The Portuguese Data Revolution – From 1975 till Today
Today

The General Data Protection Regulation (GDPR) applies since 25 May 2018. Reports of massive data breaches and the mishandling of personal data by large online platforms remind us what is at stake: from preserving our private life, to protecting the functioning of our democracies and ensuring the sustainability of our increasingly data-driven economy.

On the occasion of GDPR’s first anniversary, we are taking a closer look at awareness, compliance and enforcement of the new rules.

**GDPR in Numbers**

**Awareness of the Rules**
- **Awareness of GDPR**
  - 67% of Europeans have heard of the GDPR.
  - 57% of Europeans know that there is a public authority in their country responsible for protecting their rights.
  - 20% know which public authority is responsible.

**Number of queries and complaints to data protection authorities**
- 144,376 total number of complaints from all data protection authorities in Europe since May 2018.

**Complying with the Rules**
- **Most common types of complaints**
  - Video surveillance/CCTV
  - Telemarketing/promotional emails

**Enforcing the Rules**
- **Cross-border cases**
- **Fines imposed under the GDPR by data protection authorities**
- **Adaptation of national laws in the EU Member States**
How did we get here

• Military Dictatorship
• 1976 Constitution – Article 35º → Data Protection for electronic use
• 15 years GAP
15 years GAP

- From 1976 Constitution till the first law
- The creation of CNPD
- Lei 10/91 – 29th of April 1991
Lei 10/91 – 29th of April 1991

- CNPD is born
- Under control of Portuguese Parliament → Military Dictatorship
- Exceptions → Sex, race, religion, etc.
- The purpose must be known prior to collection
- Data owner mentioned for the first time
- Formal request to “have a DB” → mini PIA
Lei 10/91 – 29th of April 1991
Lei 10/91 – 29th of April 1991

Source
Purpose and Transfer
Processing and connecting
Data Security
Lei 10/91 – 29th of April 1991
Lei 10/91 – 29th of April 1991

Too many rules

Too many Small Enterprises

Only Big Organizations

No Control
Lei n.º 28/94 – 29th of August 1994

- Some changes to the original law
- Criminal, Financial and health records are now exceptions
- Personal data requires express consent of the owner for processing
- Transfer between states are now mentioned
Lei n.º 28/94 – 29\textsuperscript{th} of August 1994

No knowledge

To many Small Enterprises

(almost) No Control

Only Big Organizations

No knowledge to many Small Enterprises (almost) No Control
Fast Forward

• EU comes along
• A couple of internal laws to comply with EU regulation
• Still lack of control → CNPD is still small
• We stopped at Lei 67/98 – 26th of October 1998
Today

- No one knows Lei 67/98 and no data on convictions
- GRPD is now in effect but Lei 67/98 is still valid
- Till 30th of April only 4 sanctions were applied by CNPD based on GRPD → still lack of resources (politics)
RGPD (1\textsuperscript{st} attempt)

- The 4\textsuperscript{th} of May 2018 Fail –> APDPO presents its own proposal
- CPND criticizes half the articles of the proposal
- Exceptions for Public sector
- CNPD budget gets in the way
RGPD (2nd attempt)

• Corrections to align with Eu GRDP
• 6 months probation
• Public sector exceptions
• Minimal consent age
# RGPD Costs for Portugal (draft)

<table>
<thead>
<tr>
<th></th>
<th>Micro</th>
<th>Small</th>
<th>Medium</th>
<th>Large</th>
</tr>
</thead>
<tbody>
<tr>
<td>% Enterprises using external Services</td>
<td>43%</td>
<td>51%</td>
<td>55%</td>
<td>73%</td>
</tr>
<tr>
<td># Enterprises</td>
<td>768 299</td>
<td>36 788</td>
<td>5 755</td>
<td>915</td>
</tr>
<tr>
<td># Enterprises with External Services</td>
<td>332 930</td>
<td>18 755</td>
<td>3 169</td>
<td>669</td>
</tr>
<tr>
<td>Avg. Cost per Enterprise</td>
<td>200 €</td>
<td>1 500 €</td>
<td>5 600 €</td>
<td>20 000 €</td>
</tr>
<tr>
<td>Sub Total</td>
<td>66,585,913,33€</td>
<td>28,132,000,00€</td>
<td>17,748,753,62€</td>
<td>13,373,076,92€</td>
</tr>
<tr>
<td>TOTAL</td>
<td></td>
<td></td>
<td></td>
<td>125,839,743,88€</td>
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### Total RGPD Costs for Portugal

<table>
<thead>
<tr>
<th>Enterprise Size</th>
<th>Total Hours</th>
<th>Total All Enterprises</th>
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<tbody>
<tr>
<td>Financial Costs</td>
<td></td>
<td>125.839.744 €</td>
</tr>
<tr>
<td>Administrative costs</td>
<td>30 358 557 h</td>
<td>29.668.279 €</td>
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<tr>
<td>Training Costs</td>
<td></td>
<td>15.577.608 €</td>
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<tr>
<td>Notification Costs</td>
<td></td>
<td>3.400 €</td>
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<tr>
<td>Total Costs</td>
<td></td>
<td>171.089.031 €</td>
</tr>
</tbody>
</table>
OBRIGADO