

**Types of processing operations,
for which no data protection impact assessment is required
in accordance with Article 35(5) GDPR**

In accordance with Article 35(5) of the General Data Protection Regulation (GDPR), Data State Inspectorate (hereinafter — Inspectorate) has established a list of those processing operations in respect of which there is no need to carry out a data protection impact assessment (hereinafter – list)¹. This list cannot be regarded as an exhaustive list, with the result that it may be supplemented over time by identifying other exceptional cases.

Inspectorate has identified the following data processing operations for which a DPIA is not required to be carried out:

1. For the implementation of employment legal relationship required in the law, employer's processing of personal data of employees employed in the territory of the Republic of Latvia, which is carried out only in the territory of the Republic of Latvia, in particular for human resources and accounting purposes, in the field of wage setting, social insurance and health insurance, except if the data processing is related to the processing of sensitive data, including biometric data, genetic data, evaluation, profiling or systematic monitoring of data subjects;

E.g. Company ensures the production of microchips and where required by law processes personal data of 40 employees, such as the employee's name, personal identity number, address of residence, bank account number, information on trade union membership, health insurance status, information whether the employee has a specific disability.

2. The processing of health data necessary for the care of the patient by self-employed staff working individually in the exercise of their professional duties, such as medical practitioners and healthcare professionals, provided that the processing operations do not involve systematic transfer to third countries;

E.g. The practice of a general practitioner, which provides health care services on an individual basis, carries out the processing of personal data of his or her patients, including health data.

3. Data processing by lawyers, notaries, sworn bailiffs working individually and engaged in their professional activities related to the obligation of professional secrecy, provided that the processing operations do not involve systematic transmission to third countries;

E.g. An individually practising sworn advocate carries out the processing of personal data of his or her clients, including given name, surname, contact information,

¹ List is based on Article 29 Working Party Guidelines on Data Protection Impact Assessment (DPIA) and determining whether processing is “likely to result in a high risk” for the purposes of Regulation 2016/679, WP248 rev.01, adopted on 4 April 2017 and revised on 4 October 2017, endorsed by the EDPB. Processing operations listed complement and further specify descriptions of processing operations provided in these Guidelines.

information on the state of health, if it is related to the substance of the case (complaints regarding medical services).

4. Customer personal data processing activities related to business needs and offering and provision of services², including customer competitions and distribution of newsletters, which are carried out only in the Latvian language and which are carried out only in the territory of the Republic of Latvia, if the main activity of the company cannot be directly or indirectly related to the processing of personal data;

E.g. Company is engaged in the provision of construction and repair services. In order to provide up-to-date information about its services and special offers, it sends informative e-mails to its subscribers, thus processing the subscriber's personal data — name, surname, e-mail address.

5. Data processing carried out by an association, foundation, for the management of its members and donors in the framework of its regular activities, except processing of personal data of a sensitive nature;

E.g. A foundation processes the personal data of its members, such as name, surname, personal identity number, bank account number.

6. Data processing by the association of apartment owners, the co-operative society of apartments or the community of apartment owners, in relation to the management of multi-apartment residential buildings and related buildings, and land, except processing on a large scale;

E.g. Video surveillance in multi-apartment building areas, stairwells, parking places to combat vandalism and the commission of other criminal offences.

7. Processing of data for the management of physical access controls and schedules for the calculation of working time³, excluding special categories of personal data and/or other personal data of highly sensitive nature⁴;

E.g. The employer has put in place an access control system at the workplace, providing access to work premises only to authorised persons, using contactless cards and chip readers, thus processing information about the hours worked by the employee on a working day, the time when the employee arrives at work and when he leaves.

8. Processing of data in connection with checks of alcohol or narcotic substances within the framework of transport activities arising from legal requirements in the law in order to verify that the driver is not under the influence of alcohol or narcotic

² Activities can not be:

1. systematic monitoring or scoring of customers;
2. processing of sensitive data;
3. processing of data of vulnerable clients, or
4. carried out on a large scale.

³ With respect to work schedules, only processing activities with the sole purpose of calculating working times are covered.

⁴ As explained in page 9 para. 4 of the Article 29 Working party Guidelines on Data Protection Impact Assessment (DPIA) and determining whether processing is “likely to result in a high risk” for the purposes of Regulation 2016/679

substances (also applies to cases where the breathalyzer checks are carried out for employees driving vehicles which are not subject to road traffic regulations, such as specially equipped vehicles for the carriage of goods at the employer's premises)⁵;

E.g. The employer performs a breathalyzer test on the alcohol concentration in the exhalation of the bus driver before the shift starts.

9. Processing of data in relation to collective submissions laid down in the Local Government Law;

E.g. Residents of Riga municipality submit a collective submission in accordance with the procedures laid down by law. The local government, when examining the application, processes personal data of the submitters, including given name, surname, personal identity number.

⁵ The item is restricted to cases where processing of such data is mandatory by law, and that the purpose of the use of the test data is restricted to the sole purpose of preventing drivers from operating vehicles while under the influence of alcohol or narcotics.