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Data Processing Decree reminds companies of obligations

A recently published decree reminds data processors of their duty to keep their information in the Data Processing Register up to date, including information on themselves and on the nature of their processing activities.

With only a few exceptions, anyone processing personal data in Austria must register with the Data Protection Commission. Information on the data processor itself and on the nature of the processing (eg, the types of data subject, recipient and data involved) must be included.

Some companies think that receipt of their registration number means their duty has been fulfilled, but this is not the case. The new Data Processing Decree clarifies that the commission must be notified of any change to the name or contact details of the processor.

Even more importantly, the commission must be notified of any changes to the data processing. For example, in the case of mergers and acquisitions, such changes could occur as data is passed on to a new parent or sister company, or merged with data of other companies in the group.

A further duty to notify exists where there is a reason to cease data processing, for example, where the type of business has changed and the processing becomes illegal as a result.

If a data processor's registration is not been kept current, the commission can impose a fine of up to €9,445. International companies can avoid the risk of such a fine if they ensure that their Austrian subsidiaries check their registrations periodically, and notify the commission as necessary.

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