

13 FEBRUARY 2001 – Royal Decree *implementing the Act of 8 December 1992 on the protection of privacy in relation to the processing of personal data*

Unofficial translation – September 2009

ALBERT II, King of Belgians,

Greetings to all who have and shall come before us.

Whereas the Act of 8 December 1992 *on the protection of privacy in relation to the processing of personal data*, modified by the Act of 11 December 1998 *transposing Directive 95/46/EC of 24 October 1995 of the European Parliament and the Council on the protection of individuals with regard to the processing of personal data and on the free movement of such data*, and particularly articles 4, § 1, 2° and 5°; 6, § 2, first paragraph, *a)* and *g)*; 6, § 4; 7, § 2, *a)* and *k)*; 7, § 3; 8, § 4, *e)*; 8, § 4; 9, § 1, *e)*; 9, § 2, first paragraph, *e)*; 9, § 2, third paragraph; 10, § 1, second and fourth paragraph; 12, § 2; 13, second and fourth paragraph; 17, §§ 8 and 9, and 18, third paragraph;

Whereas article 52 of the Act of 11 December 1998;

Whereas opinions nr 08/99 of 8 March 1999 and 25/99 of 23 June 1999 of the Commission for the Protection of the Privacy;

Whereas the opinion of the Inspector of Finance, issued on 9 April 1999;

Whereas the agreement of the Minister of Budget, signed on 28 May 1999;

Whereas the decision of the Council of Ministers;

Whereas the Council of State's opinions of 21 June 1999 and 8 November 2000;

As proposed by Our Minister of Justice and having received our Ministers' opinion after they met as a Council,

We have decided:

CHAPTER I. – *Definitions*

Article 1. For the purposes of the application of this decree:

1° "the Act" means the Act of 8 December 1992 *on the protection of privacy in relation to the processing of personal data*;

2° "the Commission" means the Commission for the Protection of Privacy;

3° "encoded personal data" means personal data that can only be related to an identified or identifiable person by means of a code;

4° "non-encoded personal data" means data other than encoded personal data;

5° "anonymous data" means data that cannot be related to an identified or identifiable person and that is consequently not personal data;

6° "intermediary organization" means any natural person, legal person, un-associated organization or public authority, other than the controller of the processing of non-encoded data, encoding the aforementioned data.

CHAPTER II. – *The further processing of personal data for historical, statistical or scientific purposes*

Section I. – General Principles

Art 2. The further processing of personal data for historical, statistical or scientific purposes shall be considered compliant with article 4, § 2, 1°, second sentence of the Act if it is carried out under the conditions set forth in this chapter.

The storage of personal data for historical, statistical or scientific purposes, as referred to in article 4, § 1, 5° second sentence of the Act, is authorized under the conditions set forth in this chapter.

Art 3. The further processing of personal data for historical, statistical or scientific purposes shall take place using anonymous data.

Art 4. If it is impossible to achieve the historical, statistical or scientific purposes using anonymous data for the further processing, the controller of the further processing for historical, statistical or scientific purposes may process encoded data pursuant to the provisions of section 2 of this chapter.

In that case he shall mention in the notification of the processing, which he shall make pursuant to article 17 of the Act, the reasons why it is impossible to achieve the historical, statistical or scientific purposes using anonymous data for the further processing.

Art 5. If it is impossible to achieve the historical, statistical or scientific purposes using encoded data for the further processing, the controller of the further processing for historical, statistical or scientific purposes may process non-encoded data pursuant to the provisions of section 2 of this chapter.

In that case he shall mention in the notification of the processing, which he shall make pursuant to article 17 of the Act, the reasons why it is impossible to achieve the historical, statistical or scientific purposes using encoded data for the further processing.

Art 6. The controller of the further processing of personal data for historical, statistical or scientific purposes must not perform any operations that aim to convert anonymous data into personal data or encoded personal data into non-encoded personal data.

Section II. – Processing encoded personal data

Art 7. Personal data shall be encoded prior to any further processing for historical, statistical or scientific purposes.

Art 8. If the controller of a processing operation of personal data collected for specified, explicit and legitimate purposes, further processes the personal data for historical, statistical or scientific purposes or entrusts a processor with the processing, the personal data shall be encoded prior to the further processing, either by the controller, by the processor or by an intermediary organization.

