

### Unofficial translation

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## **Ordinance with Supplementary Provisions to the EU General Data Protection Regulation (SFS 2018:219)**

Published April 24, 2019

Issued on April 19, 2018

By decision of the Swedish Parliament, the following is enacted.

### **Introductory provisions**

#### **Section 1**

This Ordinance contains provisions that supplement

**1.1.** Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation), hereinafter referred to as the EU General Data Protection Regulation,

**1.2.** the Act with Supplementary Provisions to the EU General Data Protection Regulation (SFS 2018:218), and

**1.3.** the Council of Europe Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data, hereinafter referred to as the Council of Europe Convention on Data Protection.

#### **Section 2**

This Ordinance is issued under

- Chapter 3, Section 9 of the Act with Supplementary Provisions to the EU

General Data Protection Regulation (SFS 2018:218), with regard to Sections 5 and 6,

- Chapter 2, Section 3 and Chapter 3, Sections 6 and 9 of the same Act with regard to Section 7,
- Chapter 6, Section 7 of the same Act with regard to Sections 10 and 11, and
- Chapter 8, Section 7 the Swedish Constitution with regard to other provisions.

## **Supervisory authority**

### **Section 3**

The Swedish Data Protection Authority is the supervisory authority under the EU General Data Protection Regulation and the Act with Supplementary Provisions to the EU General Data Protection Regulation (SFS 2018:218).

## **Accreditation body**

### **Section 4**

The Swedish Board for Accreditation and Conformity Assessment accredits certification bodies pursuant to Article 43 of the EU General Data Protection Regulation.

## **Personal data regarding violations of law**

### **Section 5**

Personal data referred to under Article 10 of the EU General Data Protection Regulation may be processed by parties other than authorities if the processing is necessary in order for

1. legal claims to be established, enforced or defended, or
2. legal obligations to be fulfilled pursuant to law or regulations.

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### **Section 6**

The Swedish Data Protection Authority may issue further regulations that determine in which cases parties other than authorities may process the personal data referred to under Article 10 of the EU General Data Protection Regulation. Moreover, the Swedish Data Protection Authority may,

in individual cases, decide that parties other than authorities may process such personal data.

## **Individual archives**

### **Section 7**

The National Archives of Sweden may issue regulations authorizing personal data controllers who are not covered by regulations on archives to process personal data for the purposes of archiving in the public interest. Moreover, the National Archives of Sweden may, in individual cases, decide that such data controllers may process personal data for the purposes of archiving in the public interest.

Regulations and decisions issued pursuant to paragraphs 1 and 2 may concern the processing of personal data as referred to in Article 9.1 (sensitive personal data) and in Article 10 of the EU General Data Protection Regulation.

### **Section 8**

Before the National Archives of Sweden issues regulations or decisions pursuant to Section 7, the Swedish Data Protection Authority shall be given the opportunity to comment on the National Archives of Sweden's proposal.

## **Execution of decisions on sanctions**

### **Section 9**

Sanctions shall be paid to the Legal, Financial and Administrative Services Agency.

### **Section 10**

An ordered sanction shall be waived if the sanction has not been enforced within five years after the decision became legally binding.

### **Section 11**

If the obligation to pay has been waived through a decision that has become legally binding, the sanction shall be refunded.

If a sanction is refunded, interest shall also be paid pursuant to Section 5 of the Interest Act (1975:635) for the time period from the date the sanction was paid until the date of its refund.

## **Assistance under the Council of Europe Convention on Data Protection**

### **Section 6**

A person living in Sweden who wishes to exercise rights under the Council of Europe Convention on Data Protection in another country subscribed to the Convention shall submit a claim for assistance pursuant to Article 14.2 of the Convention. The Swedish Data Protection Authority shall forward the claim to the other country.

The claim shall include details of the claimant's

1. name and address and other data needed to identify the claimant,
2. the processing that the claim relates to, or the identity of the data controller, and the purpose of the claim.

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1. This Ordinance takes effect on May 25, 2018.
  2. This Ordinance repeals the Personal Data Ordinance (1998:1191).
  3. The repealed ordinance shall continue to apply to appeals of decisions that were issued under said ordinance.
  4. Decisions issued pursuant to Section 9 of the repealed ordinance shall continue to apply.

On behalf of the Government

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MORGAN JOHANSSON

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