

Regulations on the processing of personal data (Personal Data Regulations).

Laid down by the Royal Decree of 15 December 2000 pursuant to the Act of 14 April 2000 No. 31 on the processing of personal data (Personal Data Act), sections 3, 4, 12, 13, 14, 26, 30, 31, 32, 33, 41, 43, 44, 48 and 51. Issued by the Ministry of Justice and the Police, transferred to the Ministry of Labour and Government Administration by the Decree of 15 December 2000 No. 1263. Amended on 23 December 2003 No. 1798 (i.a. title).

Chapter 1. The scope of the Personal Data Act.

Section 1-1. *The Office of the Auditor General's processing of personal data*

When the Office of the Auditor General processes personal data as part of its control activities, such processing shall be exempted from sections 18, 27, 31 and 33 of the Personal Data Act.

The Personal Data Act in its entirety shall apply to all other processing by the Office of the Auditor General.

Section 1-2. *Personal data processing that is necessary in the interests of national security*

Personal data processing that is necessary in the interests of national security or the security of allies, the relationship to foreign powers and other vital national security interests shall be exempted from section 44, first to third paragraphs, of the Personal Data Act, and from sections 31 and 33 of the Act.

Any disagreement between the data controller and the Data Inspectorate regarding the extent of the exemption shall be decided by the Privacy Appeals Board.

Section 1-3. *Processing of personal data in the administration of justice, etc.*

The Personal Data Act shall not apply to matters that are dealt with or decided pursuant to the Acts relating to administration of justice (the Courts of Justice Act, the Criminal Procedure Act, the Civil Procedure Act and the Enforcement Act, etc.).

0 Amended by the Regulations of 23 December 2003 No. 1798 (in force from 1 January 2004).

Section 1-4. *Svalbard*

The Personal Data Act and appurtenant Regulations shall apply to data controllers who are established on Svalbard.

The Data Inspectorate may by individual decision grant dispensation from the individual provisions of the Personal Data Act if local conditions make this necessary.

Section 1-5. *Jan Mayen*

The Personal Data Act and appurtenant Regulations shall apply to data controllers who are established on Jan Mayen.

Chapter 2. Data security

Section 2-1. Proportionality requirements relating to the protection of personal data

The provisions of this chapter shall apply to such processing of personal data as is carried out entirely or partly by automatic means where it is necessary, in order to prevent the danger of loss of life and health, financial loss or loss of esteem and personal integrity, to protect the confidentiality, availability and integrity of the data.

Where such a danger exists, the planned and systematic measures taken pursuant to these Regulations shall be proportional to the probability and consequence of breaches of security.

Section 2-2. Orders from the Data Inspectorate

The Data Inspectorate may issue orders regarding the protection of personal data, including the establishment of criteria for acceptable risk associated with the processing of personal data.

Section 2-3. Security management

The general manager of the enterprise run by the data controller is responsible for ensuring compliance with the provisions of this chapter.

The purpose of the processing of personal data and general guidelines for the use of information technology shall be described in security objectives.

Choices and priorities in security activities shall be described in a security strategy.

Use of the information system shall be reviewed regularly in order to ascertain whether it is appropriate in relation to the needs of the enterprise, and whether the security strategy provides adequate data security.

The result of the review shall be documented and used as a basis for any changes in security objectives and strategy.

Section 2-4. Risk assessment

An overview shall be maintained of the kinds of personal data that are processed. The enterprise shall itself establish criteria for acceptable risk associated with the processing of personal data.

The data controller shall carry out a risk assessment in order to determine the probability and consequences of breaches of security. A new risk assessment shall be carried out in the event of changes of significance for data security.

The result of the risk assessment shall be compared with the established criteria for acceptable risk associated with the processing of personal data, cf. first paragraph and section 2-2.

The result of the risk assessment shall be documented.

Section 2-5. *Security audits*

Security audits of the use of the information system shall be carried out regularly.

A security audit shall comprise an assessment of organization, security measures and use of communication partners and suppliers.

If the security audit reveals any unforeseen use of the information system, this shall be treated as a discrepancy, cf. section 2-6.

The result of the security audit shall be documented.

Section 2-6. *Discrepancies*

Any use of the information system that is contrary to established routines, and security breaches, shall be treated as a discrepancy.

The purpose of discrepancy processing shall be to re-establish the normal state of affairs, eliminate the cause of the discrepancy and prevent its recurrence.

If the discrepancy has resulted in the unauthorised disclosure of personal data where confidentiality is necessary, the Data Inspectorate shall be notified.

The result of discrepancy processing shall be documented.

Section 2-7. *Organization*

The distribution of responsibility for and authority governing the use of the information system shall be clearly established.

The distribution of responsibility and authority shall be documented and shall not be changed without the authorization of the data controller's general manager.

The information system shall be configured in such a way as to achieve adequate data security.

The configuration shall be documented and shall not be changed without the authorization of the data controller's general manager.

Use of the information system that has significance for data security shall be carried out in accordance with established routines.

Section 2-8. *Personnel*

Members of the staff of the data controller shall only use the information system to carry out assigned tasks, and shall be personally authorized to make such use.

