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Emne: Contribution from the Danish Ministry of Justice to the discussion on automation of information exchange (11434/19)

To the Working Party on Information Exchange and Data Protection (DAPIX)

The Danish Ministry of Justice would like to make the following contribution to the evaluation and review of the General Data Protection Regulation (GDPR):

In line with Germany's remark's at the DAPIX meeting on 3 September 2019, the Ministry of Justice would like to highlight the existence of the national margin of manoeuvre in e.g. Article 6 (2) and (3). According to recital 10 of the GDPR, the Regulation provides a margin of manoeuvre for Member States to specify its rules, including determining more precisely the conditions under which the processing of personal data is lawful.

In Denmark, we have numerous national rules concerning the legality of processing of personal data, which the GDPR gives us the possibility to maintain and introduce – precisely because this margin of manoeuvre was a result of the negotiations of the GDPR. According to Article 6 (3) these national rules may contain specific provisions on e.g. the general conditions governing the lawfulness of processing by the controller, the purpose limitation and storage periods. For example, the Danish Video Surveillance Act contains specific provisions on which types of private entities that lawfully may have video surveillance in public areas and the storage period.

Sincerely,
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