



Employee Data Privacy – Chile

Fines and Penalties

What are the penalties for noncompliance with any applicable data protection laws?

Noncompliance with data privacy laws and data breaches may lead to sanctions, fines, and penalties. The amounts are usually calculated according to the risk to which personal rights were exposed and the preventive measures taken by the data controllers, processors and sub-processors in relation to their respective role in the chain of personal data processing.

Under Chile’s Personal Data Protection Law, when data has been improperly handled, the person, private entity or public entity responsible for the data must compensate damages, including moral damages caused by the improper handling of

data, without prejudice to proceed to eliminate, modify or block the data according to what is required by the holder or as ordered by the court.

As Chile does not currently have a data protection authority, complaints and claims for damages, such as improper

handling, would go through civil courts and any claims for damages would be determined by a judge. Cases where there is purposeful/criminal abuse, may go before a criminal court.

If the new data protection bill passes, there will be more streamlined penalties for noncompliance with data protection laws in the future.



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