The staff members shall have the knowledge necessary to use the information system in accordance with the routines that have been established.

Authorized use of the information system shall be registered.

Section 2-9. *Duty of confidentiality*

Members of the staff of the data controller shall be subject to a duty of confidentiality as regards personal data where confidentiality is necessary. The duty of confidentiality shall also apply to other data of significance for data security.

Section 2-10. *Physical security*

Measures shall be taken to prevent unauthorized access to equipment that is used to process personal data pursuant to these Regulations.

The security measures shall also prevent unauthorized access to other equipment of significance for data security.

Equipment shall be installed in such a way that influence from the environment in which it is operated does not significantly affect the processing of personal data.

Section 2-11. *Protection of confidentiality*

Measures shall be taken to prevent unauthorized access to personal data where confidentiality is necessary.

The security measures shall also prevent unauthorized access to other data of significance for data security.

Personal data that are transferred electronically by means of a transfer medium that is beyond the physical control of the data controller shall be encrypted or protected in another way when confidentiality is necessary.

As regards storage media that contain personal data where confidentiality is necessary, the need to protect confidentiality shall be shown by means of marking or in another way.

If the storage medium is no longer used for the processing of such data, the data shall be erased from the medium.

Section 2-12. *Securing of accessibility*

Measures shall be taken to secure access to personal data where accessibility is necessary.

The security measures shall also secure access to other data of significance for data security.

Preparations shall be made for alternative processing in the event of the information system being unavailable for normal use.

Personal data and other data that are necessary to restore normal use shall be copied.

Section 2-13. *Protection of integrity*

Measures shall be taken to prevent unauthorized changes in personal data where integrity is necessary.

The security measures shall also prevent unauthorized changes in other data of significance for data security.

Measures shall be taken to prevent malicious software.

Section 2-14. *Security measures*

Security measures shall prevent unauthorized use of the information system and make it possible to detect attempts to make such use.

Attempts to make unauthorized use of the information system shall be registered.

Security measures shall include measures that cannot be influenced or circumvented by members of the staff, and shall not be limited to actions that any individual member is supposed to carry out.

Security measures shall be documented.

Section 2-15. *Security in other enterprises*

The data controller shall only transfer personal data by automatic means to a person who satisfies the requirements of these Regulations.

The data controller may transfer personal data to any person if the transfer is carried out in accordance with the provisions of sections 29 and 30 of the Personal Data Act, or when it has been laid down by statute that requests may be made to obtain the data from a public register.

Data suppliers who carry out security measures, or make other use of the information system on behalf of the data controller, shall satisfy the requirements of this chapter.

The data controller shall clearly establish the distribution of responsibility and authority in respect of communication partners and suppliers. The distribution of responsibility and authority shall be described in a special agreement.

The data controller shall have knowledge of the security strategy of communication partners and suppliers, and regularly make sure that the strategy provides adequate data security.

Section 2-16. *Documentation*

Routines for using the information system and other data of significance for data security shall be documented.

The documentation shall be stored for at least five years from the time the document was replaced by a new, current version.

Records of authorized use of the information system and of attempts at unauthorized use shall be stored for at least three months. The same shall apply to records of all other events of significance for data security.

Chapter 3. Internal controls

Section 3-1. Systematic measures for processing personal data

The data controller shall establish internal controls in accordance with section 14 of the Personal Data Act. The systematic measures shall be adapted to the nature, activities and size of the enterprise to the extent that is necessary in order to comply with requirements laid down in or pursuant to the Personal Data Act, with special emphasis on provisions laid down pursuant to section 13 of the Personal Data Act.

Internal controls entail that the data controller shall, *inter alia*, ensure that he has knowledge of current rules governing the processing of personal data, that he has adequate and up-to-date documentation for the implementation of the above-mentioned routines, and that this documentation is available to the persons it may concern.

The data controller shall also have routines for fulfilling his duties and the rights of data subjects pursuant to current rules of privacy, including routines for

- a) obtaining and verifying the consent of data subjects, cf. sections 8, 9 and 11 of the Personal Data Act,
- b) evaluating the purpose of personal data processing in accordance with section 11 a of the Personal Data Act,
- c) evaluating the quality of personal data in relation to the defined purpose of processing the data, cf. sections 11d and 11e, 27 and 28 of the Personal Data Act, and following up any discrepancies,
- d) replying to requests for access and information, cf. sections 16 to 24 of the Personal Data Act,
- e) complying with the data subject's demands for a bar on certain forms of personal data processing, cf. sections 25 and 26 of the Personal Data Act,
- f) complying with the provisions of the Personal Data Act regarding the obligation to give notification and to obtain a licence, cf. sections 31 to 33 of the Personal Data Act.

Data processors who process personal data on assignment for data controllers shall process the data in accordance with routines established by data controllers.

Section 3-2. Dispensation

The Data Inspectorate may grant a dispensation from all or parts of this chapter when special circumstances exist.

Chapter 4. Credit information services

Section 4-1. Relationship to the Personal Data Act

The provisions of the Personal Data Act shall apply to the processing of personal data in credit information services unless these Regulations otherwise provide.

The Personal Data Act shall also apply to the processing of credit information relating to persons other than natural persons.