In the latter case the intermediary organization shall be considered as processor in the meaning of article 1, § 5 of the Act.

Art. 9 If the controller of a processing operation of personal data collected for specified, explicit and legitimate purposes discloses the personal data to a third party with a view to further processing for historical, statistical or scientific purposes, the personal data shall be encoded by the controller or by an intermediary organization prior to the disclosure.

In the latter case the intermediary organization shall be considered as processor in the meaning of article 1, § 5 of the Act.

Art 10. If several controllers of a processing operation of personal data collected for specified, explicit and legitimate purposes disclose personal data to the same third party (-ies) with a view to further processing for historical, statistical or scientific purposes, the personal data shall be encoded by an intermediary organization prior to the disclosure.

In the last case the intermediary organization shall be considered as processor in the meaning of article 1, § 4 of the Act.

Art 11. The intermediary organization shall be independent from the controller of the further processing of the personal data for historical, statistical or scientific purposes.

Art 12. The controller of a processing operation of personal data collected for specified, explicit and legitimate purposes and the intermediary organization encoding the personal data with a view to further processing for historical, statistical or scientific purposes, shall take appropriate technical and organizational measures in order to prevent the conversion of encoded data into non-encoded data.

Art 13. The controller of a processing operation of personal data collected for specified, explicit and legitimate purposes, and the intermediary organization may only disclose encoded data with a view to

further processing for historical, statistical or scientific purposes when the controller of the further processing produces a receipt of complete notification, issued by the Commission pursuant to article 17, § 2 of the Act.

Art 14. Prior to the encoding of the data referred to in articles 6 to 8 of the Act, the controller of a processing operation of personal data collected for specified, explicit and legitimate purposes or the intermediary organization must provide the data subject with the following information:

- the identity of the controller;
- the categories of data being processed;
- the origin of the data;
- a precise description of the historical, statistical or scientific purposes of the processing;
- the recipients or categories of recipients of the data;
- the existence of the data subject's right to access and rectify his personal data;
- the existence of the data subject's right to object.

Art 15. The controller of a processing operation of personal data collected for specified, explicit and legitimate purposes and the intermediary organization do not have to comply with the duty imposed by article 14 of this decree if this duty proves impossible or would involve a disproportionate effort, and if they have followed the procedure established by article 16 of this decree.

Art 16. The controller of a processing operation of personal data collected for specified, explicit and legitimate purposes or the intermediary organization do not have to comply with the duty imposed by article 14 if the intermediary organization is an administrative authority having the explicit task, by or under the law, of gathering and encoding personal data, and if it is subject to specific measures laid down by or under the law in order to protect privacy in this process.

Art 16. The controller of a processing operation of personal data collected for specified, explicit and legitimate purposes or the intermediary organization wishing to encode the data referred to in articles 6 to 8 of the Act without informing the data subject in advance, shall complete the compulsory notification under article 17 of the Act with the following information:

1° a precise description of the historical, statistical or scientific purposes of the processing;

2° the reasons justifying the processing of the personal data referred to in articles 6 to 8 of the Act;

3° the reasons why the data mentioned in article 14 cannot be communicated to the data subject or the disproportion of the effort to do so;

4° the categories of persons whose personal data mentioned in articles 6 to 8 of the Act are being processed;

5° the individuals or categories of individuals having access to the personal data;

6° the origin of the data.

Within forty-five working days of receipt of the notification, the Commission shall transmit a recommendation to the controller or the intermediary organization, accompanied, if necessary, by additional conditions to be met when further processing the encoded personal data referred to in articles 6 to 8 of the Act.

The term established in the second paragraph may be extended once by forty-five days. The Commission shall inform the controller of the extension of the first term prior to the expiry of that term.

If the Commission has not made a recommendation upon expiry of the terms referred to in this article, the request shall be considered as granted.

The Commission shall publish its recommendation in the register referred to in article 18 of the Act.

Art 17. The controller must report to the Commission any modification to the data he transmitted to it pursuant to article 16 of this decree.

Section III. – Processing non-encoded personal data

Art 18. Prior to the further processing of non-encoded personal data for historical, statistical or scientific purposes, the controller of the further processing shall provide the data subject with the following information:

1° the identity of the controller;

2° the categories of data being processed;

3° the origin of the data;

4° a precise description of the historical, statistical or scientific purposes of the processing;

5° the recipients or categories of recipients of the data;

6° the existence the data subject's right to access and rectify his personal data;

7° the existence of the duty to ask the data subject's consent prior to the processing of non-encoded personal data for historical, statistical or scientific purposes.

