

1 — The Administrative and Financial Support Unit is organized in the indicated nuclei

in the following numbers, being responsible for supporting the Commission in the management of processes and resources

human, financial and material.

2 — The budget, finance, property and contracting department is responsible for ensuring the management

budget, treasury, assets and public procurement procedures, namely

of mind:

a) Prepare budget proposals and monitor their execution;

b) Ensure the processing and accounting of income and expenses;

c) Prepare the management account and the respective report;

d) Promote the acquisition of goods and services;

e) Administer consumer goods, as well as manage facilities, vehicles and other equipment payments at the service of the CNPD;

f) Prepare and keep the general inventory updated.

3 — The human resources nucleus is responsible for:

a) Promoting the recruitment, promotion and hiring of workers, as well as the application of cation of mobility instruments;

b) Process the salaries of workers and holders of CNPD bodies;

c) Organize and keep up-to-date information on workers and holders of CNPD bodies;

d) Promote the training of workers;

e) To promote the execution of the evaluation of the workers;

f) Instruct and propose decisions in disciplinary proceedings.

4 — The process management support nucleus is responsible for:

a) Act, register and move the processes, attaching and checking their documents constants;

b) Proceed, in accordance with the established rules, to the distribution of processes;

c) Control and record the procedural deadlines to be met;

d) Execute the instructional orders, carry out the interim and final notifications and the filing archiving of processes;

e) Draw up statements, notification, seizure and identification records, as well as document other acts performed in the procedures;

f) Extract certificates and prepare other documents relating to the procedures;

g) Submit cases and certificates to court.

5 — The administrative support nucleus is responsible for:

a) Provide secretarial services to the President and the Secretary;

- b) Ensure the registration and forwarding of correspondence, as well as the organization and
- c) Ensure external assistance, scheduling and support for meetings;
- d) Ensure the driving of vehicles and their maintenance and receive and deliver documents and document file;
- orders;
- e) Perform any other tasks that, in the context of their functional area, are determined mined by the President or the Secretary.

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Article 19

Operation of the Units

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1 — Workers are attached to a service unit, depending on their competence.

professional skills and experience.

2 — To guarantee an efficient management of human resources and in accordance with the needs service units, CNPD workers may be assigned to more than one unit of service by determination of the Secretary.

Article 20

Performance evaluation

The performance evaluation of the Secretary and the workers is governed by its own regulation approved by the Commission.

CHAPTER III

Identification

Article 21

Identification card

1 — The members of the Committee have an identification card, containing their name, photograph, the position and the powers of access and free transit through the places where data are processed personnel subject to the control of the CNPD.

2 — The holders of the other bodies of the CNPD, as well as the workers, have a identification, including the name, photograph and the position or professional category held, as well as and, where applicable, the information that, when empowered to exercise their functions, all public and private entities subject to the control of the CNPD must provide collaboration required under the law.

3 — The identification cards provided for in the previous numbers follow the annexed models. fixed to this Regulation.

TITLE II

of the procedures

CHAPTER I

general provision

Article 22

Types of Procedures

1 — This regulation governs the common regime of CNPD procedures, applying them comply with those provided for in the following numbers in everything that does not contradict the provisions of the respective special regimes.

2 — Procedures aimed at assessing offenses of an administrative offense nature they are also governed by the General Regime of Administrative Offenses and Fines.

3 — The procedures specially regulated in European Union Law apply the rules provided for in the respective legal instruments.

4 — This regulation also contains specific rules on the issuance of regulations administrative procedures and on cross-border procedures.

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CHAPTER II

common procedure

SECTION I

Initiative

Article 23

acts of initiative

1 — The procedures are initiated at the request of the interested party or ex officio, under the terms of the following numbers.

2 — The procedures relating to:

a) Accreditation of a body for the supervision of codes of conduct;

b) Approval of the certification criteria related to data protection presented by the accreditation body;

for rights, freedoms and guarantees;

c) Prior consultation regarding the processing of personal data that present a high risk

d) Consideration and approval of the code of conduct;

e) Approval of binding rules applicable to companies;

f) Authorization of general contractual clauses and provisions to be included in the administrative agreements agreements relating to international transfers;

g) Authorization to process data.

3 — The procedure relating to the project begins with the submission to the CNPD of the request for consultation legislative or regulatory measure or draft agreement or protocol, when presented

by the body with legislative or regulatory competence, or by the body representing the State Portuguese in the process of drawing up the draft legal instrument of the European Union or International.

4 — The other procedures are initiated by order of the President, namely with based on data breach notification and on complaints and reports that indicate the practice of unlawful acts by controllers or processors.

Article 24

formalities

1 — Without prejudice to the provisions of the following numbers, documents addressed to the CNPD and the subsequently processed are not subject to special formalities.