Section 4-2. Definition of a credit information service

For the purposes of this chapter, the term "credit information service" means activities which consist in providing information that throws light on creditworthiness or financial solvency (credit information). This chapter does not apply to the utilization of information within an enterprise, or in relation to enterprises within the same corporate group unless the information is provided by an enterprise operating a credit information service. Nor does it apply to the provision of information to another credit information enterprise to which this Act applies, provided that the information is to be utilized in this enterprise's own credit information service.

The following services are not regarded as credit information services:

- a) notifications from public registers regarding rights in and charges on real or movable property,
- b) notifications from banks (cf. the Act of 24 May 1985 No. 28 on Norges Bank and the Monetary System (the Norges Bank Act), the Act of 1 March 1946 No. 3 on the Norwegian State Housing Bank, the Act of 24 May 1961 No. 1 on Savings Banks, the Act of 24 May 1961 No. 2 on Commercial Banks) and from finance companies (cf. the Act of 10 June 1988 No. 40 on financial activities and financial institutions) in connection with withdrawals from accounts and the execution of payment services. The same applies when such notifications are transmitted for a bank or finance company by an outside enterprise,
- c) notifications to the data subject,
- d) the publication of publicly exhibited tax assessments pursuant to section 8-8 of the Act of 13 June 1980 No. 24 on Tax Assessment Administration (the Tax Assessment Act).
- e) the Brønnøysund registers' processing of registers required by statute.

Section 4-3. Disclosure of credit information

Credit information may only be given to persons who have an objective need for it.

Credit information shall be provided in writing either by automatic means or in paper-based form. However, credit information may be given orally provided that it does not contain any data that can be cited against the data subject, or if the credit information must be given without delay for practical reasons. If credit information is given orally, the information and the applicant's name and address shall be recorded and kept on file for at least six months. If the information contains any data that can be cited against the data subject, it shall be confirmed in writing.

Credit information may be supplied by distribution of publications or lists, provided that the publication or list only contains data concerning business enterprises, and that the data is given in summary form. Such publications may only be given to persons who are members or subscribers of the credit information processor.

Agreements entailing that the applicant shall be given any information that comes to the knowledge of the credit information enterprise in the future may only be made in respect of information relating to business enterprises.

Section 4-4. *Right of access of and information to the data subject*

If credit information relating to natural persons is provided or confirmed in writing, the credit information enterprise shall at the same time send a duplicate, copy or other notification concerning the contents free of charge to the person about whom data has been requested. The data subject shall be invited to request that any errors be rectified.

The right of access of legal persons follows from section 18 of the Personal Data Act.

The data subject may also demand to be informed of what credit information has been provided about him in the last six months, to whom it was given and where it was obtained.

Section 4-5. *Permission to operate a credit information service*

An enterprise may not process personal data for credit information purposes until the Data Inspectorate has granted it a licence. The same applies to credit information for persons other than natural persons.

When deciding whether to grant a licence, sections 34 and 35 of the Personal Data Act shall apply. For enterprises over which foreign interests have a controlling influence, conditions may be laid down regarding the form of establishment and the composition of the company's management.

Section 4-6. *Validity of licences granted in pursuance of the Personal Data Filing Systems Act.*

Licences granted for personal data filing systems for use in a credit information service pursuant to section 9 of the Act of 9 June 1978 No. 48 on personal data filing systems, etc. shall apply as licences pursuant to section 4-5 of these Regulations, insofar as the licence is not contrary to the Personal Data Act.

Section 4-7. *The authority of the Data Inspectorate*

If special reasons so indicate, the Data Inspectorate may by individual decision exempt the data controller from obligations that follow from the provisions of this chapter.

Chapter 5. The Central Marketing Exclusion Register

Section 5-1. *Introduction*

A central marketing exclusion register shall be kept for direct marketing (the Central Marketing Exclusion Register). The register shall be kept by the Brønnøysund Register Centre.

Section 5-2. *Right to be excluded from direct marketing*

Natural persons may, by registering with the Central Marketing Exclusion Register, demand a bar on the use of their name in direct marketing, irrespective of the medium. The person registering his name may state that the bar shall not, however, apply to direct marketing for the benefit of humanitarian and socially beneficial organizations and associations.

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Section 5-3. *Procedure in connection with registration, etc.*

Natural persons may register with the Central Marketing Exclusion Register by utilizing the Brønnøysund Register Centre's electronic self-registration service or by sending in a completed registration form or in other ways determined by the Register Centre.

Any registered person may at any time erase or change his registration by applying to the Register Centre as mentioned in the first paragraph.

The Register Centre shall determine which information persons must provide in connection with registration or the erasure or change of registrations.

Section 5-4. *Disclosure of information, etc.*

Information from the Central Marketing Exclusion Register shall be disclosed to data controllers who are engaged in direct marketing, or to persons who are to update address registers for direct marketers, in the way, on the conditions and at the prices determined by the Register Centre. The prices shall not exceed the amount necessary to cover the costs of the register including a proportionate share of the joint costs of the Register Centre.

