ROYAL DECREE OF 13 FEBRUARY 2001 PROVIDING FURTHER DETAILS TO THE ACT OF 8 DECEMBER 1992 ON THE PROTECTION OF PRIVACY IN RELATION TO THE PROCESSING OF PERSONAL DATA[1]

UNOFFICIAL ENGLISH TRANSLATION – CONSOLIDATED VERSION[2]

By **Johan Vandendriessche** and **Stephen Mason**[3]

Arrangement of Chapters

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CHAPTER I – Definitions.

Article 1.

For the purposes of applying this royal decree, the following terms have the following meaning:

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

2° "the Commission": the Commission for the protection of privacy;

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

4° "non-coded personal data": any personal data other than coded personal data;

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

6° "intermediary organization": a natural or legal person, an association without legal personality or a public authority, other than the data controller processing non-coded personal data, who codes the aforementioned personal data.

CHAPTER II – Further processing of personal data for historical, statistical or scientific purposes.

Section I – General principles.

Article 2.

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

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

Article 3.

The further processing of personal data for historical, statistical or scientific purposes shall be done by using anonymous data.

Article 4.

Where a further processing of anonymous data does not make it possible to realize the historical, statistical or scientific purposes, the data controller that is responsible for the further processing for historical, statistical or scientific purposes may process coded personal data in accordance with the provisions of section 2 of this chapter.

In that case, he shall mention in the notification of the data processing operation pursuant to Article 17 of the Act, why the further processing of anonymous data does not make it possible to realize the historical, statistical or scientific purposes.

Article 5.

Where a further processing of coded personal data does not make it possible to realize the historical, statistical or scientific purposes, the data controller that is responsible for the further processing for historical, statistical or scientific purposes may process non-coded personal data in accordance with the provisions of section 3 of this chapter.

In that case, he shall mention in the notification of the

data processing operation pursuant to Article 17 of the Act, why the further processing of coded personal data does not make it possible to realize the historical, statistical or scientific purposes.

Article 6.

The data controller that is responsible for the further processing of personal data for historical, statistical or scientific purposes may not take any action aimed at converting anonymous data in personal data or coded personal data in non-coded personal data.

Section II – Processing of coded personal data.

Article 7.

The personal data shall be coded prior to any processing for historical, statistical or scientific purposes.

Article 8.

Where the data controller further processes personal data collected for specified, explicit and legitimate purposes for historical, statistical or scientific purposes or instructs a data processor to undertake such processing, those personal data must be coded prior to the further processing, either by the data controller, by the data processor or by an intermediary organization.

In the latter case, the intermediary organization shall be considered as a data processor within the meaning of Article 1, § 5, of the Act.

Article 9.

Where the data controller communicates personal data collected for specified, explicit and legitimate purposes to a third party in view of further processing for historical, statistical or scientific purposes, those personal data must be coded prior to the communication, either by the data controller or by an intermediary organization.

In the latter case, the intermediary organization shall be considered as a data processor within the meaning of Article 1, § 5, of the Act.

Article 10.

Where several data controllers communicate personal data collected for specified, explicit and legitimate purposes to the same third party or third parties in view of further processing for historical, statistical or scientific

purposes, those personal data must be coded prior to the communication by an intermediary organization.

In the latter case, the intermediary organization shall be considered as a data controller within the meaning of Article 1, § 4, of the Act.

Article 11.

The intermediary organization is independent from the data controller that is responsible for the further processing of personal data for historical, statistical or scientific purposes.

Article 12.

The data controller in relation to personal data collected for specified, explicit and legitimate purposes, and the intermediary organization who code personal data in view of the further processing thereof for historical, statistical or scientific purposes, shall implement appropriate technical and organizational measures to prevent the conversion of coded personal data in non-coded personal data.

Article 13.

The data controller in relation to personal data collected for specified, explicit and legitimate purposes, and the intermediary organization, may communicate coded personal data in view of the further processing thereof for historical, statistical or scientific purposes only after presentation by the data controller that is responsible for the further processing of the receipt notice issued by the Commission in accordance with Article 17, § 2, of the Act.

Article 14.

The data controller in relation to personal data collected for specified, explicit and legitimate purposes and the intermediary organization must provide the data subject with the following information prior to the coding of personal data referred to in Articles 6 to 8 of the Act:

- the identity of the data controller;

- the categories of personal 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 personal data;

- the existence of the right of access to and the right to rectify the personal data concerning him;

- the existence of the right to object to the intended processing of personal data related to him.