2 — The requests referred to in paragraph 2 of the previous article are submitted in writing, electronically, in a form made available for this purpose on the CNPD website.

3 — Whenever the CNPD does not provide an electronic form for this purpose, the application can be sent by email only to geral@cnpd.pt or by post, or be presented in paper form, directly at the CNPD services.

4 - In the cases provided for in the previous number, the request follows the corresponding model available on the CNPD website or, when the model does not exist, contains the following elements:

- a) Identification of the applicant (name, civil identification number or identification number of the legal person, tax identification number);
- b) Contact details (address, email address, telephone number);
- c) Exposition of the facts that serve as a basis for the request.

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5 — Notification of the contacts of the data protection officer, as well as of breaches

of data, under the terms of the RGPD, is carried out electronically, in a form available

created for this purpose on the CNPD website.

6 — Complaints or participations by data subjects are submitted in writing,

in a specific place on the CNPD website, without prejudice to being admitted exceptionally, if duly

reasoned, its submission by e-mail or postal mail.

7 — The CNPD may require the identification of the author of the complaint or participation.

8 — In cases specifically provided for in national legislation or in European Union Law,

European Union, the subsequent procedure may depend on the fulfillment of special requirements of identification.

9 — Requests for information on the processing of personal data are submitted via

electronically, using the form available for that purpose on the website.

Article 25

Procedure Direction

1 — Without prejudice to the provisions of the following number, the direction of the procedure is the responsibility of the rapporteur

of the process, designated from among the members of the Commission, at the time of opening the procedure.

ment on the basis of criteria laid down by the President, after hearing the Commission.

2 — The President may, on good grounds, appoint a different rapporteur for that decision.

any of the members of the Commission may complain, in which case the President hears the Commission.

Article 26

preliminary assessment

1 - The President provides for the correction of any irregularity or insufficiency of the

application, request for consultation or denunciation and participation, inviting the author to present

improvement within 10 working days, which may be extended on grounds.

2 — The request, request, denunciation or participation must be rejected outright

by the President, whenever:

- a) The CNPD is incompetent to know its object;
- b) The claim contained therein is manifestly unfounded;
- c) The author of the request or request has no legitimacy for the purpose;
- d) The controversial issue is the subject of a judicial process pending a decision or has already been assessed by a final decision;
- e) It is not paid, when due in accordance with the CNPD Fee Regulation, to corresponding rate.

3 — In case of incompetence of the CNPD, the Secretary forwards the communication to the competent body under the terms of article 41 of the Code of Administrative Procedure.

4 — The decision provided for in paragraph 2 of this article may be appealed to the Commission.

Article 27

Registration and assignment of process number

1 — After the entry of the application or request submitted under the terms defined in paragraphs 2 and 3 of article 23, the Secretary, without prejudice to the provisions of paragraph 2 of the previous article, determines the respective registration and assignment of the case number.

2 — In the order opening the procedure provided for in paragraph 4 of article 23, as well as in the order referred to in paragraph 1 of this article, it may, whenever justified, determine the immediate realization of instructive steps.

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SECTION II

Instruction

Article 28

Object and procedure

1 — The investigation has as its object the relevant facts for the decision of the procedure, including embracing the acquisition and production of evidence, admitted by law, indispensable for the demonstration of its reality.

2 — The Rapporteur defines the guidelines for the investigative steps.

3 — The Secretary, taking into account the Rapporteur's guidelines, sets the deadline for the conclusion of the instruction, taking into account, in particular, the complexity of its object and the urgency of the decision, determining the competent service unit or units for this purpose.

4 — The distribution of the process per worker of the competent service unit is made by the Secretary, according to criteria of expertise, adequacy and equity.

5 — Conducting inspections outside the CNPD must be coordinated with the Secretary in order to ensure budget availability to support the respective costs.

6 — Whenever the Inspection Unit intervenes in the instruction, a report is prepared where the steps taken are described and the data processing is evaluated under the technical perspective, which is then sent to the Rights and Sanctions Unit or to the Public and International Relations Unit, to prepare the deliberation proposal.

Article 29

Proposal for deliberation

1 — Upon completion of the instruction, the proposal for a resolution or opinion is prepared by the Unit of Rights and Sanctions or by the Public and International Relations Unit, which is subject to the approval of the Rapporteur or, when this is specifically determined in the procedure, of the Secretary.

2 — The proposed resolution or opinion identifies the applicant or the author of the request, when there is one, and the controller or processor concerned, briefly describes the disputed issues and the facts discovered in the procedure, invokes the legal rules

relevant and concludes with a decision or opinion content.

3 — The Rapporteur, or the Secretary, introduces the changes he deems appropriate or, if does not consider the question of fact clarified or the question of law sufficiently substantiated, determines the continuation of the instruction.