Only information that is necessary in order to update address registers for direct marketing shall be disclosed. Personal identity numbers shall only be disclosed if the address register in question contains such numbers. Disclosed information may only be used to update address registers for direct marketing. The recipient may only use the information to update his own address register unless he has stated that the information is to be used to update address registers for other persons engaged in direct marketing and, if this is to be done by automatic means, the recipient also provides documentary proof to the Register Centre that he has notified the Data Inspectorate of this activity.

The Register Centre may update address registers as a special assignment for an agreed price.

Chapter 6. Transfer of personal data to other countries

Section 6-1. *The EU Commission's decisions concerning the level of protection in third countries*

The Commission's decisions pursuant to Directive 95/46/EF, Articles 25 and 26, cf. 31, shall also apply to Norway in accordance with the EEA Joint Committee's Decision No. 83/1999 (of 25 June 1999 regarding the amendment of Protocol 37 and Appendix XI of the EEA Agreement), unless the right of reservation is exercised.

The Data Inspectorate shall ensure compliance with the decisions.

0 Amended by the Regulations of 23 December 2003 No. 1798 (in force from 1 January 2004).

Section 6-2. *The Data Inspectorate's assessment of the level of protection in third countries*

If the Data Inspectorate concludes that a third country does not have an adequate level of protection for the processing of personal data, the Data Inspectorate shall notify the EU Commission and the other member states of its decision.

If the Data Inspectorate, after assessing a specific case pursuant to Directive 95/46/EF, Article 26, no. 2, nevertheless permits the transfer of personal data to a third country that does not ensure an adequate level of protection pursuant to Directive 95/46/EF, Article 25, no. 2, the Data Inspectorate shall notify the EU Commission and other member states of its decision.

If the Commission or other member states object to the Data Inspectorate's decisions pursuant to the second paragraph, and the Commission takes steps, the Data Inspectorate shall ensure compliance with the decision.

0 Amended by the Regulations of 23 December 2003 No. 1798 (in force from 1 January 2004).

Section 6-3. (Repealed by the Regulations of 23 December 2003 No. 1798, in force from 1 January 2004.)

Chapter 7. Obligation to give notification and to obtain a licence

I. Obligation to obtain a licence, etc.

Section 7-1. *Obligation to obtain a licence for the processing of personal data in the telecommunications sector*

Personal data processing by providers of telecommunication services for the purpose of customer administration, invoicing and the provision of services in connection with the subscriber's use of the telecommunications network shall be subject to licensing pursuant to the Personal Data Act.

For the purposes of these Regulations, the term "providers of telecommunication services" shall mean enterprises which for commercial purposes provide telecommunications wholly or partly by means of transmissions through the telecommunications network that are not broadcasts.

Section 7-2. *Obligation to obtain a licence for the processing of personal data in the insurance sector*

Personal data processing by providers of insurance services (cf. Act of 10 June 1988 No. 39 on insurance activity) for the purpose of customer administration, invoicing and the implementation of insurance contracts shall be subject to licensing pursuant to the Personal Data Act.

Section 7-3. *Obligation to obtain a licence for the processing of personal data by banks and financial institutions*

Personal data processing by banks and financial institutions (cf. the Act of 24 May 1985 No. 28 on Norges Bank and the Monetary System (the Norges Bank Act), the Act of 1 March 1946 No. 3 on the Norwegian State Housing Bank, the Act of 24 May 1961 No. 1 on Savings Banks, the Act of 24 May 1961 No. 2 on Commercial Banks), the Act of 10 June 1988 No. 40 on financial activities and financial institutions) for the purpose of customer administration, invoicing and the implementation of banking services shall be subject to licensing pursuant to the Personal Data Act.

Section 7-4. *The authority of the Data Inspectorate*

If special reasons so indicate, the Data Inspectorate may decide that personal data processing covered by sections 7-14 to 7-17 and sections 7-21 to 7-25 of these Regulations shall nevertheless be regulated by sections 31 or 33 of the Personal Data Act.

Section 7-5. *Notification form*

Notification to the Data Inspectorate shall be given on a form prepared by the Data Inspectorate and pursuant to rules for submission that have been drawn up by the Data Inspectorate.

II. Processing that is exempt from the obligation to give notification

Section 7-6. *Exemption from the obligation to give notification*

Processing covered by this chapter shall be exempt from the obligation to give notification pursuant to section 31, first paragraph, of the Personal Data Act. If sensitive data is processed, cf. section 2, subsection 8, of the Personal Data Act, the processing may be subject to licensing pursuant to section 33, first paragraph, of the Personal Data Act.

Exemption from the notification obligation presupposes that the personal data are processed in keeping with the purpose that follows from the individual provision. The provisions of the Personal Data Act regarding personal data processing in chapters I to V and VII to IX shall be complied with even if the processing is exempt from the obligation to give notification.

0 Amended by the Regulations of 23 December 2003 No. 1798 (in force from 1 January 2004).

Section 7-7. *Customer, subscriber and supplier data*

Processing of personal data concerning customers, subscribers and suppliers shall be exempt from the obligation to give notification pursuant to section 31, first paragraph, of the

Personal Data Act. The same shall apply to data concerning a third person which is necessary for the fulfilment of contractual obligations.

Exemption from the notification obligation shall only apply if the personal data is processed as part of the administration and fulfilment of contractual obligations.