Art 19. Prior to the processing operation the data subject must give his explicit consent to the processing of non-encoded personal data relating to him for historical, statistical or scientific purposes.

Art 20. The controller of the further processing of non-encoded personal data for historical, statistical or scientific purposes does not have to comply with the duties imposed by articles 18 and 19 of this decree:

1° if the further processing for historical, statistical or scientific purposes is restricted to non-encoded personal data that have been made public as a result of steps deliberately taken by the data subject or that are closely related to the public character of the data subject or of the facts in which the data subject is or was involved;

or

2° if complying with these duties proves impossible or would require a disproportionate effort, and the controller has followed the procedure established in article 21 of this decree.

Art 21. Any controller of a further processing operation of non-encoded personal data for historical, statistical or scientific purposes wishing to process the data without informing the data subject in advance or without asking the latter for his consent, shall complete the notification required for this purpose under article 17 of the Act with the following information:

1° a precise description of the historical, statistical or scientific purposes of the processing;

2° the reasons why it is necessary to process non-encoded data;

3° the reasons why the data subject cannot be asked for an informed consent, or the disproportion of the effort required to obtain such consent;

4° the categories of individuals whose non-encoded personal data are being processed;

5° the individuals or categories of individuals having access to the non-encoded data;

6° the origin of the data.

Within forty-five working days of receipt of the notification, the Commission shall transmit a recommendation to the controller of the further processing, accompanied, if necessary, by any additional conditions to be met for the further processing of the non-encoded data for historical, statistical or scientific purposes.

The term established in the second paragraph may be prolonged once by forty-five days. The Commission shall inform the controller of the further processing of the prolongation of the first term prior to its expiry.

If the Commission has not given a recommendation upon expiry of the terms referred to in this article, the request shall be considered as granted.

The Commission shall publish its recommendation in the register referred to in article 18 of the Act.

Art 22. The controller must inform the Commission of any modification to the data he transmitted to it pursuant to article 21 of this decree.

Section IV. – Publication of the results of the processing

Art 23. The results of the processing for historical, statistical or scientific purposes must not be published in a form identifying the data subject unless:

1° he has given his explicit consent and the privacy of third parties is not violated, or

2° the publication of non-encoded data is restricted to data that has apparently been made public by the data subject or that is closely related to the public character of the data subject or of the facts in which the data subject is or was involved.

Section V. – Exception

Art 24. Chapter II of this decree does not apply to the services and authorities referred to in article 3, § 4 of the Act that further process personal data for historical, statistical or scientific purposes.

CHAPTER III. – *Conditions for processing the personal data referred to in articles 6 to 8 of the Act*

Art 25. When processing the personal data referred to in articles 6 to 8 of the Act, the controller must also take the following measures:

1° the categories of individuals having access to the personal data must be designated by the controller or the processor, if any, with a precise description of their function with respect to the data processing operation in question;

2° the controller or the processor, if any, must keep the list of designated individuals available to the Commission;

3° the controller must ensure that the individuals designated respect the confidential nature of the data in question under a legal duty, an obligation laid down in articles of association or an equivalent contractual stipulation;

4° when informing the data subject under article 9 of the Act or in the notification referred to in article 17, § 1 of the Act, the controller must mention the act or regulation authorizing the processing of the personal data referred to in articles 6 to 8 of the Act.

Art 26. If the processing of the personal data referred to in articles 6 and 7 of the Act is only authorized with the data subject's written consent, the controller must inform the latter of the reasons for the processing and provide him with the list of the categories of individuals having access to the personal data in addition to the data that must be supplied by virtue of article 9.

Art 27. If the processing of the personal data referred to in articles 6 and 7 of the Act is only authorized with the data subject's written consent, such processing shall be prohibited if the controller is the data subject's current or potential employer or if the data subject is in a dependent position with respect to the controller, preventing the former from giving his free consent.

This prohibition shall be lifted when the processing is intended for the benefit of the data subject.

