[IS] New Data Protection Act

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Due to its obligation under the Agreement on the European Economic Area (EEA) to implement Directive 95/46/EC, a new Data Protection Act has been adopted in Iceland. The new Act no. 77/2000 comes into effect on 1 January 2001. When preparing the Act, the Ministry of Justice sought inspiration from Norway as to how the Directive had been implemented there. Norway is in the same position as Iceland regarding relations with the European Union and obligations to implement directives that fall under the scope of the EEA agreement. Furthermore, the existing legislation on Data Protection dating from 1989 was largely based on the Norwegian model.

Under the new Act an independent Data Protection Authority (Persónuvernd) will be established. This will replace the existing Commission that was located in the Ministry of Justice, but still enjoyed some independence under the law. Five persons will sit on the governing board of the new institution. They will all be appointed by the Minister of Justice for a term of 4 years. One board member will be nominated by the Supreme Court, and one by the Association of Data Technicians. The remaining three will be appointed without nomination. The Director of the Data Protection Authority will be appointed for 5 years by the Minister following a proposal from the board.

The question of how to implement Article 9 of the Directive (Processing of personal data and freedom of expression) gave rise to some controversy during Parliament´s debate on the draft version of the law. It was decided that when personal data are processed solely for journalistic purposes or the purpose of artistic or literary expression only the following provisions of the law are applicable: The provisions concerning electronic or video-surveillance, on the fairness and lawfulness of data, on data accuracy, on data security and on direct marketing.

Data Protection Act no. 77/2000

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