



Frequently asked questions

Abbreviations used in the notes

Data State Inspectorate – DSI

General Data Protection Regulation – GBER

Personal Data Processing Law – FPDAL

THEMES

Specify a topic ▼

Registration

Should the processing of personal data be registered with the Data State Inspectorate?

Processing of personal data

At the request of the apartment owners, does the house manager have the right to issue other information containing the personal data of the apartment owners (name, surname, address of the declared / actual residence, etc. of the apartment owner) necessary to convene a joint meeting of apartment owners?

In the apartment building, the neighbor has installed a video surveillance camera in the stairwell without asking for and obtaining the consent of other apartment owners. What to do in such a situation? Is the neighbor's action lawful?

Can house managers post information about utility debtors in stairwells?

In which cases is the sending / receiving of commercial communications considered as processing of personal data?

Is posting an image on Facebook a processing of personal data?

Is the service provider entitled to demand that an identity document (passport, ID card, rights) be left as collateral?

Is the inclusion of information about relatives in the family tree to be considered as the processing of their personal data?

Privacy Policy on Websites

What should be considered when using cookies?

Recital 24 of Directive 2002/58 / EC of the European Parliament and of the Council of 12 July 2002 concerning the processing of personal data and the protection of privacy in the electronic communications

sector (Directive on privacy and electronic communications, hereinafter "the Directive") states that electronic communications the terminal equipment of users of communications networks and any information stored on such terminal equipment shall form part of the private sector of users in need of protection in accordance with the European Convention for the Protection of Human Rights and Fundamental Freedoms. So-called spyware, invisible pixels, hidden identifiers, and other tools can enter a user's terminal to gain access to information, store hidden information, or track user activity without the user's knowledge, and can seriously violate their privacy.

Recital 25 of the Directive states that such tools, such as so-called cookies, may be legitimate and useful, for example, in analyzing website design and advertising and in verifying the identity of users involved in online transactions. Where such tools, such as cookies, are intended for a legitimate purpose, such as facilitating the provision of information society services, their use should be allowed provided that users are provided with clear and accurate information on cookies or similar tools in accordance with Directive 95/46 / EC. intended to ensure that users are aware of the information contained in the terminal equipment they use. Users should be able to opt out of the storage of cookies or similar devices on their terminal equipment. This is particularly important if non-primary users have access to the terminal equipment and thus to any information containing sensitive personal data stored in such terminal equipment. Information and the right to opt out of the various tools to be installed in the user's terminal equipment may be offered during one connection, including the continued use of these tools during subsequent connections. The ways in which information is provided, the right of withdrawal is offered or consent is sought should be made as user-friendly as possible. However, access to specific website content may be subject to the informed acceptance of a cookie or similar tool if it is used for a legitimate purpose. which can be installed in the user's terminal equipment can be offered during one connection, including further use of these tools during subsequent connections. The ways in which information is provided, the right of withdrawal is offered or consent is sought should be made as user-friendly as possible. However, access to specific website content may be subject to the informed acceptance of a cookie or similar tool if it is used for a legitimate purpose. which can be installed in the user's terminal equipment can be offered during one connection, including further use of these tools during subsequent connections. The ways in which information is provided, the right of withdrawal is offered or consent is sought should be made as user-friendly as possible. However, access to specific website content may be subject to the informed acceptance of a cookie or similar tool if it is used for a legitimate purpose.

In this context, it is important to determine the conditions under which browser settings meet the requirements of Directive 95/46 / EC and consent "in accordance with Directive 95/46 / EC" is therefore lawful.

First, on the basis of the definition of lawful consent and the requirements under Article 2 (h) of Directive 95/46 / EC, data subjects cannot generally be considered to have given consent simply by purchasing a browser or other application that allows their data to be collected and processed by default. . It is a misconception that the inaction of the data subject (the data subject has not set the browser to reject cookies) is a clear and unambiguous indication of his wishes.

Second, if, according to your browser settings, users agree to receive all cookies, it means that they agree to the further processing of data, possibly without knowing anything about the purposes and ways of using cookies. General consent to any further processing of data without knowing the circumstances of that processing cannot constitute lawful consent.

Article 5 (3) of the Directive provides that Member States shall ensure that the use of electronic communications networks for the storage of or access to information stored on a subscriber's or user's terminal equipment is permitted only if the subscriber or user concerned, in accordance with Directive 95/46 / The EC shall provide clear and comprehensive information, inter alia, on the purpose of the processing and offer the right to prevent the data controller from carrying out such processing. This shall not preclude any technical storage or merely access for the purpose of carrying out or facilitating the transmission of communications on an electronic communications network or necessary for the provision of an information society service explicitly requested by a subscriber or user.

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