

Liechtenstein National Law Gazette

Vintage 2018 No. 415 issued on December 19, 2018

Data Protection Ordinance (DSV)
dated December 11, 2018

Based on Art. 5 Paragraph 7, Art. 15 Paragraph 5, Art. 39 Paragraph 2 and Art. 85 of the Data Protection Act (DSG) of October 4, 2018, LGBl. 2018 No. 272, the government decrees:

I. General provisions

Art. 1

Object

This ordinance regulates in implementation of the Data Protection Act and of Regulation (EU) 2016/679, in particular:

- a) the data processing of public bodies by or for third parties;
- b) the reporting of video surveillance;
- c) the accreditation of certification bodies;
- d) the transfer of personal data to third countries or international national organizations based on adequacy decisions and standard data protection clauses;
- e) the fees for activities of the data protection office and the responsible bodies.

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Art. 2

Designations

Among the personal names used in this Ordinance members of the female and male sex are to be understood.

II. Data processing by public bodies by third parties or for third parties

Art. 3

Data processing by public bodies by third parties

- 1) Public bodies may process data by third parties as processing. Have contract processors carried out if there are no statutory provisions oppose such order processing.
- 2) The assignment is carried out by contract. The contract has in particular the requirements of Art. 28 Paragraph 3 of Regulation (EU) 2016/679 to suffice. Official secrecy and any interests in secrecy Third parties are to be guaranteed.

Art. 4

Data processing by public authorities for third parties

- 1) Public bodies as processors may process data perform services for third parties if:
 - a) a law provides for this; or
 - b) there is a public interest in this.
- 2) Insofar as the data processing is not based on statutory provisions is regulated, it must be regulated by contract. The contract has in particular special to the requirements of Art. 28 of Regulation (EU) 2016/679 suffice.

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III. Reporting of video surveillance

Art. 5

Reporting procedure

- 1) Notifiable video surveillance according to Art. 5 Para. 7 of the data Protection Act are to be submitted in writing to the data protection office prior to to report.
 - 2) The report must contain at least the following information:
 - a) Responsible body (name, contact details, responsible person, registered office, Branch);
 - b) Type of video surveillance (recording / real-time, fixed / panning, Video / audio);
 - c) monitored areas;
 - d) operating times;
 - e) Purpose and necessity of video surveillance and data processing (e.g.);
 - f) Information on the proportionality (milder means, worthy of protection Interests of data subjects);
 - g) information on the persons affected by the video surveillance;
 - h) Description of the data processing (technical procedures, evaluation options, transfer of data);
 - i) data storage (manner, duration, deletion);
 - k) technical and organizational measures for data security;
 - l) the way in which people affected by video surveillance be informed.
 - 3) The data protection office provides a form for reporting supply. You can also offer the form in electronic form.

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IV. Accreditation of certification bodies

Art. 6

Applicable Law

The accreditation of certification bodies according to Art. 39 of the data Protection Act is based on the Act on Accreditation and Notification as far as Regulation (EU) 2016/679 and this one Regulation do not contain any deviating provisions.

Art. 7

Foreign certification bodies

- 1) The Liechtenstein accreditation body can authorize foreign certification bodies after hearing the data protection agency, if they prove that they:
 - a) have a qualification equivalent to the Liechtenstein qualification tion dispose;
 - b) meet the requirements of Regulation (EU) 2016/679; and
 - c) sufficient knowledge of the Liechtenstein data protection law dispose.
- 2) The Liechtenstein accreditation body can grant recognition time limits and attach conditions or requirements. She withdraws them Recognition if the accreditation requirements are not or not are no longer present or essential conditions and requirements are not met become.

Art. 8

Confidentiality

Third parties involved in the proceedings by the authorities, in particular Appraisers, and experts, have been given over to them as part of their Activity came to knowledge of business or trade secrets breaching to keep silent. They are subject to this in the course of their work Official secret.

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V. Transmission of personal data to third countries or international organizations

Art. 9

Data transfer based on adequacy decisions

The third countries and international organizations that, due to the Adequacy decisions of the EU Commission according to Art. 45 of Regulation (EU) 2016/679 an appropriate Data protection level are listed in Appendix 1.

Art. 10

Data transfer based on standard data protection clauses

The standard data protection clauses adopted by the EU Commission according to Art. 46 of Regulation (EU) 2016/679 are listed in Appendix 2 listed.