Section 7-8. *Information relating to housing matters*

The processing of personal data as part of the administration and fulfilment of obligations relating to the ownership or lease of real property shall be exempt from the obligation to give notification pursuant to section 31, first paragraph, of the Personal Data Act. This encompasses all leasing and ownership matters such as data relating to tenants in tenancy relationships, co-owners of jointly owned property and shareholders in housing cooperatives and housing cooperative stock corporations.

0 Amended by the Regulations of 23 December 2003 No. 1798 (in force from 1 January 2004).

Section 7-9. *Register of shareholders*

Personal data processing as required by section 4-5 of the Act of 13 June 1997 No. 44 on Limited Liability Companies (the Limited Liability Companies Act) and section 4-4 of the Act of 13 June 1997 No. 45 on Public Limited Liability Companies (the Public Limited Liability Companies Act) shall be exempt from the obligation to give notification pursuant to section 31, first paragraph, of the Personal Data Act.

Exemption from the notification obligation shall only apply if the purpose of the processing is to fulfil the obligations imposed on the individual company by company legislation.

0 Amended by the Regulations of 23 December 2003 No. 1798 (in force from 1 January 2004).

Section 7-10. *Keeping of mediation records*

Personal data processing in connection with the keeping of mediation records as required by the Act of 8 April 1981 No. 7 on Children and Parents (the Children Act) and the Act of 4 July 1991 No. 47 on Marriage shall be exempt from the obligation to give notification pursuant to section 31, first paragraph, of the Personal Data Act.

Exemption from the notification obligation shall only apply if the purpose of the processing is to verify that mediation has taken place, to evaluate and plan the mediation arrangement, or to provide a basis for statistical analyses.

Section 7-11. *Activity logs in EDP systems or computer networks*

Personal data processing as a consequence of the registration of activity (events) in an EDP system, and personal data processing relating to the use of system resources, shall be exempt from the obligation to give notification pursuant to section 31, first paragraph, of the Personal Data Act.

Exemption from the notification obligation shall only apply if the purpose of the processing is:

- a) to administer the system, or
- b) to uncover/clarify breaches of security in the EDP system.

Personal data that are revealed as a result of processing pursuant to the second paragraph may not subsequently be processed in order to monitor or check up on the natural person.

Section 7-12. *Privacy ombudsman*

The Data Inspectorate may consent to exemptions being granted from the obligation to give notification pursuant to section 31, first paragraph, of the Personal Data Act, if the data controller designates an independent privacy ombudsman who is responsible for ensuring that the data controller complies with the Personal Data Act and appurtenant Regulations. The privacy ombudsman shall also maintain an overview of such data as are mentioned in section 32 of the Personal Data Act.

III. Processing that is exempt from the obligation to obtain a licence and the obligation to give notification

Section 7-13. *Exemption from the obligation to obtain a licence and the obligation to give notification*

Processing covered by this chapter shall be exempt from the obligation to obtain a licence pursuant to section 33, first paragraph, of the Personal Data Act and from the obligation to give notification pursuant to section 31, first paragraph, of the said Act.

Exemption from the licensing obligation and the notification obligation presupposes that the personal data shall be processed in keeping with the purpose that follows from the individual provision. The provisions of the Personal Data Act regarding the processing of personal data in chapters I to V, and VII to IX, shall be complied with even if the processing is exempt from the licensing obligation and the notification obligation.

Section 7-14. *Sensitive customer data*

The processing of sensitive personal data, cf. section 2-8 of the Personal Data Act, relating to customers shall be exempt from the obligation to obtain a licence pursuant to section 33, first paragraph, of the Act and from the obligation to give notification pursuant to section 31, first paragraph, of the Act.

Exemption from the licensing obligation and the notification obligation shall only apply if the data subject has consented to the registration and processing of the sensitive data, and the data are necessary for the fulfilment of a contractual obligation.

Personal data may only be processed as a necessary part of the administration and fulfilment of contractual obligations.

Section 7-15. *Associations' membership data*

Associations' processing of membership data shall be exempt from the obligation to obtain a licence pursuant to section 33, first paragraph, of the Act and from the obligation to give notification pursuant to section 31, first paragraph, of the Act.

As regards the processing of sensitive personal data, the exemption from the licensing obligation and the notification obligation shall only apply if the data subject has consented to the registration and processing of the sensitive data, and the data have a close and natural connection with membership of the association.

The personal data may only be processed as a necessary part of the administration of the association's activity.

Section 7-16. *Personnel registers*

Employers' processing of non-sensitive personal data relating to current or former employees, personnel, representatives, temporary manpower and applicants for a position shall be exempt from the obligation to give notification pursuant to section 31, first paragraph, of the Personal Data Act.

If sensitive personal data are processed, the processing shall be exempt from the obligation to obtain a licence pursuant to section 33, first paragraph, of the Personal Data Act, but subject to the obligation to give notification pursuant to section 31, first paragraph. The exemption from the licensing obligation shall apply provided that:

- a) the data subject has consented to the processing or the processing is laid down by law,
- b) the data are related to the employment relationship,
- c) the personal data are processed as part of the administration of personnel.

