

Amendments to the Personal Data Protection Act

In February, the Bulgarian Parliament adopted amendments to the Personal Data Protection Act (Act). The amendments aim to bring the Act into line with the rules enshrined in the EU General Data Protection Regulation (GDPR) and to further elaborate some GDPR provisions.

Below we outline certain important rules introduced by the Act.

Obligations for employers

Employers are required to adopt special internal policies in case they (i) operate a whistleblowing system, (ii) impose restrictions on the use of company resources, or (iii) use systems for access control, control of working time, and labour discipline.

Employers are also required to define and apply a retention period for the personal data of job applicants. This period may not be longer than six months unless the respective candidate has provided consent. In general, after the respective period expires the employer must delete or destroy the documents containing the personal data of applicants. In addition, if in the course of a selection procedure the employer has requested originals or notarized copies of documents evidencing the physical or mental fitness of the respective candidate, his/her

qualifications, degree, or length of service, the employer must return such documents to those data subjects who have not been hired within six months of the completion of the hiring process.

Copies of ID

Controllers and processors are not allowed to make copies of identification documents, driving licenses and documents evidencing residence entitlement, unless this is explicitly provided by law. Therefore, the copying of ID documents is prohibited except in the context of certain limited activities (e.g. for the purposes of compliance with anti-money laundering legislation).

Excessive personal data

Where a data controller (or data processor) receives personal data from an individual without there being a legal basis for receiving such data or in contradiction of data protection principles, the controller is required to return such data within one month. If returning the data is impossible or requires disproportionate effort, the controller is under an obligation to erase or destroy it.

Child's consent in relation to information society services

In relation to offering information society services directly to a child, the processing of personal data based on the child's consent is lawful under the GDPR where the child is at least 16 years old.

A stylized map of Europe with various countries and cities labeled. The map is in a light, muted color palette. The text 'CHSHCEE NEWSLETTER Bulgaria' is overlaid on the right side of the map.

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Member States are allowed to set a lower age limit provided the child is not under 13 years of age. In this regard, the age introduced by the Act for Bulgaria is 14 years.

In addition, the Bulgarian Commission for Personal Data Protection is expected to adopt secondary legislation and further guidelines on certain data protection matters.

For more information

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