4 — If he agrees with the proposal, the Rapporteur, or the Secretary, proposes to the President the res-request schedule for the meeting of the Commission.

5 — Whenever the Committee does not approve the proposal for a resolution or opinion, it is returned to the competent Unit for correction of its content or repetition of the instruction.

6 — The provisions of the previous numbers apply, *mutatis mutandis*, to the proposals of draft deliberations drawn up within the scope of the investigation procedure.

SECTION III

Court hearing

Article 30

Hearing of interested parties

1 — The draft deliberations referred to in paragraph 6 of the previous article are notified to the addressees so that, if they so wish, they can exercise their right to be heard in writing, in accordance with the law. gally predicted.

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2 — Without prejudice to the possibility of setting a longer period, the hearing period is 10 working days.

3 — The statement of the interested party, as well as the documents attached and the result of diligences complementary, are analyzed by the competent Unit or Units and the proposed resolution ration is prepared, following the procedures established in article 29.

SECTION IV

Termination of procedure

Article 31

Signing and notification of CNPD legal acts

1 — With the exception of draft resolutions, which are signed by the respective Rapporteur of the process, and the final resolutions made within the scope of the investigation procedures of administrative offences, which are signed by all the members of the Commission that participate at the meeting where they are approved, the CNPD's legal acts are signed by the President.

2 — The different types of deliberations and opinions of the CNPD are notified to interested parties in the procedure.

Article 32

Causes of termination of the procedure

1 — The procedure is terminated by:

- a) Approval of the final decision and respective notification;
- b) Impossibility or supervening uselessness;
- c) Withdrawal, express or implied, by the author of the request or request for an opinion;
- d) Prescription;
- e) Amnesty;
- f) Desertion;
- g) Failure to pay, within the defined period, the supplementary fee, when established under the terms defined in the CNPD Fee Regulation.

2 — A private initiative procedure is considered deserted when, for reasons attributable to the interested party, it is stopped for more than six months.

SECTION V

administrative challenge

Article 33

Complaint

1 — Interested parties have the right to:

- a) To challenge the administrative acts of the Commission, based on their illegality or inconvenience;
- b) Request the Commission to issue an administrative act, when its omission reflects the non-compliance with the legal duty of decision.

2 - The claim is deducted by means of a request, in which the claimant must expose the its grounds, being able to add the probative elements it deems relevant.

3 — The claim period is:

- a) 15 working days, counted under the terms of article 188 of the Code of Administrative Procedure; in the case of an administrative act being challenged;
- b) 1 year, in the case of a reaction against the illegal omission of an administrative act, counted from the date on that the duty of decision has been breached.

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4 - The Commission must notify those who may be harmed by the origin of the complaint to, within 15 working days, claim what they see fit.

5 — If in the application new facts or elements are invoked in relation to the appreciated by the deliberation sought, susceptible of modifying its meaning, they are considered, following the procedures provided for in article 29 and, when applicable, in article 30.

6 — The deadline for deciding the complaint is 30 working days.

7 — The decision on the complaint is notified to the interested parties, in general terms.

CHAPTER III

special procedures

SECTION I

Regulations procedure

Article 34

Initiative

1 — The regulation procedure begins ex officio.

2 — Whenever the procedure aims at approving an external administrative regulation, the start of the procedure is published on the Internet, on the CNPD website, with an indication of the date on which started, its object and the way in which contributions can be made to the elaboration of the regulation.

Article 35

Draft regulation and procedural participation

1 — Once the draft regulation has been approved by the Commission, it is submitted for consultation public, for the collection of contributions and suggestions, being published for this purpose in the 2nd series of the Diário da República and on the Internet, on the CNPD website.

2 — Interested parties may, within 30 working days from the date of publication of the project, send suggestions to the email address indicated in the public consultation notice.

3 — The Committee must analyze all the suggestions presented and reflect on the final text of the regulation those it deems relevant, drawing up, whenever possible, a note justification of the main options taken in the regulation.

SECTION II

cross-border procedures

Article 36

Cross-border treatment procedure

1 — In procedures that have cross-border processing as their object, as defined in Article 4(23) of the GDPR, where the CNPD is the lead supervisory authority, the

proposed resolution, or, in the case of investigation procedures, the draft resolution

are submitted to the supervisory authorities of the Member States that have

constituted as interested in the procedure.

2 — Whenever the authorities concerned do not raise relevant and grounded objections,

ments, as defined in point 24) of article 4 of the GDPR, within the period provided for in paragraph 4 of the

article 60 of the same regulation, the proposal or draft deliberation submitted under the terms

of the previous number are notified to the addressee, so that, if he wants, he can exercise his

right to be heard, under the terms of the law, within a period of not less than 10 working days.