However, the obligation to give notification pursuant to the second paragraph shall not apply to the processing of

- a) data concerning membership in trade unions as mentioned in section 2, subsection 8e of the Personal Data Act,
- b) necessary data concerning absence and data that are subject to registration pursuant to section 20 of the Act of 4 February 1977 No. 4 on Worker Protection and the Working Environment,
- c) data that are necessary to adapt a work situation for health reasons.

0 Amended by the Regulations of 23 December 2003 No. 1798 (in force from 1 January 2004).

Section 7-17. *Personal data relating to public representatives*

The processing of personal data relating to the elected or appointed representatives of bodies established pursuant to the Act of 25 September 1992 No. 107 on municipalities and county municipalities (the Local Government Act) or the Act of 7 June 1996 No. 31 on the Church of Norway (the Church Act) shall be exempt from the obligation to obtain a licence pursuant to section 33, first paragraph, of the Personal Data Act and from the obligation to give notification pursuant to section 31, first paragraph.

The same shall apply to the processing of personal data relating to representatives of the Storting or to members of the Storting's standing committees.

Section 7-18. *Processing of personal data by courts of justice*

Personal data processing by courts of justice in connection with the activity of the courts (including registration procedures and notarial functions and the like that are carried out by a judge's office) shall be exempt from the obligation to obtain a licence pursuant to section 33, first paragraph, of the Personal Data Act and from the obligation to give notification pursuant to section 31, first paragraph.

Section 7-19. *Processing of personal data by supervisory authorities*

The Data Inspectorate's processing of personal data pursuant to section 42 of the Personal Data Act shall be exempt from the obligation to obtain a licence pursuant to section 33, first paragraph, of the Personal Data Act and from the obligation to give notification pursuant to section 31, first paragraph.

Records as mentioned in section 42, third paragraph, no. 1, of the Personal Data Act shall also contain information concerning the Data Inspectorate's personal data processing.

The first and second paragraphs shall apply correspondingly to the Privacy Appeals Board.

Section 7-20. *Pupil and student data at schools and universities, etc.*

The processing of personal data relating to pupils and students that is carried out pursuant to the Act of 17 July 1998 No. 61 on primary and secondary education (the Education Act) or the Act of 12 May 1995 No. 22 on universities and colleges (the University Act) or with the consent of the individual pupil or the person responsible for the pupil shall be exempt from the obligation to obtain a licence pursuant to section 33, first paragraph, of the Personal Data Act and from the obligation to give notification pursuant to section 31, first paragraph.

0 Added by the Regulations of 23 December 2003 No. 1798 (in force from 1 January 2004).

Section 7-21. *Data relating to children in day care centres and day care facilities for schoolchildren*

The processing of personal data relating to children in day care centres and day care facilities for schoolchildren pursuant to the Act of 5 May 1995 No. 19 on day care institutions (the Day Care Institution Act) and the Act of 17 July 1998 No. 61 on primary and secondary education (the Education Act) or with the consent of the person responsible for the child shall be exempt from the obligation to obtain a licence pursuant to section 33, first paragraph, of the Personal Data Act and from the obligation to give notification pursuant to section 31, first paragraph.

0 Added by the Regulations of 23 December 2003 No. 1798 (in force from 1 January 2004).

IV. Processing that is exempt from the obligation to obtain a licence, but subject to the obligation to give notification

Section 7-22. *Exemptions from the obligation to obtain a licence*

Processing covered by this chapter shall be exempt from the obligation to obtain a licence pursuant to section 33, first paragraph, of the Personal Data Act. However, notification of the processing shall be given pursuant to section 31, first paragraph, of the Personal Data Act.

Exemption from the licensing obligation shall only apply if the personal data are processed in keeping with the purpose that follows from the individual provision. The provisions of the Personal Data Act regarding personal data processing in chapters I to V and VII to IX shall be complied with even if no licence is required.

⁰ Amended by the Regulations of 23 December 2003 No. 1798 (in force from 1 January 2004, formerly section 7-20).

Section 7-23. *Client registers, etc.*

Personal data processing in connection with activities that are regulated by the Act of 13 August 1915 No. 5 on courts of justice (the Courts of Justice Act), Chapter 11 regarding legal aid and lawyers, the Act of 15 January 1999 No. 2 on auditing and auditors (the Auditors Act), the Act of 16 June 1989 No. 53 on estate agency and the Act of 19 June 1997 No. 79 on securities trading shall be exempt from the obligation to obtain a licence pursuant to section 33, first paragraph, of the Personal Data Act.

Exemption from the licensing obligation shall only apply to processing within the limits of the legislation mentioned in the first paragraph.

⁰ Amended by the Regulations of 23 December 2003 No. 1798 (in force from 1 January 2004, formerly section 7-21).

Section 7-24. *Money laundering registers and related processing of personal data*

Processing by financial institutions, etc. of personal data for use in connection with the mandatory obligation to investigate and report pursuant to section 2-17 of the Act of 10 June 1988 No. 40 on financing activity and financial institutions, cf. section 8, first paragraph, of the Regulations of 7 February 1994 No. 118 on verification of proof of identity and measures to prevent money laundering, shall be exempt from the obligation to obtain a licence pursuant to section 33, first paragraph, of the Personal Data Act. The exemption shall only cover data that are revealed by the institution's investigations pursuant to section 2-17 of the Financial Institutions Act.

