SmartSuite

Framework / Privacy / Global Privacy Regulations

Belgian Data Protection Act (Law of 30 July 2018)

Belgium's Data Protection Act of 30 July 2018 uses the GDPR's national options: children's consent at 13, extra safeguards for health and criminal data, and exemptions for journalism.



What it is

The Belgian Act of 30 July 2018 on the protection of natural persons with regard to the processing of personal data was published in the Belgian Official Journal on 5 September 2018, the day it entered into force. It supplements the EU General Data Protection Regulation (GDPR) by using the options the GDPR leaves to Member States, and it also covers processing by law enforcement authorities (Title 2) and other authorities (Title 3). The Belgian Data Protection Authority, established by the Act of 3 December 2017, supervises it.

For most organizations, Title 1 is what matters. Article 7 sets 13 as the age at which a child can consent to information society services, Article 9 adds measures for genetic, biometric, and health data, Article 10 limits the processing of criminal convictions and offences data to six situations, Article 8 lists processing treated as necessary for substantial public interest, and Article 24 exempts journalistic, academic, artistic, and literary processing from parts of the GDPR.

At a glance

PUBLISHER Belgian Federal Parliament; enforced by the Belgian Data Protection Authority (GBA/APD)	TYPE Regulation	VERSION Belgium Data Protection Act (Law of 30 July 2018)
EFFECTIVE 5 September 2018 (Article 20 after a six-month period)	DOMAIN Privacy	FAMILY Global Privacy Regulations
REGION Belgium	ADOPTION MODEL Regulatory Compliance	IMPLEMENTATION COMPLEXITY High

Source: dataprotectionauthority.be/publications/act-of-30-july-2018.pdf

Why it matters

- **A fixed age of consent** Children aged 13 or over can consent to information society services offered directly to them; below 13, consent must come from the child's legal representative (Article 7).
- **Specific safeguards for sensitive data** Controllers of genetic, biometric, and health data designate who can access it, keep that list for the supervisory authority, and bind those people to confidentiality (Article 9).
- **Clear grounds for criminal data** Processing of criminal convictions and offences data is allowed only in six situations, such as managing one's own disputes, a lawyer's defense of a client, or explicit written consent (Article 10).
- **Defined exemptions** Journalistic purposes and academic, artistic, or literary expression are exempt from listed GDPR articles, subject to conditions (Article 24).

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How SmartSuite supports Belgian DPA

Belgian provisions register

Record Articles 7 to 10 and 24 against the GDPR controls they modify, with owners and review dates.

Children's services and age checks

Track which services are offered directly to children, the age of 13 rule, and the consent record for under-13s.

Sensitive data access lists

Keep the list of categories of people with access to genetic, biometric, health, and criminal data, with their confidentiality undertakings.

Criminal data grounds

Record which of the six Article 10 grounds applies to each criminal data processing activity.

Requests and exemptions

Run data subject requests with Privacy Management and record any exemption relied on, such as journalism or the restrictions in Articles 11 to 13.

Reporting

Use Enterprise Reporting to show open requests, access-list reviews, and control status.

Common framework mappings

APEC PF | CCPA/CPRA | Convention 108+ | GDPR | ISO 27701 | NIST Privacy Framework v1.0 | UK DPA 2018

Official resources

Belgium Data Protection Act – Full Text

Provides the official legal text of the Belgium Data Protection Act of 30 July 2018.

gegevensbeschermingsautoriteit.be/professioneel/avg

Belgium DPA Guidance on Data Protection Act

Outlines implementation guidance for organizations complying with the Belgium Data Protection Act.

gegevensbeschermingsautoriteit.be/professioneel/avg

Belgium DPA FAQ on Data Protection Legislation

Defines answers to frequently asked questions regarding data protection legislation in Belgium.

gegevensbeschermingsautoriteit.be/professioneel/avg

Frequently asked questions

What does the Belgian Act add to the GDPR?

It uses options the GDPR leaves to Member States: the age of 13 for children's consent (Article 7), additional measures for genetic, biometric, and health data (Article 9), the grounds for processing criminal convictions and offences data (Article 10), exemptions for journalism and academic, artistic, and literary expression (Article 24), and rules for public authorities. It also covers law enforcement and other authorities in Titles 2 and 3.

What is the age of consent for online services in Belgium?

13. Processing of a child's personal data in relation to information society services offered directly to the child is lawful where the child is at least 13 and gives consent. Below 13, the child's legal representative must consent (Article 7).

When can criminal convictions and offences data be processed in Belgium?

In six situations: by a person managing their own disputes, by lawyers or legal advisers for a client's defense, by others for substantial public interest tasks set by law, for scientific, historical, or statistical research or archiving, with the data subject's explicit written consent, or where the data subject clearly disclosed the data (Article 10).

Does the Belgian Act apply to organizations outside Belgium?

Yes in some cases. It applies to non-EU controllers and processors that process data of people in Belgium in connection with offering goods or services to them, or monitoring their behavior in Belgium (Article 4). It also applies to processing in the context of an establishment in Belgium, wherever the processing takes place.

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What penalties does the Belgian Act set?

The supervisory authority's GDPR corrective powers extend to the Act's articles listed in Article 221, and GDPR administrative fines do not apply to public authorities unless they offer products and services on a market. Listed breaches, such as processing without a legal basis or unlawful transfers, carry criminal fines of 250 to 15,000 euros (Article 222).

License included / downloadable: Yes The Belgian Data Protection Authority publishes an unofficial English translation of the consolidated Act, and the official text appears in the Belgian Official Journal. The text is not included with the platform.

Full framework page and mappings: smartsuite.com/frameworks/belgium-data-protection-act-law-of-30-july-2018

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