Article 15.

The data controller in relation to personal data collected for specified, explicit and legitimate purposes and the intermediary organization must not comply with the obligations imposed in Article 14 of this royal decree, if this obligation proves impossible or would involve a disproportionate effort and provided they have complied with the procedure set out in Article 16 of this royal decree.

The data controller in relation to personal data collected for specified, explicit and legitimate purposes and the intermediary organization must not comply with the obligations imposed in Article 14 of this royal decree, if the intermediary organization is a public authority conferred by or by virtue of law with the specific mission to assemble and code personal data and that, in doing so, is submitted to specific measures that have been determined by law or by virtue of a law in view of protecting the privacy.

Article 16.

The data controller in relation to personal data collected for specified, explicit and legitimate purposes and the intermediary organization who wish to code the data referred to in Articles 6 to 8 of the Act without prior notice to the data subject, shall complete the notification to be performed pursuant to Article 17 of the Act with the following information:

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

2º the reasons justifying the processing of personal data referred to in Articles 6 to 8 of the Act;

3º the reasons why it proves to be impossible to provide the information mentioned in Article 14 to the data subject, or why it would involve a disproportionate effort to do so;

4º the categories of data subjects, whose personal data referred to in Articles 6 to 8 are being processed;

5º the persons or categories of persons who can consult the personal data;

6º the origin of the data.

Within a period of 45 working days following the receipt of the notification, the Commission is to communicate to the data controller or to the intermediary organization a recommendation accompanied, as the case may be, with additional conditions which have to be complied with when further processing for historical, statistical or scientific purposes coded personal data referred to in the Article 6 to 8 of the Act.

The period referred to in the second section[4] can be extended once by an additional 45 working days. The Commission shall inform the data controller of the extension prior to the expiry of the first period.

If the Commission fails to communicate a recommendation before the expiry of the periods referred to in this article, the request shall be deemed accepted.

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

Article 17.

The data controller must notify any change to the information he communicated to the Commission pursuant to Article 16 of this royal decree.

Section III – Processing of non-coded personal data.

Article 18.

Prior to further processing of non-coded personal data for historical, statistical or scientific purposes, the data controller is to provide the data subject with the following information:

1º the identity of the data controller;

2º the categories of personal data being processed;

3º the origin of the data;

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

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4   For the sake of consistency, an article
    is divided in "paragraph(s)" and
    "subparagraph(s)" when the original text
    mentions the sign "§". Otherwise, an article
    is divided in "sections".

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

6° the existence of the right of access to and the right to rectify the personal data concerning him;

7° the existence of the obligation to request a prior consent of the data subject for the processing of non-coded personal data for historical, statistical or scientific purposes.

Article 19.

Prior to commencing the data processing, the data subject must explicitly consent to the processing of non-coded personal concerning him for historical, statistical or scientific purposes.

Article 20.

The data controller that is responsible for the further processing of non-coded personal data for historical, statistical or scientific purposes must not comply with the obligations imposed by Articles 18 and 19:

1° where the further processing for historical, statistical or scientific purposes remains limited to non-coded personal data which have manifestly been rendered public or which are closely connected with the public nature of the data subject or with the facts with which the data subject is or has been involved, or;

2° where compliance with these obligations proves impossible or would involve a disproportionate effort and provided he has complied with the procedure set out in Article 21 of this royal decree.

Article 21.

The data controller that is responsible for the further processing of non-coded personal data for historical, statistical or scientific purposes who wishes to process personal data without prior notice to and prior consent of the data subject, shall complete the notification to be performed pursuant to 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 necessitating the processing of non-coded personal data;

3° the reasons why it proves to be impossible to request an informed consent from the data subject, or why it would involve a disproportionate effort to obtain such a consent;

4° the categories of data subjects whose non-coded personal data are being processed;

5° the persons or categories of persons that can consult the non-coded personal data;

6° the origin of the data.

Within a period of 45 working days following the receipt of the notification, the Commission communicates to the data controller that is responsible for the further processing a recommendation accompanied, as the case may be, with additional conditions which have to be complied with when further processing data for historical, statistical or scientific purposes non-coded personal data.

The period referred to in the second section can be extended once with an additional 45 working days. The Commission shall inform the data controller of the extension prior to the expiry of the first period.

If the Commission fails to communicate a recommendation before the expiry of the periods referred to in this article, the request shall be deemed accepted.

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

Article 22.

