

# GDPR in Luxembourg: The Data Protection Act

Categories : News

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**GDPR in Luxembourg**

The General Data Protection Regulation ("GDPR") took direct effect in Luxembourg on 25 May 2018, but since it allows EU Member States latitude in specific areas, Luxembourg passed a new law on 1 August 2018 which repealed the former Luxembourg law on data protection of 2 August 2002: the 1 August 2018 Act concerning the organisation of the CNPD (the Luxembourg Data Protection Authority) and the General Data Protection Regulation (the "Data Protection Act"). The Data Protection Act took effect on 20 August 2018. The Luxembourg legislator mainly focused on implementing the provisions required under the GDPR, rather than adding further restrictions on the processing of personal data.

The DATA PROTECTION ACT includes the following provisions:

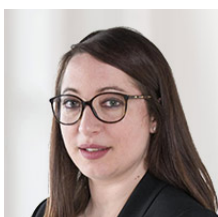
Issue	Luxembourg specifics
National Data Protection Authority (Article 58 of GDPR)	The "Commission Nationale pour la Protection des Données" or "CNPD": <ul style="list-style-type: none"><li>• a public body, having legal personality, financial and administrative autonomy,</li><li>• in charge of the verification of compliance with the provisions of GDPR and Luxembourg data protection laws and sanctions,</li><li>• provides accreditation of certification bodies.</li></ul>
Sanctions (Articles 83 and 84 of GDPR)	CNPD can impose periodic penalty payments on the controller or the processor of up to 5 per cent of the average daily turnover per day for failure to provide any requested information or to observe a corrective measure (administrative fines).  Any deliberate obstruction or interference with the CNPD's missions can be punished by imprisonment from 8 days to 1 year and/or a fine from EUR 251 to EUR 125,000 (criminal penalty).  The CNPD may order the publication of its decisions in newspapers or in any other way, at the expense of the sanctioned person.
Proceedings	Proceedings before the CNPD are subject to the rules governing non-contentious administrative procedure.  An action can be introduced against the CNPD's decision before the Administrative Court.  The CNPD has the power to initiate or take part in civil legal proceedings to enforce the provisions of the GDPR.

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## [The Data Protection Act provisions](#)

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