SmartSuite

Framework / Privacy / Global Privacy Regulations

Austrian Data Protection Act (DSG) — 2018

Austria’s Datenschutzgesetz (DSG) supplements the GDPR with national rules on image processing, data secrecy and children’s consent, enforced by the DSB.



What it is

The Austrian Data Protection Act (Datenschutzgesetz, DSG) is Austria’s federal data protection law: it guarantees a constitutional right to data protection, supplements the EU General Data Protection Regulation (GDPR) with national rules, and sets up the Datenschutzbehörde (DSB) as the supervisory authority. Its long title is the Bundesgesetz zum Schutz natürlicher Personen bei der Verarbeitung personenbezogener Daten.

The Austrian Parliament enacted the Datenschutz-Anpassungsgesetz 2018 (BGBl. I Nr. 120/2017) and the Datenschutz-Deregulierungs-Gesetz 2018 (BGBl. I Nr. 24/2018), and the reworked Act applies from 25 May 2018. It binds public and private controllers and processors within the scope of § 4(1), and the DSB enforces it.

At a glance

PUBLISHER Republic of Austria (Federal Parliament); enforced by the Datenschutzbehörde (DSB)	TYPE Regulation	VERSION Consolidated text of 14 Oct 2026 (latest amendment BGBl. I Nr. 50/2025)
EFFECTIVE May 25, 2018	DOMAIN Privacy	FAMILY Global Privacy Regulations
REGION Austria	ADOPTION MODEL Regulatory Compliance	IMPLEMENTATION COMPLEXITY Moderate

Source: ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001597

Why it matters

- **Apply the right Austrian rule** Know which choices Austria made inside the GDPR’s opening clauses, so controls match the national text and not only the EU regulation.
- **Avoid unlawful camera systems** Check every recording against §§ 12–13, including the ban on recording to control employees and the labeling duty.
- **Protect against insider disclosure** Bind employees to data secrecy under § 6 and keep the instruction records that show it was done.
- **Answer the DSB** Prepare for complaints under § 24 with records, owners and deadlines, and know the appeal route to the Bundesverwaltungsgericht.

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How SmartSuite supports DSG 2018

Records of Processing

Maintain a data inventory and records of processing activities (ROPA), with the Austrian provisions that apply noted on each processing record.

DPIAs for Image Processing

Run DPIAs with templates and scoring, and record the DSFA-V check, mitigations and approval for each camera system.

Consent Age Checks

Track which services are offered directly to children and the age check each uses against the age-14 threshold in § 4(4), with approvals routed through the Automation Engine.

Data Secrecy Training Records

Record each employee's data secrecy undertaking and instruction under § 6, capture acknowledgments with Forms and keep the change trail in Activity History.

DSB Complaint Handling

Log each DSB complaint with its owner, deadlines and response evidence next to the related DSAR and rights request.

Privacy Dashboards and Reporting

Show open DPIAs, training acknowledgments, camera labeling checks and complaint status on Privacy Dashboards for the data protection officer and management.

Common framework mappings

APEC PF | GDPR | ISO 27001:2022 | ISO 27701 | NIST Privacy Framework v1.0 | OECD Privacy Guidelines

Official resources

Austria Data Protection Act (DSG) Text

Provides the full legal text of the Austria Data Protection Act (DSG).

ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001597

Austrian Data Protection Authority Guidance

Outlines guidance from the Austrian Data Protection Authority on implementing the DSG.

dsb.gv.at

GDPR and DSG Complementary Measures

Describes how the DSG complements the EU GDPR in Austria.

ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001597

DSG Amendment Documents

Provides updates and amendments related to the Austria Data Protection Act.

ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10001597

Frequently asked questions

What is the Austrian Data Protection Act (DSG) and how does it relate to the GDPR?

The DSG (Datenschutzgesetz) is Austria's federal data protection law. The GDPR applies directly; the DSG fills the GDPR's opening clauses and adds national provisions, including the constitutional right to data protection in § 1, rules on image processing and data secrecy, and the complaint and fine procedures of the DSB. The reworked Act applies from 25 May 2018.

At what age can a child consent to online services under Austrian law?

Under § 4(4) DSG, consent under Article 6(1)(a) GDPR for an information-society service offered directly to a child is lawful once the child has completed the 14th year of life. The DSG sets the age threshold; the other consent conditions come from the GDPR.

Can an employer use cameras to monitor employees in Austria?

Not to control them: § 12(4) DSG prohibits image recording for the purpose of controlling employees. Other recording, such as protecting property, must meet § 12(2) and (3), be labeled (§ 13(5)), be logged and deleted as § 13(2) and (3) require, and keep any storage beyond 72 hours proportionate, separately logged and justified. A DPIA may also be required under the DSB's DSFA-V regulation.

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Who enforces the DSG, and how does a complaint to the DSB work?

The Datenschutzbehörde (DSB) supervises compliance. A data subject can complain to it under § 24 within one year of learning of the event and at most three years after it happened, and the DSB must report on the status within three months or the person can turn to the Bundesverwaltungsgericht. DSB decisions can be appealed to that court (§ 27), and the DSB itself says complaint proceedings are generally free of charge.

Can the DSB fine public bodies?

No. § 30(5) DSG bars fines against authorities and public bodies, including bodies acting under a statutory mandate and public-law corporations. Companies and other legal persons can be fined (§ 30(1)–(2)), and § 62 adds administrative penalties of up to EUR 50,000 for specific offenses unless GDPR Article 83 or a stricter rule applies.

What is data secrecy (Datengeheimnis) and what must employers do?

§ 6 DSG requires controllers, processors and their employees to keep personal data entrusted through their work secret unless a lawful reason to transmit it exists. Employers must contractually bind employees to transmit data only on instruction and to keep the secrecy after employment ends, and must instruct them on the rules and the consequences of breach. An employee who refuses an unlawful instruction may not be disadvantaged.

Does the DSG require the DSB to warn before it fines?

§ 11 DSG says the DSB will apply the GDPR Article 83 catalog proportionately and, especially for first violations, will mainly use its remedial powers such as warnings under Article 58. The provision is still in the consolidated text of 14 Oct 2026.

How would SmartSuite support Austrian DSG obligations?

In the Privacy Management solution, SmartSuite teams keep a data inventory and records of processing, run DPIAs with templates and scoring for camera systems, track DSARs and rights requests, and record data secrecy instructions with Forms and Activity History. Privacy Dashboards report open items, and the Automation Engine routes reviews and approvals.

License included / downloadable: Yes Austria's Data Protection Act is publicly available through official Austrian government legal resources.

Full framework page and mappings: smartsuite.com/frameworks/austrian-data-protection-act-dsg-2018