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Consolidated version from 30 August 2018

Order published: in the Register of Legal Acts (TAR) on 27 July 2018, ID code. 2018-12533



**DIRECTOR OF
STATE DATA PROTECTION INSPECTORATE**

**ORDER
ON THE APPROVAL OF THE DESCRIPTION OF THE PROCEDURE FOR GIVING OF
THE NOTIFICATION OF A PERSONAL DATA BREACH TO THE STATE DATA
PROTECTION INSPECTORATE**

27 July 2018 No 1T-72(1.12.E)
Vilnius

In pursuance of helping data controllers to fulfil the duty to report a personal data breach to the State Data Protection Inspectorate according to Article 33 of 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) (OJ 2016 L 119, p. 1) and Article 29 of the Republic of Lithuania Law on Legal Protection of Personal Data, Processed for the Purposes of Prevention, Investigation, Detection or Prosecution of Criminal Offences, or the Execution of Criminal Penalties, or National Security, or Defence,

Amendments to the Preamble:

No [1T-83\(1.12.E\)](#), 29 August 2018, published in the Register of Legal Acts on 29 August 2018, ID code 2018-13585

I do hereby approve the Description of the Procedure for Giving of the Notification of a Personal Data Breach to the State Data Protection Inspectorate (attached hereto).

Director

Raimondas Andrijauskas

APPROVED BY
27 July 2018 Order No 1T-72(1.12.E) of
the Director of the State Data Protection Inspectorate

DESCRIPTION OF THE PROCEDURE FOR GIVING OF THE NOTIFICATION OF A PERSONAL DATA BREACH TO THE STATE DATA PROTECTION INSPECTORATE

1. The Description of the Procedure for Giving of the Notification of a Personal Data Breach to the State Data Protection Inspectorate (hereinafter referred to as the “Description”) shall provide for the procedure for and time limits of giving of a notice of a personal data breach to the State Data Protection Inspectorate (hereinafter referred to as the “Inspectorate”).

2. According to the Description, notifications of a personal data breach shall be given to the Inspectorate in fulfilment of the duty provided for in Article 33 of 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 “Regulation (EU) 2016/679”) and Article 29 of the of the Republic of Lithuania Law on Legal Protection of Personal Data, Processed for the Purposes of Prevention, Investigation, Detection or Prosecution of Criminal Offences, or the Execution of Criminal Penalties, or National Security, or Defence (hereinafter referred to as the “Law”) (hereinafter referred to as the “notification”).

Amendments to the paragraph:

No [1T-83\(1.12.E\)](#), 29 August 2018, published in the Register of Legal Acts on 29 August 2018, ID code 2018-13585

3. For the purposes of this Description, the terms shall be understood as defined in Regulation (EU) 2016/679 and the Law.

Amendments to the paragraph:

No [1T-83\(1.12.E\)](#), 29 August 2018, published in the Register of Legal Acts on 29 August 2018, ID code 2018-13585

4. In case of a personal data breach, the data controller shall be obliged to immediately but not later than within 72 hours from the moment of finding out about the personal data breach furnish the Inspectorate with the notification which must specify the following information:

4.1. the details of the data controller:

4.1.1. the name, registration number, address of the registered office, telephone number and/or e-mail address and/or electronic message delivery box address of the legal person;

4.1.2. the name, surname, personal identification number, date of birth (if the person does not have a personal identification number) of the natural person, and place of processing of personal data, (telephone and/or e-mail address and/or electronic message delivery box address);

4.1.3. the name, registration number, address of the registered office, telephone number and/or e-mail address and/or electronic message delivery box address of the representative of the data controller if he/she is authorised according to Article 27 of Regulation (EU) 2016/679 27;

4.2. the details of the data protection officer or another contact person who may provide more information:

4.2.1. name and surname;

4.2.2. telephone number and/or e-mail address;

4.2.3. position;

4.2.4. name and address of the workplace;

Amendments to the paragraph:

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4.3. description of the personal data breach:

4.3.1. date, time and place of the personal data breach;

4.3.2. date and time of detection of the personal data breach;

4.3.3. circumstances of the personal data breach (loss of confidentiality of personal data (unauthorised access or disclosure), loss of integrity of personal data (unauthorised alteration of personal data), loss of accessibility of personal data (loss, destruction of personal data);

Amendments to the paragraph:

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4.3.4. approximate number of the data subjects whose personal data has been breached;

4.3.5. approximate amount of personal data which has been breached and categories;

4.3.6. likely consequences of the personal data breach;

4.3.7. other information concerning the personal data breach which the data controller finds relevant;

4.4. description of the measures taken or proposed to be taken by the data controller to address the personal data breach or mitigation of its possible effects;

4.5. information on whether the data subjects have been notified of the personal data breach, if the data subjects are not notified, the reasons are specified;

4.6. reasons for delay to give a notice if the personal data breach is reported later than within 72 hours from the moment on which the data controller found out about the personal data breach.

4¹. Paragraphs 4.1.2, 4.2.3, 4.2.4 of the Description are not applied where the notice is given according to the Law.

Amendments to the paragraph:

No [1T-83\(1.12.E\)](#), 29 August 2018, published in the Register of Legal Acts on 29 August 2018, ID code 2018-13585

5. When reporting a personal data breach, the data controller shall provide the information provided for in paragraphs 4.1–4.5 hereof all at once or in several stages if the indicated information cannot be provided at the same time. The data controller shall provide information in several stages without unreasonable delay.

6. The notification of a personal data breach shall be signed by the data controller (natural person), the head of the data controller (legal person) or an authorised person thereof, the head of the representative of the data controller if he is authorised under Article 27 of Regulation (EU) 2016/679 or an authorised person thereof.

7. A notice of a personal data breach shall be given to the Inspectorate in one of the following ways:

7.1. through the website of the Inspectorate www.ada.it using the electronic service system;

7.2. by the e-mail address ada@ada.it;

7.3. by mail to the address of the registered office of the Inspectorate;

7.4. by the fax of the Inspectorate;

7.5. by delivery of the notification of a personal data breach at the Inspectorate.

8. If the Inspectorate determines that the notification contains not all information provided for in paragraph 4 hereof or the provided information is inaccurate or incomplete, it shall immediately but not later than within 5 working days from the date of receipt of the notification inform the data controller and request to supplement, clarify and/or correct the notification not later than on the working day following the date of delivery of the notification. The afore-mentioned provision shall not apply if the data controller provides information on the personal data breach in stages.

9. Having evaluated the received information, the Inspectorate may exercise the powers of investigations provided for in Regulation (EU) 2016/679 and the Law granted to it and apply the established sanctions under the procedure prescribed in the legislation.

Amendments to the paragraph:

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10. If the Inspectorate takes a decision to carry out an investigation and/or inspection, the inspection shall be carried out under the procedure established by the director of the Inspectorate.

11. The data controller that fails to give a notification of a personal data breach to the Inspectorate shall be held liable under the procedure prescribed in Regulation (EU) 2016/679 or the Law.

Amendments to the paragraph:

No [1T-83\(1.12.E\)](#), 29 August 2018, published in the Register of Legal Acts on 29 August 2018, ID code 2018-13585

Amendments:

1.

State Data Protection Inspectorate, Order

No [1T-83\(1.12.E\)](#), 29 August 2018, published in the Register of Legal Acts on 29 August 2018, ID code 2018-13585
On the Amendment of Order No 1T-72(1.12.E) of the State Data Protection Inspectorate of 27 July 2018 “On the Approval of the Description of the Procedure for Giving of the Notification of a Personal Data Breach to the State Data Protection Inspectorate”