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First Step towards an Israeli GDPR?

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A new bill (the “**Bill**”) seeks to reduce the scope of the requirement to register databases containing personal data and to align key terms in the Israeli Protection of Privacy Law, 5741-1981 (the “**PPL**”) with the EU General Data Protection Regulation (“**GDPR**”). This client update provides a brief overview of the proposed changes.

1. How will the database registration requirement be limited?

If the Bill is enacted into law, the obligation to register databases with the Registrar of Databases will be significantly reduced to include solely databases that **contain personal data on at least 100,000 people**, and that **additionally** meet one or more of the following conditions:

- the database contains “sensitive data” – a broad term that includes, among others, medical data, data regarding a person’s mental state, genetic data, data on political opinions or beliefs, data on criminal record, location data, biometric data, data on race or origin, data on a person’s assets or liabilities or economic status, data on consumption habits and private information on a person’s personal life;
- the main purpose of the database is to collect personal data that will be provided to others for business purposes, including direct mailing;
- the database contains data that was not provided by the data subjects, on their behalf or with their consent; or
- the database belongs to a public body.

2. Changes to key terms under the PPL

The Bill seeks to modify key terms under the PPL to align them with the GDPR. Among others, the Bill proposes to expand the definition of ‘personal data’ to include any data relating to an identified person or one that could reasonably be identified, directly or indirectly, including ID number, biometric information and any unique identifier. The expansion of the term ‘personal data’ will broaden the scope of databases that are subject to the requirements of the PPL and the [Protection of Privacy Regulations \(Data Security\), 5777-2017](#) (“**Data Security Regulations**”).

In addition, the Bill seeks to significantly broaden the definition of ‘processor’ to include anyone who processes (e.g., stores, accesses or deletes) personal data on behalf of the controller.

As a result of the said expansion, more service providers will be subjected to the requirements of the PPL and the Data Security Regulations.

3. What about enforcement, fines and additional provisions that exist under GDPR?

The Bill states that in the near future, the Government intends to promote additional bills designed, among others, to enhance the Privacy Protection Authority's investigation and enforcement powers (including powers to impose fines), broaden data subject rights and to impose additional obligations on controllers and processors.

There is an apparent trend in Israel, as well as in Europe and the United States, to strengthen data protection laws and enhance measures for their enforcement. This is especially true nowadays, in light of the EU's re-evaluation of its [2011 'adequacy' findings with respect to Israel](#), that are used as a basis for most transfers of personal data from the EU to Israel. Against that background, companies should examine their level of compliance with applicable data protection laws and take necessary steps to address any compliance deficiencies.

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