The data controller must notify, prior thereto, any change to the information he communicated to the Commission pursuant to Article 21 of this royal decree.

Section IV – Publication of the results of the data processing.

Article 23.

The results of the processing for historical, statistical or scientific processing may not be published in a form permitting the identification of a data subject, unless:

1° the latter has given his consent thereto and provided the privacy of third parties is not violated, or;

2° the publication of non-coded personal data remains limited to data which have manifestly been rendered

public by the data subject or which are closely connected with the public nature of the data subject or with the facts with which the data subject is or has been involved.

Section V – Exception.

Article 24.

Chapter II of this royal decree does not apply to further processing for historical, statistical or scientific purposes by the services and public authorities referred to in Article 3, § 4, of the Act.

CHAPTER III – Conditions applying to the processing of personal data referred to in Articles 6 to 8 of the Act.

Article 25.

The data controller must implement the following measures in addition when processing personal data referred to in Articles 6 to 8 of the Act:

1° he or, as the case may be, the data processor must indicate the categories of persons able to consult the personal data, thereby describing in detail their role in relation to the processing of that data;

2° he or, as the case may be, the data processor must keep the list of the designated categories of persons at the disposal of the Commission;

3° he must ensure that the designated persons are bound to respect the confidential nature of the concerned data by means of a legal or statutory obligation, or by means of an equivalent contractual provision;

4° he must mention, in the notice to the data subject pursuant to Article 9 of the Act or in the notification referred to in Article 17, § 1, of the Act, the law or ordinance allowing the processing of personal data referred to in Articles 6 to 8 of the Act.

Article 26.

Where the processing of personal data referred to in Articles 6 and 7 is permitted solely on the basis of the written consent of the data subject, the data controller must inform him beforehand, in addition to the information pursuant to Article 9 of the Act, about the reasons for that processing, as well as the list of the categories of persons having access to the personal data.

Article 27.

Where the processing of personal data referred to in Articles 6 and 7 is permitted solely on the basis of the written consent of the data subject, that processing is prohibited if the data controller is the current or potential future employer of the data subject or, if the data subject's position is dependent on the data controller, preventing him from providing his free consent.

This prohibition is lifted if the processing aims to provide an advantage to the data subject.

Chapter IV – Conditions applying to the exemption of the obligation to inform referred to in Article 9, §2 of the Act

Article 28.

The data controller that is responsible for the further processing for historical, statistical or scientific purposes who solely processes coded personal data is exempted from the information obligation referred to in Article 9, § 2, of the Act, provided the conditions set out in Chapter II, Section II of this royal decree are complied with.

Article 29.

A public authority conferred by or by virtue of law with the specific mission to assemble and code personal data and, in doing so, is submitted to specific measures that have been determined by law or by virtue of a law in view of protecting the privacy, is exempted from the information obligation referred to in Article 9, § 2, of the Act, when it acts as an intermediary organization.

Article 30.

The data controller who invokes an exemption from the information obligation referred to in Article 9, §2, of the Act, other than in the case described in Article 28 and 29 of this royal decree, because this notice proves impossible or would involve a disproportionate effort, is to provide the aforementioned information the first time he enters into contact with the data subject.

If the data controller referred to in the first section communicates the personal data to a third party, the latter shall provide the notice referred to in Article 9, § 2, of the Act, the first time he enters into contact with the data subject.

Article 31.

The data controller, who cannot provide the notice to the data subject because it proves impossible or would involve a disproportionate effort, shall indicate this in the notification he submits to the Commission pursuant to Article 17 of the Act.

The Commission will publish the list of data controllers by means of the public register described in Article 18 of the Act, with mention therein of the reasons justifying the exemption.

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

Article 32.

Subject to the conditions imposed by the Act, any person proving his identity shall have the right to obtain the information mentioned in Article 10 of the Act, by delivering by hand or sending by post or telecommunication a signed and dated request:

- either to the data controller or to his representative in Belgium, or to one of his authorized representative or agents; or

- to the data processor, who shall transfer it to one of the aforementioned persons.

If the request is delivered by hand, the recipient shall immediately provide the requester a dated and signed notice of receipt.

Article 33.

The requests for the rectification, erasure or blocking of personal data and any objection based on Article 12 of the Act are submitted according to the same procedure with the same persons as those mentioned in Article 32 of this royal decree.

Article 34.

Where the personal data are collected in writing from the data subject, the data controller must ask the data subject on the form used to collect the data if he wishes to exercise his right to object pursuant to Article 12, § 1, third subparagraph, of the Act.