CHAPTER IV. – *Conditions for exemption from the duty of information referred to in article 9, § 2 of the Act*

Art 28. The controller of a further processing operation of personal data for historical, statistical or scientific purposes who processes encoded data only shall be exempt from the duty to inform the data subject referred to in article 9, § 2 of the Act provided that the conditions set forth in Chapter II, Section II of this decree have been met.

Art 29. Any administrative authority that has the explicit task of gathering and encoding personal data by or under the law, and that is subject to specific measures laid down by or under the law for the purpose of protecting privacy in this process, shall be exempt from the duty of information referred to in article 9, § 2 of the Act if it acts as an intermediary organization.

Art 30. Except for the cases described in articles 28 and 29 of this decree, any controller invoking an exemption from the duty of information referred to in article 9, § 2 of the Act, because informing the data subject proves impossible or would involve a disproportionate effort, shall provide the aforementioned information at the time of his first contact with the data subject.

If the controller referred to in the first paragraph discloses the personal data to a third party, the latter shall provide the information referred to in article 9, § 2 of the Act to the data subject at the time of their first contact.

Art 31. Any controller unable to inform the data subject because this proves impossible or would involve a disproportionate effort, shall mention this in the notification he makes to the Commission under article 17 of the Act.

The Commission shall publish the list of controllers in the public register described in article 18 of the Act and shall mention the reasons justifying the exemption.

CHAPTER V. – *Exercise of the rights referred to in articles 10 and 12 of the Act*

Art 32 Under the conditions laid down by law any individual proving his identity has the right to access the information mentioned in article 10 by means of a signed and dated request submitted with door-to-door delivery , sent by post or sent using a means of telecommunication. The request shall be submitted:

- either to the controller or his representative in Belgium, or an individual authorized or appointed by him;
- or to the processor who shall transmit it to one of the aforementioned individuals if necessary.

If the request is submitted with door-to-door delivery, the individual receiving it shall immediately provide the requester with a dated and signed receipt.

Art 33. Any request to prohibit the use of, to rectify or to delete personal data and any objection based on article 12 of the Act shall be submitted following the procedure mentioned in article 32 of this decree and to the individuals referred to in that article.

Art 34. If personal data is collected from the data subject in writing, the controller shall use the document he collects the data with to ask the data subject whether he wishes to exercise the right to object provided for by article 12, § 1, third paragraph of the Act.

If the personal data is collected from the data subject otherwise than in writing, the controller shall ask the data subject whether he wishes to exercise the right to object provided by article 12, § 1, third paragraph of the Act. The data subject can object on a document the controller provides him with, at the latest two months after the personal data was collected, or using any technical means making it possible to prove that he was offered the possibility to object.

Art 35. If the personal data is not collected from the data subject, any controller who is subject to article 9, § 2, c) of the Act, shall ask the data subject in writing whether he wishes to exercise the right to object provided by article 12, § 1, third paragraph of the Act.

CHAPTER VI. – *Exercise of the right referred to in article 13 of the Act*

Art 36. This chapter establishes the procedure for the submission of requests under article 13 of the Act.

Art 37. The data subject must submit the request to the Commission by means of a dated and signed letter mentioning his surname, first name, date of birth and nationality, and include a copy of his identity card, passport or any equivalent document.

The request shall also mention the following information, provided that it is known to the requester:

- the name of the authority or service involved;
- all relevant elements regarding the data under discussion, such as its nature, the circumstances or the reasons for accessing the data, as well as possible rectifications.

Art 38. If the Commission considers it useful, it may ask the data subject for additional information.

Art 39. If the data referred to in articles 37 and 38 of this decree is not provided, the request may be declared inadmissible.

Art 40. The request shall be inadmissible if it is submitted within a one-year term starting from the date the Commission's previous answer regarding the same data and the same services was sent.

This term may be deviated from, if the data subject submits reasons justifying such deviation in his request.

Art 41. If the request is considered inadmissible, the data subject shall be informed of that fact by letter.

This letter shall mention that the data subject may be heard upon request, in the presence of his counsellor if necessary.

Art 42. On-site inspections shall be carried out by the Commission's President or by one or more commissioners designated by him.

The inspections of the processing operations of personal data referred to in article 3, § 5, 1° of the Act shall be carried out by magistrates chosen from the Commission members.

The President and the commissioners carrying out the inspections can request the assistance of or be represented by one or more members of the Commission's secretariat.