VI. fees

Art. 11

Chargeable activities

- 1) The data protection office can charge fees for the following activities Requirement of Art. 12 collect:
 - a) for the treatment of an obviously unfounded or, in particular in the case of frequent repetition, excessive request in the sense of Art. 15 para. 5 of the Data Protection Act;
 - b) for the fulfillment of their duties towards data protection officers, who perform their tasks on the basis of a service contract in According to Art. 37 (6) of Regulation (EU) 2016/679, in particular special if:
 - 1. the result of the work of the data protection office by the data protection officer in commercial form vis-à-vis the service beneficiary is recycled; and
 - 2. This means that the service is outsourced to the data protection office takes place;

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c) for the fulfillment of their tasks towards consultants who work on a commercial basis Provide services in the field of data protection if through the Fulfillment of the tasks an outsourcing of the service to the data protection point takes place.

- 2) Data protection officers and consultants have the data protection office on Requests in the cases according to para. 1 let. b and c about commercial To provide information on further utilization or provision of services or Provide evidence.
- 3) Becomes a responsible person due to manifestly unfounded or excessive requests within the meaning of Art. 59 Para. 3 of the Data Protection Act active, he can charge a fee according to Art.
- 4) No fees are charged to public bodies.

Art. 12

Fee assessment

- 1) Fees according to Art. 11 are calculated according to the time spent.
- 2) The hourly rate is between 50 and 500 francs.
- 3) The data protection office informs the person liable to pay commonly about the applicable hourly rate.
- 4) Administrative costs related to chargeable Activities are charged separately, but together with the fees charged. Administrative costs are in particular:
 - a) transmission and communication costs;
 - b) translation costs;
 - c) travel expenses;
 - d) costs for third parties involved;
 - e) Cash expenses.

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VII. Final provisions

Art. 13

Repeal of previous law

In their currently valid version, the following are repealed:

- a) Ordinance of 9 July 2002 on the Data Protection Act (data protection order; DSV), LGBl. 2002 No. 102;
- b) Ordinance of 10 December 2013 on data protection certification rungen (VDSZ), LGBl. 2013 No. 403.

Art. 14

Come into effect

This ordinance comes into force on January 1, 2019.

Princely Government:
signed *Adrian Hasler*
Princely Prime Minister

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Appendix 1
(Art. 9)

Third countries and international organizations with adequate

Level of data protection

Third countries and international organizations that, due to the tenetsten applicable adequacy decisions of the EU Commission according to Art. 45 of Regulation (EU) 2016/679 an appropriate data have a level of protection are:

- 1. Andorra;
- 2. Argentina;
- 3. Faroe Islands in accordance with Commission Decision 2010/146 / EU of March 5, 2010 in accordance with Directive 95/46 / EC of the European Parliament and the Council on the adequacy of the level of protection, the Faroe law on processing of personal Data (OJ L 28. 9.3.2010, p. 17);
- 4. Guernsey;
- 5. Isle of Man;
- 6. Israel in accordance with Commission Decision 2011/61 / EU of January 31, 2011 in accordance with Directive 95/46 / EC of the European Parliament and the Council on the adequacy of the level of data protection in the State of Israel with regard to the automated processing of personal related data (OJ L 27. 1.2.2011, p. 39);
- 6a. Japan in accordance with Implementing Decision (EU) 2019/419 of Commission of January 23, 2019 according to Regulation (EU) 2016 / 679 of the European Parliament and of the Council on the the level of data protection in Japan under the law on the Protection of personal information (OJ L 76. 19.2.2019, p. 1);
- 7. Jersey;
- 8. Canada;
- 9. New Zealand;
- 10. Switzerland;

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11. Uruguay;

12. Repealed

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Appendix 2
(Art. 10)

Standard data protection clauses supported by the EU Commission according to Art. 46 of Regulation (EU) 2016/679 were issued

As standard data protection clauses, which are approved by the EU Commission according to Art. 46 of Regulation (EU) 2016/679, contractual clauses apply in accordance with:

- 1. of the Commission Decision 2001/497 / EC of June 15, 2001 visibly standard contractual clauses for the transmission of personal Generic data in third countries according to Directive 95/46 / EC (OJ L 181 of 1. July 2001, p. 19), as amended by Decision 2004/915 / EC (OJ L 385 of 29.12.2004, p. 74) and the implementing decision (EU) 2016/2297 (OJ L 344 of 17.12.2016, p. 100);
- 2. of Decision 2010/87 / EU of the Commission of February 5, 2010 on standard contractual clauses for the transmission of personal Data to processors in third countries according to Directive 95/46 / EC of the European Parliament and of the Council (OJ L 29. February 12. 2010, p. 5), as amended by the Implementing Decision (EU) 2016/2297 (OJ L 344. 17.12.2016, p. 100).

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Regulation (EU) 2016/679 of the European Parliament and of the Council of April 27th

2016 for the protection of natural persons who processing personal

Data, the free movement of data and the repeal of Directive 95/46 / EC

(General Data Protection Regulation) (OJ L 119 of 4.5.2016, p. 1)

Appendix 1 amended by LGBl. 2019 No. 282 and LGBl. 2020 No. 455

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