Where the personal data are collected from the data

subject in a manner other than in writing, the data controller must ask that person if he wishes to exercise his right to object pursuant to Article 12, § 1, third subparagraph, of the Act. The data subject can do so by means of a document which the data controller must provide to him, at the latest two months after the collection of the personal data, or by any technical means making it possible to prove that the possibility to exercise the aforementioned right was offered to him.

Article 35.

Where the personal data are not collected from the data subject, the data controller, who is submitted to Article 9, § 2, c), of the Act, must ask that person in writing if he wishes to exercise his right to object pursuant to Article 12, § 1, third subparagraph, of the Act.

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

Article 36.

This chapter sets out the procedure for filing requests on the basis of Article 13 of the Act.

Article 37.

The data subject files the request with the Commission by means of a dated and signed written letter, mentioning his surname, first name, birth date and nationality and to which is added a copy of his identity card, passport or equivalent document.

If the requester disposes thereof, the following information shall also be mentioned in the request:

- the name of the relevant public authority or service;

- all relevant elements concerning the disputed data, such as its nature, the conditions or the reason for the access, as well as the desired rectifications, if any.

Article 38.

If the Commission deems this useful, it can request further information from the data subject.

Article 39.

If the information referred to in the Articles 37 and 38 of this royal decree are not communicated, the request may

be deemed inadmissible.

Article 40.

The request is inadmissible if it is filed within a period of one year starting from the send date of the previous reply of the Commission in relation to the same data and the same services.

Derogations from this period are possible, if the data subject gives reason for such a derogation in his request.

Article 41.

Where the request is considered inadmissible, the data subject is informed thereof by letter.

In this letter, it shall be mentioned that the data subject can be heard upon his request, assisted by his legal counsel if he desires so.

Article 42.

The verification of the concerned service shall be carried out by the chairman of the Commission or by one or more members he shall designate.

The verification of the processing of personal data referred to in Article 3, § 5, 1°, of the Act, shall be carried out by magistrates designate by the Commission among its members.

The chairman and the members carrying out the verification can be assisted or represented by one or more members of the secretariat of the Commission.

Article 43.

The Commission carries out or orders any verification it deems useful in the context of the verification of the relevant service.

At the occasion of the verification, the Commission can impose the rectification or erasure, or the introduction of data that differ from those processed by the relevant service referred to in Article 3, § 5, of the Act. The Commission can prohibit the communication of the data.

At the occasion of the verification carried out with the relevant service referred to in Article 3, § 4, of the Act, the Commission may order the measures it deems necessary. The Commission must give reasons for its

recommendations.

Article 44.

After the verification, the relevant service informs the Commission in writing of the actions that were taken.

Article 45.

The Commission must answer by letter to the request of the data subject within a period of three months following the notice referred to in Article 44 of this royal decree,

Article 46.

Where the request of the data subject relates to the processing of personal data managed by a police service undertaking identity checks, the Commission shall inform the data subject that the necessary verifications were carried out.

Upon advice of the relevant service, the Commission will provide to the data subject all other information it deems relevant, if any.

CHAPTER VII – Notification of processing of personal data by automated means.

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

Article 47.

If the notification referred to in Article 17 of the Act is filed by means of the paper document provided by the Commission to that end, the amount of the fee the data controller must pay to the Commission is determined at 125 euro [...] for the notification of all information provided by the same data controller to the Commission at the same moment.

Article 48.

If the notification is filed by means of the magnetic medium provided by the Commission to that end, the amount of the fee the data controller must pay to the Commission is determined at 25 euro [...] for the notification of all information provided by the same data controller to the Commission at the same moment.

Article 49.

The amount of the fee to be paid to the Commission upon notification of one or more changes to the information of

the notification by the same data controller at the same time is determined at 20 euro [...].

Article 50.

The data controller shall pay the fees referred to in this section by means of the documents that the Commission provides to that end.

Section II – Categories of data processing exempted from the obligation to notify.

Article 51.

With the exception of §§ 4 and 8, the provisions of Article 17 of the Act do not apply to the data processing concerning only data necessary for the payroll administration in relation to persons engaged by or working on behalf of the data controller, provided the data are used solely for that payroll administration, are communicated only to recipients entitled thereto and are not stored longer than necessary for the purposes of the processing.

Article 52.