Art 43. During the inspection at the service concerned, the Commission shall carry out or order any verification it sees fit.

During the on-site inspections referred to in article 3, § 5 of the Act, the Commission may have data rectified or removed, or have data introduced that differ from that processed by the service concerned. It may prohibit the disclosure of the data.

During the on-site inspections referred to in article 3, § 5 of the Act, the Commission shall recommend the measures it considers necessary. It shall substantiate its recommendations.

Art 44. After the inspections, the service where they were carried out shall inform the Commission of the actions it has undertaken accordingly.

Art 45. The Commission shall reply to the data subject's request by letter, within a three-month term starting from the moment the information referred to in article 44 of the decree was supplied.

Art 46. If the data subject's request relates to a processing operation carried out by a police service with a view to an identity check, the Commission shall communicate to the data subject that the necessary verifications have been carried out.

If necessary, the Commission shall provide the data subject with all other information it sees fit after it has received the opinion of the service concerned.

CHAPTER VII. – *Notification of the automatic processing of personal data*

Section I. – Fees to be paid to the Commission upon notification

Art 47. If the notification referred to in article 17 of the Act is made using the paper form made available by the Commission for that purpose, the amount of the fee payable to the Commission by the controller shall be established at 125 euros or 5042 francs for the notification of all data provided to the Commission by the same controller at the same time.

Art 48. If notification is made using the magnetic information carrier made available by the Commission for that purpose, the amount of the fee payable to the Commission shall be established at 25 euros or 1008 francs for the notification of all data provided to the Commission by the same controller at the same time.

Art 49. The amount of the fee payable by the controller to the Commission upon simultaneous notification of one or more modifications of the information in his original declaration, shall be established at 20 euros or 807 francs.

Art 50. The controller shall pay the fees referred to in this section using the documents made available by the Commission for that purpose.

Section II. – Categories of processing operations exempt from the duty of notification

Art 51. Except for §§ 4 and 8, the provisions of article 17 of the Act do not apply to the processing of personal data relating exclusively to data that is necessary for the payroll administration of individuals employed by or working for the controller, provided that the data is only used for that payroll administration, that it is only disclosed to the recipients who are entitled to it and that it is not stored any longer than necessary for the purposes of the processing.

Art 52. Except for §§4 and 8, the provisions of article 17 of the Act do not apply to the processing of personal data relating exclusively to data that is necessary for the personnel administration of individuals employed by or working for the controller.

The processing must not involve personal data regarding the data subject's health, nor sensitive or judicial data in the meaning of articles 6 and 8 of the Act, nor data aiming at an assessment of the individual.

The personal data being processed must not be kept any longer than necessary for personnel administration and may only be disclosed to third parties in the context of the application of a

provision from an act or ordinance, or whenever necessary to achieve the objectives of the processing.

Art 53. Except for §§ 4 and 8, the provisions of article 17 of the Act do not apply to the processing of personal data relating only to the controller's accounting, provided that the data is only used for accounting purposes, that the processing only relates to individuals whose data is necessary for those purposes and that the personal data is not kept any longer than necessary for accounting purposes. The data being processed may only be disclosed to third parties in the framework of the application of a provision from an act or ordinance, or whenever necessary for accounting purposes.

Art 54. Except for §§ 4 and 8, the provisions of article 17 of the Act do not apply to the processing of personal data relating only to partner and shareholder administration, provided that the processing only relates to data needed for such administration, that the data only relates to individuals whose data is needed for such administration, that the data is not disclosed to third parties, except in the framework of the application of a provision from an act or ordinance, and that the personal data is not kept any longer than necessary for the purposes of the processing.

Art 55. Except for §§ 4 and 8, the provisions of article 17 of the Act do not apply to the processing of personal data relating only to the controller's customer or supplier management.

The processing may only relate to the controller's potential, current and former customers or suppliers.

The processing must not relate to personal data regarding the data subject's health, nor to sensitive or judicial data in the meaning of articles 6 and 8 of the Act.

In the context of customer administration personal data must not be recorded in a data processing operation on the basis of data provided by third parties.

The data must not be kept any longer than necessary for the controller's normal company management and may only be disclosed to third parties in the context of the application of a provision from an act or ordinance, or for the purposes of normal company management.