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3 — Whenever one or more interested authorities raise relevant objections and

substantiated to the proposal or the project, the Rapporteur reconsiders the case, being able to maintain its content

or change it accordingly.

4 - In the event that the Rapporteur accepts the objections, the proposal or project provided for in the

1 are amended and submitted to the Commission, being re-submitted for consideration

of the authorities concerned so that they can issue a statement under the terms of paragraph 5 of article 60.

of the GDPR, repeating the procedure when a new pertinent and substantiated objection arises;

otherwise, the proposal or project is notified to the addressee, under the terms foreseen

in No. 2.

5 — If the Rapporteur chooses to maintain the content of the proposal or project, after

by the Commission, the CNPD, under the terms of the second part of paragraph 4 of article 60 of the GDPR, refers

the matter for the consistency check procedure, provided for in article 63 of the same

regulation.

6 — After the interested party has been heard, the proposal for a final decision is prepared, which, once once approved by the Commission, it is submitted to the inspection authorities concerned, following the procedure provided for in paragraphs 2 to 5 of this article.

Article 37

Suspension of deadlines

1 — Whenever the CNPD is involved in the procedures provided for in the preceding article, higher, as the main authority or interested authority, the counting of the periods foreseen in the national legislation relating to them, in accordance with this legislation, until the other control authorities involved exercise their powers, within the limit of the corresponding deadlines provided for in the GDPR.

2 — The previous number applies, *mutatis mutandis*, to the intervention of the European Committee for Data Protection in the procedures regulated by articles 64 and 65 of the GDPR.

CHAPTER IV

Publicity of the acts of the CNPD

Article 38

Advertising

1 — The administrative regulations approved by the

2 — In addition to the administrative regulations, the CNPD's website also publishes

CNPD

resolutions relating to:

- a) Accreditation and certification;
- b) Revocation and annulment of accreditation and certification;
- c) Codes of conduct;
- d) Authorizations;
- e) Binding rules.

3 — Opinions on legal provisions are also published on the CNPD website.

legal and regulatory instruments and instruments being prepared in European Union institutions and in international organizations, as well as the guidelines approved by the Commission.

4 — Decisions on illegal administrative offenses are only published after anonymisation.

mingled.

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CHAPTER V

Final dispositions

Article 39

subsidiary application

In everything that is not provided for in this regulation, Law No. 43/2004, of 18 of August, amended and republished by Law n.º 58/2019, of 8 of August, and the Code of Procedure Administrative ment.

Article 40

Regulation review

This Regulation shall be reviewed within three years of its entry into force, without prejudice to its revision whenever the Commission deems it necessary.

Article 41

Implementation

This regulation enters into force on the day following its publication.

July 29, 2020. — The President of the National Data Protection Commission, Filipa Calvão.

ATTACHMENT

(to which article 21 refers)

descriptive memory

Membership and Worker Cards or holders of other bodies

of the National Data Protection Commission

1 — The Commission's membership card is made of PVC, with dimensions of 85 mm x 55 mm x 0.75 mm, with rounded corners, printed in four color on the front and in one color (black) on the verse. The font used in the text is Roboto Condensed.

2 — The front of the Commission membership card contains:

Petroleum blue background (100c 0 m 24y 38K) and, centered, the symbol of the CNPD logo

in a grid of 90% of the background color;

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In the upper left corner, the CNPD logo and below, in capital letters and in white,

the name of the holder, the card number and the position;

In the upper right corner, the scanned black and white photograph of the cardholder and by

under the words "Free transit", in capital letters and white;

Underneath the mention "Free transit", on the right, the digitized signature of the President of the

CNPD

3 — The back of the Commission membership card contains:

In the centre, in black, the main prerogatives that the Law confers on the holder;

Below, in capital letters and also in black, there is the date of issue of the card and the signature.

ture of the holder, digitized.

1 — The worker or holder card of other bodies is made of PVC, with the dimensions of

85 mm x 55 mm x 0.75 mm, with rounded corners, four-color printed on the front and back

one color (black) on the back. The font used in the text is Roboto Condensed.

2 — The front of the worker card or holder of other bodies contains:

Light gray background (0c 0 m 0y 20K) and, centered, the CNPD logo symbol on a 90% net of background color;

In the upper left corner, the CNPD logo and below, in capital letters and in black, the name of the holder, the card number and the position/professional category;

In the upper right corner, the scanned black and white photograph of the cardholder and by below, aligned to the right, the digitized signature of the President of the CNPD.

3 — The back of the worker card or card holder of other bodies contains:

In the centre, in black, the main prerogatives that the Law confers on the holder;

Below, in capital letters and also in black, there is the date of issue of the card and the signature.

ture of the holder, digitized.

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