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The new Personal data processing law in Latvia comes into effect

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On July 5th, 2018, new **Personal Data Processing Law** (the “DPL”) has entered into force in Latvia, which replaces Law on Personal Data Protection. The new law sets out additional obligations in the field of data protection and derogations from the General Data Protection Regulation (the “GDPR”).

The main derogations from GDPR includes the data controller’s rights in certain situations to limit data subject’s rights as enshrined in the GDPR in the personal data processing. Limitations apply for data processing for the purposes of statistical, scientific or historical research and archiving purposes for public interest, for journalistic purposes and for other purposes related to national interests.

In relation to personal data processing by information society services, it has been adopted to lower minimum age limit for lawful consent compared to the default set by the GDPR. The consent for respective data processing shall be considered lawful if received from a person at least 13 years old.

Among other changes, the DPL changes the practice and allows for data protection officers to be any person with the knowledge of data protection and complies with criteria as prescribed by the GDPR, although the registry of certified data protection officers will still be maintained. As well, the DPL touches the topic of audit trail data. According to the law, if data controller has an obligation to retain system audit trail data, the data should not be kept for longer than 1-year period, except if laws or data processing nature requires differently. Furthermore, the clarification has been provided stating that data controllers do not have an obligation to retain audit entries only to satisfy data subjects requests.

As one of the most notable introductions by the DPL is a reduction of civil claim period for the violation of GDPR obligations. In accordance with the law, data subject can initiate a claim within 5 years from the moment the infringement occurred or from the day when the infringement activity has stopped.

The new Personal Data Processing Law does not introduce new principles of data processing, only supplements the GDPR to create data protection system at national level. However, the compliance can be ensured only by following all legal acts, therefore if Latvian law applies for your personal data processing activities, consult your national data protection specialists who will advise you on respective national matters in the field of data protection.