Art 56. Except for §§ 4 and 8, the provisions of article 17 of the Act shall not apply to the processing of personal data carried out by a foundation, an association or any other non-profit organization in the course of its normal activities.

The processing may only relate to member administration, to individuals the controller regularly enters into contact with or to supporters of the foundation, association or organization.

No personal data may be recorded in their processing operations on the basis of data provided by third parties. The personal data being processed must not be kept any longer than necessary for member, contact or supporter administration and may only be disclosed to third parties in the framework of the application of a provision from an act or ordinance.

Art 57. Except for §§ 4 and 8, the provisions of article 17 of the Act shall not apply to the processing of identification data necessary for communication and carried out for the sole purpose of contacting the data subject, provided that the data is not disclosed to third parties and that it is not kept any longer than necessary for the purpose of the processing.

The first paragraph of this article only relates to the processing of personal data that is not referred to in another provision of this decree.

Art 58. Except for §§ 4 and 8, the provisions of article 17 of the Act shall not apply to the processing of personal data that only relates to visitor registration in the context of access control, provided that the data is restricted to the visitor's name and professional address, the identification of his employer, the identification of his vehicle, the name, department and function of the individual being visited and the time of the visit.

The personal data may only be used for access control and must not be kept any longer than necessary for that purpose.

Art. 59 Except for §§ 4 and 8, the provisions of article 17 of the Act shall not apply to the processing of personal data carried out by educational institutions with a view to the management of the relation with their pupils or students.

The processing may only relate to personal data of potential, current and former pupils or students of the education institution concerned.

No personal data may be recorded in their processing operations on the basis of data provided by third parties. The personal data being processed may only be disclosed to third parties in the context of the application of a provision from an act or ordinance and must not be kept any longer than necessary for the management of the relation with the pupil or student.

Art 60. Except for §§ 4 and 8, the provisions of article 17 of the Act shall not apply to the processing of personal data carried out by municipalities pursuant to the Act of 19 July 1991 *on population registers and identity cards and modifying the Act of 8 August 1983 establishing a National Register of*

natural persons, pursuant to electoral legislation and to the legal provisions concerning the records of the registrar.

Art 61. Except for §§ 4 and 8, the provisions of article 17 of the Act shall not apply to the processing of personal data carried out by administrative authorities if the processing is subject to specific regulations, issued by or under the law, that delineate rules regarding the access, use and collection of the data being processed.

Art 62. Except for §§ 4 and 8, the provisions of article 17 of the Act shall not apply to the processing of personal data carried out by the social security institutions referred to in articles 1 and 2, first paragraph, 2° of the Act of 15 January 1990 *establishing and organizing the Crossroads Bank of Social Security*, which aim at the application of social security, provided that these institutions respect the provisions of the aforementioned Act and its implementing decrees when processing data.

The Crossroads Bank shall keep the list referred to in article 46, first paragraph, 6° *bis* of the Act of 15 January 1990 *establishing and organizing the Crossroads Bank of Social Security* available to the Commission for the Protection of Privacy, pursuant to the conditions agreed to by both parties.

On the basis of this list, the Commission for the Protection of Privacy shall update the public register of automatic processing operations referred to in article 18 of the Act.

CHAPTER VIII. – *Public register of the automatic processing of personal data*

Art 63. The public register of the automatic processing of personal data referred to in article 18 of the Act, hereafter public register, may be accessed as follows:

- a) remote direct access using a means of telecommunication;
- b) on-site direct access, in the offices designated by the Commission for that purpose;
- c) indirect access by means of a request for an extract, submitted to the Commission.

Art 64. For remote direct access the Commission shall make a copy of the public register available on a server that is accessible through the Internet.

Besides the modes of access described in the first paragraph, the Commission may suggest other possibilities.

Art 65. For on-site direct access, the Commission shall make the necessary offices available during normal office hours, as well as computer appliances equipped with appropriate software, to any individual presenting himself to the Commission in order to access the public register.

Art 66. Any individual may present himself to the Commission or submit a written request in order to obtain an extract from the public register.

This oral or written request for an extract must include at least one of the following elements:

- 1° the identification number or the name of the processing operation(s) the extract relates to;
- 2° the complete or abbreviated name of the controller or controllers that must be mentioned in the requested extract;
- 3° in case of a written request sent by letter, the address to send the extract to.

