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 **DENMARK**

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The General Data Protection Regulation (Regulation (EU) 2016/679) (**GDPR**) is a European Union law which entered into force in 2016 and, following a two-year transition period, became directly applicable law in all Member States of the European Union on May 25, 2018, without requiring implementation by the EU Member States through national law.

A 'Regulation' (unlike the Directive which it replaced) is directly applicable and has consistent effect in all Member States. However, there remain more than 50 areas covered by GDPR where Member States are permitted to legislate differently in their own domestic data protection laws, and there continues to be room for different interpretation and enforcement practices among the Member States.

Territorial Scope

Primarily, the application of the GDPR turns on whether an organization is established in the EU. An 'establishment' may take a wide variety of forms, and is not necessarily a legal entity registered in an EU Member State.

However, the GDPR also has extra-territorial effect. An organization that it is not established within the EU will still be subject to the GDPR if it processes personal data of data subjects who are in the Union where the processing activities are related "*to the offering of goods or services*" (Article 3(2)(a)) (no payment is required) to such data subjects in the EU or "*the monitoring of their behaviour*" (Article 3(2)(b)) as far as their behaviour takes place within the EU.

To implement the GDPR, the Danish Parliament enacted the Danish Act on Data Protection (the 'Danish Data Protection Act') on May 17, 2018, enforceable on May 25, 2018 and replacing the previous Danish Act on Processing of Personal Data (Act no. 429 of 31/05/2000). Hence, data protection and processing in Denmark is now regulated by the GDPR as supplemented by the Danish Data Protection Act.

The Danish Data Protection Act does not apply to Greenland and the Faroe Islands.

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