



Plenary sitting

6.12.2017

A8-0313/2017/err01

ERRATUM

to the report

on the proposal for a regulation of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (COM(2017)0008 – C8-0008/2017 – 2017/0002(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Cornelia Ernst
A8-0313/2017

Amendment 41 is deleted as the text of the amendment it contained has been moved into Amendment 44.

(Affects all language versions.)

Amendment 100 should read as follows:

Amendment 100

Proposal for a regulation
Article 69 m (new)

Article 69m

Right to rectification or erasure of operational personal data and restriction of processing

1. Any data subject shall have the right to obtain from Union agencies and missions without undue delay the rectification of inaccurate operational personal data relating to him or her. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete operational personal data completed, including by means of providing a supplementary statement. Union agencies and missions shall erase operational personal data without undue delay and the data subject shall have the right to obtain from Union agencies and missions the erasure of operational personal data concerning him or her without undue delay where processing infringes Articles 69b, 69c or 69h, or where operational personal data must be erased in order to comply with a legal obligation to which Union agencies and missions are subject.

Instead of erasure, Union agencies and missions shall restrict processing where:

(a) the accuracy of the operational personal data is contested by the data subject and their accuracy or inaccuracy cannot be ascertained; or

(b) the operational personal data must be maintained for the purposes of evidence.

2. Where processing is restricted pursuant to point (a) of the second subparagraph of paragraph 1, Union agencies and missions shall inform the data subject before lifting the restriction of processing. Restricted data shall be

processed only for the purpose that prevented their erasure.

3. Union agencies and missions shall inform the data subject in writing of any refusal of rectification or erasure of operational personal data or restriction of processing and of the reasons for the refusal. Union agencies and missions may restrict, wholly or partly, the obligation to provide such information to the extent that such a restriction constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and legitimate interests of the natural person concerned in order to:

(a) avoid obstructing official or legal inquiries, investigations or procedures;

(b) avoid prejudicing the prevention, detection, investigation or prosecution of criminal offences or the execution of criminal penalties;

(c) protect public security of the Member States;

(d) protect national security of the Member States;

(e) protect the rights and freedoms of others.

4. Union agencies and missions shall inform the data subject of the possibility of lodging a complaint with the European Data Protection Supervisor or seeking a judicial remedy from the Court of Justice of the European Union.

5. Union agencies and missions shall communicate the rectification of inaccurate operational personal data to the competent authority from which the inaccurate operational personal data originate.

6. Union agencies and missions

shall, where operational personal data has been rectified or erased or processing has been restricted pursuant to paragraphs 1, 2 and 3, notify the recipients and inform them that they have to rectify or erase the operational personal data or restrict processing of the operational personal data under their responsibility.

(Affects all language versions.)