Art 67. If the requested extract from the public register relates to more than ten processing operations and several controllers, or to over one hundred processing operations of the same controller, the Commission may deliver a simplified extract mentioning the identification number, the name and the purpose of every processing operation, as well as the identification number and the name and municipality with its postal code for every controller.

In the case described in the first paragraph, the Commission shall inform the requester of the extract of his right to direct access of the public register as well as of the ways in which this right may be exercised.

Art 68. Access to the public register shall be free of charge.

Art 69. No person can be forced to disclose his reasons for accessing the public register to the Commission, regardless of whether the access is direct or indirect.

CHAPTER IX. – *Final provisions*

Art 70. All provisions of the Act of 11 December 1998 shall enter into force on the first day of the sixth month following the Act's month of publication in the Belgian Official Journal.

As of that day, all controllers of existing and future processing operations must comply with the provisions of the Act of 11 December 1998.

Art 71. The notifications referred to in article 17, § 7 of the Act that made before the date this decree entered into effect shall be considered in accordance with the provisions of the Act and of this decree.

If the data in the notification referred to in the first paragraph is modified, any controller making a notification in the meaning of article 17, § 7 of the Act shall act in accordance with the stipulations of the Act and of this decree.

Art 72. The following Royal Decrees shall be cancelled:

- 1) Royal Decree nr 1 *establishing the date of entry into force of the provisions of the Act of 8 December 1992 on the protection of privacy in relation to the processing of personal data;*
- 2) Royal Decree nr 2 of 28 February 1993 *establishing the terms within which the holder of a file must comply with the provisions of the Act of 8 December 1992 on the protection of privacy in relation to the processing of personal data, with regard to existing processing operations at the time those provisions enter into force;*
- 3) Royal Decree of 12 August 1999 *implementing article 11, 4° of the Act of 8 December 1992 on the protection of privacy in relation to the processing of personal data;*
- 4) Royal Decree nr 3 of 7 September 1993 *designating the individuals to whom the request for disclosure of personal data based on article 10 of the Act of 8 December 1992 on the protection of privacy in relation to the processing of personal data is to be submitted;*
- 5) Royal Decree nr 4 of 7 September 1993 *establishing the amount and the conditions for the payment of a preliminary charge for the holder of the file when exercising the right to access personal data pursuant to article 10 of the Act of 8 December 1992 on the protection of privacy in relation to the processing of personal data;*
- 6) Royal Decree nr 5 of 7 September 1993 *designating the individuals to whom the requests for access to, deletion or prohibition of the use of personal data based on article 12 of the Act of 8 December 1992 on the protection of privacy in relation to the processing of personal data are to be submitted;*
- 7) Royal Decree nr 8 of 7 February 1995 *establishing the purposes, criteria and conditions of authorized processing operations of the data referred to in article 8 of the Act of 8 December 1992 on the protection of privacy in relation to the processing of personal data, modified by Royal Decree nr 17 of 21 November 1996;*
- 8) Royal decree nr 9 of 7 February 1995 *on granting exemptions of the application of article 9 of the Act of 8 December 1992 on the protection of privacy in relation to the processing of personal data and establishing a procedure of collective information to the individuals certain processing operations relate to, modified by Royal Decree nr 15 of 12 March 1996;*
- 9) Royal Decree nr 12 of 7 March 1995 *establishing the fees to be paid to the Commission for the Protection of Privacy upon notification of the processing operations performed on personal data, modified by Royal Decree nr 12bis of 12 March 1996;*
- 10) Royal Decree nr 13 of 12 March 1996 *on the conditional exemption from the duty of notification for certain types of automatic processing operations of personal data implying no apparent risk of privacy violation, modified by the Royal Decree of 18 April 1996;*

11) Royal Decree nr 14 of 22 May 1996 *establishing the purposes, criteria and conditions for the authorized processing of the data referred to in article 6 of the Act of 8 December 1992 on the protection of privacy in relation to the processing of personal data.*

Art 73. This decree shall enter into force on the first day of the sixth month following the decree's month of publication in the Belgian Official Journal.

Art 74. Our Minister of Justice is in charge of implementing this decree.

Issued in Brussels, 13 February 2001.

ALBERT

Under Royal Authority:

The Minister of Justice,

M. VERWILGHEN