The exemption from the obligation to obtain a licence shall only apply if

- a) only data resulting from the institution's investigations pursuant to section 2-17 of the Financial Institutions Act are processed, and
- b) the personal data are processed for the purpose that follows from section 2-17 of the Financial Institutions Act and appurtenant regulations.

⁰ Amended by the Regulations of 23 December 2003 No. 1798 (in force from 1 January 2004, formerly section 7-22).

Section 7-25. *Processing of patient data by health and social welfare professionals who are not subject to official authorization or have not been granted a licence*

The processing of patient/client data by health or social welfare professionals who are not subject to official authorisation shall be exempt from the obligation to obtain a licence pursuant to section 33, first paragraph, of the Personal Data Act.

Exemption from the licensing obligation shall only apply if the personal data are processed in connection with:

- a) treatment and follow-up of individual patients, or
- b) preparation of statistics.

0 Amended by the Regulations of 23 December 2003 No. 1798 (in force from 1 January 2004, formerly section 7-23).

Section 7-26. *Processing of patient data by health professionals who are subject to official authorization or granted a licence*

The processing of patient/client data by officially authorized health professionals and health professionals who have been granted a licence, cf. sections 48 and 49 of the Act of 2 July 1999 No. 64 on health care personnel shall be exempt from the obligation to obtain a licence pursuant to section 33, first paragraph, of the Personal Data Act.

Exemption from the licensing obligation shall only apply if the personal data are processed in connection with:

- a) treatment and follow-up of individual patients,
- b) work as an appointed expert, or
- c) preparation of statistics.

0 Amended by the Regulations of 23 December 2003 No. 1798 (in force from 1 January 2004, formerly section 7-24).

Section 7-27. *Research projects*

Personal data processing in connection with a research project shall be exempt from the obligation to obtain a licence pursuant to section 33, first paragraph, of the Personal Data Act. Exemption from the licensing obligation shall only apply if all the conditions set out in points a)-e) are satisfied:

- a) first-time contact is established on the basis of publicly available information or through a person who is professionally responsible at the enterprise where the respondent is registered, or the respondent personally contacts the project manager or the latter's representative,
- b) the respondent has consented to all parts of the study. If the respondent is a minor or a person adjudicated incompetent, another person with authority to give consent on behalf of the respondent may give such consent,
- c) the project shall be terminated at a time that is established prior to commencement of the project,
- d) the material collected is anonymised or erased upon completion of the project, and
- e) the project does not make use of the electronic alignment of personal data filing systems.

0 Amended by the Regulations of 23 December 2003 No. 1798 (in force from 1 January 2004, formerly section 7-25).

Chapter 8. Video surveillance

Section 8-1. Scope

This chapter applies to video surveillance, cf. section 36 of the Personal Data Act.

Section 8-2. Securing of image recordings

Image recordings shall be secured pursuant to section 13 of the Personal Data Act regarding data security and the provisions of chapter 2 of these Regulations.

Section 8-3. Police use of image recordings

Section 11, first paragraph, letter c), of the Personal Data Act shall not preclude police use of image recordings in its possession, in connection with the prevention of criminal acts, in connection with the investigation of accidents or in cases concerning a search for missing persons.

Section 8-4. Erasure of image recordings

Image recordings shall be erased when there is no longer any objective ground for storing them, cf. section 28 of the Personal Data Act.

Image recordings shall be erased not later than seven days after the recordings are made. However, the obligation of erasure pursuant to the preceding sentence shall not apply if the image recording is likely to be turned over to the police in connection with the investigation of criminal acts or accidents. In such cases, image recordings may be stored for a period not exceeding 30 days.

Image recordings made on postal or bank premises shall be erased not later than three months after the recordings were made.

The obligation of erasure pursuant to the second and third paragraphs shall not apply

- a) to image recordings that are in the possession of the police,
- b) to image recordings that may be of significance for the security of the realm or its allies, its relationship with foreign powers and other vital national security interests, or
- c) where the subject of the image recording consents to the image recordings being stored for a longer period of time.

If the obligation of erasure pursuant to the first paragraph arises for image recordings that have been turned over to the police by other persons, the police may return the recording to the said persons, who shall erase it as soon as possible if the time limit pursuant to the second and third paragraphs has expired.

If there is a special need to store a recording for a longer period of time than that laid down in the second and third paragraphs, the Data Inspectorate may grant an exemption from these provisions.

Section 8-5. *Right of access*

As regards image recordings to which section 37, second paragraph, of the Personal Data Act applies, the provisions regarding right of access pursuant to section 18 of the Personal Data Act shall apply. In other cases, the subject of the image recording may demand access to the parts of the image recordings in which the subject appears, if the image recordings are stored for a period exceeding seven days.

Right of access pursuant to the first paragraph, second sentence, shall not apply to image recordings that are in the possession of the police, or image recordings that may be of significance for the security of the realm or its allies, other vital national security interests and the relationship to foreign powers.

