

# Belgian Constitutional Court Invalidates Enforcement Provisions of Data Protection Law

By Kristof Van Quathem on January 27, 2023

On January 12, 2023, the Belgian Constitutional Court **decided** that a provision of the Belgian data protection law is unconstitutional.

The relevant provision prevented parties from challenging a decision of the Belgian Supervisory Authority if they were not a party to the proceedings before the Belgian Supervisory Authority that led to the decision.

The Constitutional Court decided that because this provision was invalid, all decisions rendered by the Belgian Supervisory Authority since the entry into force of the law are henceforth open for an appeal by third parties to the Market Court, the designated court for such challenges, within one month of the date of publication of the Constitutional Court's decision in the Official Gazette. Future decisions of the Supervisory Authority will also be open for such an appeal within one month of the parties being reasonably aware of the decision. The data protection law will now have to be revised to address this point – yet another topic of concern for the Belgian Government, which is already revising the law because of concerns of impartiality raised by the European Commission.