

Important Data Protection Changes in Lithuania Effective 1 July 2024

July 2024

Several significant amendments to the Republic of Lithuania Law on the Legal Protection of Personal Data (PDPL) came into effect on 1 July 2024, impacting the operations of businesses in Lithuania. In this newsletter, we will outline the key changes and provide some practical guidance on how to prepare for them:

Employers can now process employee criminal record data

Employers can now process criminal record data of job candidates and employees, but only if they can demonstrate a legitimate interest in doing so and if they take appropriate safeguards to protect the data. This means that employers must:

- Conduct a legitimate interest assessment and document the results;
- Clearly identify the jobs for which criminal record checks are required;
- Obtain the applicant's or employee's consent to process their criminal record data.

New rules for video surveillance

There are new rules for businesses that use video surveillance. From 1 July 2024, individuals who have their data processed through video surveillance must first contact the data controller (the business that operates the video surveillance system) with any complaints before they can submit a complaint to the supervisory authority (the State Data Protection Inspectorate, or VDAI). The data controller must then respond to the complaint within one month. If the individual is not satisfied with the response, or if they do not receive a response within one month, they can then submit a complaint to the VDAI.

Businesses that use video surveillance should review and update their data protection policies to reflect these new rules. They should also train their staff on how to handle complaints from individuals about video surveillance.

Changes to tourist registration

From 1 July 2024, all accommodation providers in Lithuania will be required to register their guests in the E.turistas system. This replaces the previous requirement to complete and store tourist registration cards.

Accommodation providers should review and update their data protection policies to reflect this change. They should also ensure that they have the necessary procedures in place to register their guests in the E.turistas system.

Increased risk of reputational damage

The PDPL amendments require the VDAI and the Inspector of Journalists' Ethics to publish all decisions they take on their websites. This includes decisions that find that a business has breached the GDPR. This means that businesses that are found to have breached the GDPR are now more likely to have their names made public.

To mitigate the risk of reputational damage, businesses should take steps to ensure that they comply with the GDPR. This includes conducting regular data protection audits, training staff on data protection, and having appropriate data protection policies in place.

More complaints and class action lawsuits

The PDPL amendments give non-profit organizations the right to file complaints with the VDAI on behalf of individuals. This means that businesses are now more likely to face complaints from individuals, even if the individuals themselves have not made a complaint.

The PDPL amendments also make it easier for individuals to bring class action lawsuits against businesses for breaches of the GDPR. This means that businesses could face significant financial liability if they are found to have breached the GDPR.

Overall, the changes to the PDPL mean that businesses need to take data protection more seriously than ever before. Businesses should review their data protection policies and procedures to ensure that they comply with the new requirements. They should also train their staff on data protection and take steps to mitigate the risk of data breaches.