Chapter 9. Miscellaneous provisions

Section 9-1. *The Privacy Appeals Board*

The Privacy Appeals Board shall deal with appeals against the decisions of the Data Inspectorate as mentioned in section 42, fourth paragraph, of the Personal Data Act and appeals against the individual decisions of the Data Inspectorate pursuant to these Regulations.

The King will appoint personal deputies for the five members of the Board who are appointed by the King pursuant to section 43, second paragraph, of the Personal Data Act. The deputy members shall be appointed for the same term as the members.

The Privacy Appeals Board shall have a secretariat that shall facilitate the work of the Privacy Appeals Board and otherwise prepare matters for consideration by the Board.

The Privacy Appeals Board shall reach decisions by a simple majority vote. The decisions shall state whether they were reached unanimously. In the event of dissent, grounds for the minority view shall also be stated. To the extent that the decisions are not exempt from public disclosure, they shall be compiled in a record book that is open to the public.

Section 9-2. *Communications that contain a personal identity number*

Postal communications that contain a personal identity number shall be designed in such a way that the number is not accessible to persons other than the addressee. The same shall apply to communications that are transmitted by means of telecommunications.

Section 9-3. *Penalties*

Anyone who wilfully or through gross negligence omits to comply with the provisions of chapters 2 through 7 and sections 8-2, 8-3, 8-4, second to sixth paragraph, or section 8-5 of these Regulations shall be liable to fines or imprisonment for a term not exceeding one year or both.

An accomplice shall be liable to similar penalties.

Chapter 10. Concluding provisions

Section 10-1. Commencement

These Regulations shall enter into force on 1 January 2001.

From the same date the following shall be repealed:

- a) the Regulations of 21 December 1979 No. 7 relating to personal data filing systems, etc. and to the delegation of authority
- b) the Regulations of 21 December 1979 No. 22 pursuant to the Act relating to personal data filing systems, etc.
- c) The Delegation of Authority of 30 September 1988 No. 758 pursuant to the Personal Data Filing Systems Act
- d) the Regulations of 12 December 1988 No. 1010 on annual tax for enterprises that are subject to an obligation to obtain a licence pursuant to the Personal Data Filing Systems Act
- e) the Regulations of 1 July 1994 No. 536 on the use of image recordings made in connection with video surveillance
- f) the Regulations of 23 March 1995 No. 267 on exemption from the obligation of financial institutions, etc. to obtain a licence for personal data filing systems in cases concerning money laundering
- g) the Delegation of Authority of 22 May 1995 No. 486 to the Data Inspectorate.

Section 10-2. The scope of the transitional provisions

The transitional provisions of sections 10-3 and 10-4 shall apply to processing that commenced before 1 January 2001. For processing that has commenced since that date, the Personal Data Act and the Personal Data Regulations shall apply.

From 1 April 2001 chapter 5 of the Regulations shall also apply to persons who process personal data pursuant to section 51, subsection 1, last sentence, of the Personal Data Act.

If special reasons so necessitate, the Data Inspectorate may extend the transitional period for sections 13 and 14 of the Personal Data Act with appurtenant Regulations by a period not exceeding three years.

Section 10-3. Transitional provisions for processing that is regulated by licence pursuant to section 9 of the Personal Data Filing System Act.

For processing that is carried out under licence pursuant to section 9 of the Personal Data Filing System Act and that is subject to notification or licensing pursuant to the Personal Data Act, the time limit for sending notification or applying for a licence is 1 January 2003. Until notification has been sent or the Data Inspectorate has granted a licence, personal data may be processed pursuant to the Personal Data Filing System Act.

For processing that is carried out under licence pursuant to section 9 of the Personal Data Filing System Act and that is exempt from the notification obligation and the licensing obligation pursuant to the Personal Data Act, the Personal Data Act and the Personal Data Regulations shall apply from 1 January 2001. However, the data controller may wait until 1 July 2001 to comply with the provisions of sections 13, 14, 19 and 20 of the Personal Data Act, and instead comply with the security rules laid down pursuant to the Personal Data Filing System Act.

Section 10-4. *Transitional provisions for processing that is not subject to licensing pursuant to section 9 of the Personal Data Filing System Act.*

For processing that is not subject to the obligation to obtain a licence pursuant to section 9 of the Personal Filing Systems Act, and that is subject to the notification obligation or licensing obligation to the Personal Data Act, the time limit for sending notification or applying for a licence is 1 January 2002. Until notification has been sent or the Data Inspectorate has granted a licence, personal data may be processed pursuant to the Personal Data Filing System Act.

For processing that is not subject to the licensing obligation pursuant to section 9 of the Personal Data Filing System Act, and that is exempt from the notification obligation and the licensing obligation pursuant to the Personal Data Act, the Personal Data Act and Personal Data Regulations shall apply from 1 January 2001. However, the data controller may wait until 1 July 2001 to comply with the provisions of sections 13, 14, 19 and 20 of the Personal Data Act, and instead follow the security rules laid down pursuant to the Personal Data Filing System Act.

Section 10-5. *Transitional provision for the Central Marketing Exclusion Register*

Data controllers who are engaged in direct marketing shall not be obliged to update their address registers in accordance with the Central Marketing Exclusion Register until 1 April 2001.