[ES] New Provisions on the Protection of Personal Data and of Their Free Movement

IRIS 1998-9:1/15

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The Spanish Government has approved Decree nº 1736/1998, which regulates, among other things, the protection of personal data in the provision of telecommunication services. The Decree implements the related provisions included in the General Telecommunications Act 1998 (see IRIS 1998-6 :9) and refers to relevant basic legislation on this subject contained in Law 5/1992, of 29 October 1992 on the regulation of the automated handling of personal data (Ley Orgánica de Regulación del Tratamiento Automatizado de los Datos de Carácter Personal -LORTAD). The Decree also includes specific provisions concerning protection of personal data when using telecommunication services. These specific provisions deal with aspects such as billing, public telecommunications guides, or the display of the phone number from the in-dialing person on the call receiving phone.

The Spanish Parliament is also discussing the approval of new provisions related to the protection of personal data. A bill has been presented to amend the LORTAD in order to transpose into Spanish Law the EC Directive 95/46 of 24 October 1998 on the protection of individuals with regard to the processing of personal data and the free movement of such data. According to Article 32 of this Directive, the Member States shall bring into force the provisions necessary to comply with the Directive at no later than three years after the date of its adoption.

Real Decreto 1736/1998, de 31 de julio, por el que se aprueba el Reglamento por el que se desarrolla el Título III de la Ley General de Telecomunicaciones en lo relativo al servicio universal de telecomunicaciones, a las demás obligaciones de servicio público y a las obligaciones de carácter público en la prestación de los servicios y en la explotación de las redes de telecomunicaciones, BOE nº213, of 5 September 1998, pp. 30230-30251.

Decree nº 1736/1998 of 31 July 1998

Proyecto de Ley Orgánica por la que se modifica la Ley Orgánica 5/1992, de 29 de octubre, de regulación del tratamiento automatizado de los

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datos de carácter personal, Official Journal of the Spanish Parliament (Boletín Oficial de las Cortes Generales - Congreso de los Diputados), Serie A, n. 135-1, of 31 August 1998.

Bill to amend the LORTAD

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