With the exception of §§ 4 and 8, the provisions of Article 17 of the Act do not apply to the processing of personal data relating only to the administration of personnel engaged by or working on behalf of the data controller.

The processing may not concern personal data relating to health, sensitive personal data, nor judicial personal data as referred to in Articles 6 and 8 of the Act or concern data that serve the purpose of evaluating the data subject.

The processed personal data may not be stored longer than necessary for the purposes of administration of personnel and may only be communicated to third parties in the context of the application of a provision of law or ordinance or if necessary for achieving the purposes of the processing.

Article 53.

With the exception of §§ 4 and 8, the provisions of Article 17 of the Act do not apply to the processing of personal data relating only to the bookkeeping of the data controller, provided that the data are used solely for purposes of bookkeeping, that the processing only concerns persons whose data are necessary for the bookkeeping and that the personal data are stored no

longer than necessary for the purposes of the processing.

The processed personal data may only be communicated to third parties in the context of the application of a provision of law or ordinance or if necessary for the bookkeeping.

Article 54.

With the exception of §§ 4 and 8, the provisions of Article 17 of the Act do not apply to the processing of personal data relating only to the administration of shareholders and partners, provided that the processing concerns only data necessary for that administration, that those data only concern persons necessary for that administration, that the data are only communicated to third parties in the context of the application of a provision of law or ordinance and that the personal data are stored no longer than necessary for achieving the purposes of the processing.

Article 55.

With the exception of §§ 4 and 8, the provisions of Article 17 of the Act do not apply to the processing of personal data relating only to the administration of clients or suppliers of the data controller.

The processing may only concern prospective, existing or past clients or suppliers of the data controller.

The processing may not concern personal data relating to the health of the data subject or relating to sensitive or judicial personal data within the meaning of Articles 6 and 8 of the Act.

In the context of client administration, no persons may be registered on the basis of data obtained from third parties.

The data may not be stored longer than necessary for the normal commercial activities of the data controller and may only be communicated to third parties in the context of the application of a provision of law or ordinance or for the purposes of normal commercial activities.

Article 56.

With the exception of §§ 4 and 8, the provisions of Article 17 of the Act do not apply to the processing of personal data carried out by a foundation, an association or any

other non-profit organization in the context of their normal activities.

The processing may only concern their own members, the persons with whom the data controller maintains frequent contacts and the persons making bequests to the foundation, association or organization.

In the context of the processing, no persons may be registered on the basis of data obtained from third parties. The processed personal data may not be stored longer than necessary for the administration of the members, the contact persons and the persons making bequests, and may only be communicated to third parties in the context of the application of a provision of law or ordinance.

Article 57.

With the exception of §§ 4 and 8, the provisions of Article 17 of the Act do not apply to the processing of personal data necessary for communication made solely to enter into contact with the data subject, provided those data are not communicated to third parties and that they are stored no longer than necessary for achieving the purpose of the processing.

The first section of this Article only concerns processing of personal data that is not referred to in another provision of this royal decree.

Article 58.

With the exception of §§ 4 and 8, the provisions of Article 17 of the Act do not apply to the processing of personal data relating only to the registration of visitors in the context of controlling access, provided the processed data remain limited to the name, the professional address, the identification of his employer, the identification of the visitor's vehicle, the name, department and function of the person visited and the time of the visit.

The processed personal data may be used solely for the purpose of controlling access and may not be stored longer than necessary for that purpose.

Article 59.

With the exception of §§ 4 and 8, the provisions of Article 17 of the Act do not apply to the processing of personal data carried out by teaching institutions in view of administrating their relationship with their pupils or

students.

The processing may only relate to the personal data concerning prospective, current and past pupils and students of the relevant teaching institution.

In the context of the processing, no persons may be registered on the basis of data obtained from third parties. The processed personal data may only be communicated to third parties in the context of the application of a provision of law or ordinance and may not be stored longer than necessary for the administration of the relationship with the pupil or student.

Article 60.

With the exception of §§ 4 and 8, the provisions of Article 17 of the Act do not apply to the processing carried out by municipalities in accordance with the Act of 19 July 1991 on population registers and identity cards, and modifying the Act of 8 August 1983 on the national register of physical persons, with the electoral legislation and with the legal provisions concerning Civil Status Registers.

Article 61.

With the exception of §§ 4 and 8, the provisions of Article 17 of the Act do not apply to the processing of personal data carried out by public authorities, where the processing is subject to specific regulations issued by or by virtue of a law regarding the consultation, the use and the collection of such data.

Article 62.

With the exception of §§ 4 and 8, the provisions of Article 17 of the Act do not apply to the processing of personal data carried out by the social security institutions referred to in the Articles 1 and 2, first section, 2°, of the Act of 15 January 1990 creating and organizing the Crossroads Bank for Social Security, in view of applying social security, provided these institutions comply with the provisions of the aforementioned Act and its decrees in relation to these data processing operations.

The list, referred to in Article 46, first paragraph, 6°bis, of the Act of 15 January 1990 creating and organizing the Crossroads Bank for Social Security, is kept at the disposal of the Commission for the protection of privacy by the Crossroads Bank, in accordance with the terms determined jointly between them.

The Commission for the protection of privacy shall use this list for the creation of the public register of automated data processing operations referred to in Article 18 of the Act.

CHAPTER VIII – Public register of data processing operations by automated means.

Article 63.

The public register of automated processing of personal data referred to in Article 18 of the Act, hereinafter called "public register", can be consulted in the following ways:

a) direct consultation at distance by means of telecommunication;

b) direct consultation in the location in the offices designated thereto by the Commission;

c) indirect consultation by means of a request addressed to the Commission to obtain an extract.

Article 64.

For direct consultations at distance, the Commission will place a copy of the public register on a server accessible via the Internet.

The Commission may propose other means for consultations other than the methods of access described in the first section.

Article 65.

For direct consultations in the location, the Commission will place the necessary space and computer equipment with appropriate software at the disposal of the user during normal office hours to any person presenting itself to the Commission with a view of consulting the public register.

Article 66.

Any person may present himself to the Commission with a view of obtaining an extract from the public register, or address to the Commission a written request thereto.

The following information is to be mentioned as a minimum in the verbal or written request for an extract:

1° the identification number or the name of the data processing or data processing operations to which the extract relates;

2° the full or abbreviated name of the data controller or data controllers who must be indicated in the requested extract;

3° in case of a written request sent by mail, the address to which the extract should be sent.

Article 67.

If the requested extract from the public register relates to more than 10 data processing operations and several data controllers or to more than 100 data processing operations by the same data controller, the Commission may issue a simplified extract mentioning the identification number, the name and the purposes of each processing, as well as the identification number, the name and the municipality and postal code of each data controller.

In the case referred to in the first section, the Commission will inform the requester of his right to consult the public register directly, as well as the manner in which this right can be exercised.

Article 68.

The consultation of the public register is free of charge.

Article 69.

No person can be forced to communicate to the Commission the reasons for consulting the public register, irrespective whether it concerns a direct or indirect consultation.

CHAPTER IX – Final provisions.

Article 70.

All provisions of the Act of 11 December 1998 enter into force on the first day of the sixth month following the month in which they have been published in the Belgian State Gazette.

From that same day, the data controllers must comply with the provisions of the Act of 11 December 1998 in relation to all current and future processing of personal data.

Article 71.

The notifications referred to in Article 17, § 7, of the Act, that have been filed before the date of entry into force of this royal decree are deemed to comply with the provisions of the Act and this royal decree.

Upon modification of the information of the notification referred to in the first section, the data controller filing a notification within the meaning of Article 17, § 7, of the Act, shall comply with the provisions of this Act and this royal decree.

Article 72.

[Provision repealing various royal decrees]

Article 73.

This royal decree enters into force on the first day of the sixth month following the month in which it has been published in the Belgian State Gazette.

Article 74.

Our Minister of Justice is charged with executing this royal decree.

Done at Brussels, on 13 February 2001.

ALBERT

On the King's behalf:

The Minister of Justice,

M. VERWILGHEN

Bibliographical information[5]

No modifications were made to this royal decree.

An official German translation was published by Royal Decree of 21 December 2001 establishing the official German translation of the royal decree of 13 February 2001 providing further details to the Act of 8 December 1992 on the protection of privacy in relation to the processing of personal data (published in the Belgian State Gazette on 12 March 2002). This text can also be consulted on the website of the Central Service for German Translation – Commission for German legal terminology (Ministry of Internal Affairs) (http://www. ca.mdy.be/upload/downloads/20010213-a.pop.pdf).

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Stephen Mason, 2012

Johan Vandendriessche is a member of the editorial board and a lawyer at the Bar of Leuven.

http://www.adv-vandendriessche.be/

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5   *This chapter provides an overview of the acts that are incorporated in this consolidated version. Reference is made to the official title of the act and its publication date.*