



2017/0002(COD)

12.7.2017

AMENDMENTS

59 - 257

Draft report
Cornelia Ernst
(PE605.954v01-00)

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

Proposal for a regulation
(COM(2017)0008 – C8-0008/2017 – 2017/0002(COD))

Amendment 59
Jan Philipp Albrecht

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) *The data protection legal framework for processing in the course of activities of Union institutions and bodies in the areas of freedom, security and justice and of the common foreign and security policy remains fragmented and creates legal uncertainty. This Regulation should therefore provide for harmonised rules for the protection and the free movement of personal data processed by the Union institutions and bodies carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of Part Three of the TFEU and Chapter 2 of Title V of the TEU.*

Or. en

Amendment 60
Marju Lauristin

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) *The data protection legal framework for processing in the course of activities of Union institutions and bodies which fall outside the scope of Community law remains fragmented and creates legal uncertainty. This Regulation should therefore provide for harmonised rules for the protection and the free movement of personal data processed by the Union institutions and bodies carrying out activities which fall within the scope*

Amendment 61
Jan Philipp Albrecht

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In Declaration No 21 on the protection of personal data in the fields of judicial cooperation in criminal matters and police cooperation, annexed to the final act of the intergovernmental conference which adopted the Treaty of Lisbon, the conference acknowledged that specific rules on the protection of personal data and the free movement of personal data in the fields of judicial cooperation in criminal matters and police cooperation based on Article 16 TFEU could prove necessary because of the specific nature of those fields. ***This Regulation should therefore apply to Union agencies carrying out activities in the fields of judicial cooperation in criminal matters and police cooperation only to the extent that Union law applicable to such agencies does not contain specific rules on the processing of personal data.***

Amendment

(8) In Declaration No 21 on the protection of personal data in the fields of judicial cooperation in criminal matters and police cooperation, annexed to the final act of the intergovernmental conference which adopted the Treaty of Lisbon, the conference acknowledged that specific rules on the protection of personal data and the free movement of personal data in the fields of judicial cooperation in criminal matters and police cooperation based on Article 16 TFEU could prove necessary because of the specific nature of those fields. ***Furthermore, the field of common foreign and security policy also has a specific nature and specific rules on the protection of personal data and the free movement of personal data could prove necessary as well. It is therefore appropriate to regulate the processing of operational personal data, such as personal data processed for criminal investigation purposes, by Union agencies established on the basis of Chapters 4 and 5 of Title V of Part Three of the TFEU and by missions referred to in Article 42(1), 43 and 44 of the TEU by specific rules, derogating from a number of general rules of this Regulation. Those specific rules are aligned with the provisions of the Directive (EU) 2016/680 and should be interpreted homogeneously.*** Processing of *administrative* personal data

by those bodies, offices or agencies, such as staff data, should be covered by this Regulation.

Or. en

Amendment 62
Marju Lauristin

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In Declaration No 21 on the protection of personal data in the fields of judicial cooperation in criminal matters and police cooperation, annexed to the final act of the intergovernmental conference which adopted the Treaty of Lisbon, the conference acknowledged that specific rules on the protection of personal data and the free movement of personal data in the fields of judicial cooperation in criminal matters and police cooperation based on Article 16 TFEU could prove necessary because of the specific nature of those fields. ***This Regulation should therefore apply to Union agencies carrying out activities in the fields of judicial cooperation in criminal matters and police cooperation only to the extent that Union law applicable to such agencies does not contain specific rules on the processing of personal data.***

Amendment

(8) In Declaration No 21 on the protection of personal data in the fields of judicial cooperation in criminal matters and police cooperation, annexed to the final act of the intergovernmental conference which adopted the Treaty of Lisbon, the conference acknowledged that specific rules on the protection of personal data and the free movement of personal data in the fields of judicial cooperation in criminal matters and police cooperation based on Article 16 TFEU could prove necessary because of the specific nature of those fields. ***Furthermore, the field of common foreign and security policy also has a specific nature and specific rules on the protection of personal data and the free movement of personal data could prove necessary as well. It is therefore appropriate to regulate the processing of operational personal data by Union agencies established on the basis of Chapters 4 and 5 of Title V of Part Three of the TFEU and by missions referred to in Article 42(1), 43 and 44 of the TEU by specific rules, derogating from a number of general rules of this Regulation. Those specific rules are aligned with the provisions of the Directive (EU) 2016/680 and should be interpreted homogeneously.***

Or. en

Amendment 63
Brice Hortefeux

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In Declaration No 21 on the protection of personal data in the fields of judicial cooperation in criminal matters and police cooperation, annexed to the final act of the intergovernmental conference which adopted the Treaty of Lisbon, the conference acknowledged that specific rules on the protection of personal data and the free movement of personal data in the fields of judicial cooperation in criminal matters and police cooperation based on Article 16 TFEU could prove necessary because of the specific nature of those fields. This Regulation should therefore apply to Union agencies carrying out activities *in the fields of judicial cooperation in criminal matters and police cooperation only to the extent that Union law applicable to such agencies does not contain specific rules on the processing of personal data.*

Amendment

(8) In Declaration No 21 on the protection of personal data in the fields of judicial cooperation in criminal matters and police cooperation, annexed to the final act of the intergovernmental conference which adopted the Treaty of Lisbon, the conference acknowledged that specific rules on the protection of personal data and the free movement of personal data in the fields of judicial cooperation in criminal matters and police cooperation based on Article 16 TFEU could prove necessary because of the specific nature of those fields. This Regulation should *not* therefore apply to *the processing of operational personal data, such as personal data processed for the purpose of a criminal investigations by Union bodies, offices and agencies carrying out activities falling within the scope of Chapters 4 and 5 of Title V of Part Three of the TFEU where acts creating such bodies, offices and agencies provide for a comprehensive set of rules for data protection applicable to the processing of such data, such as the acts establishing Europol and Eurojust, and the European Public Prosecutor's Office. This Regulation does, on the other hand, cover the processing of administrative personal data, such as staff data, by those bodies, offices and agencies.*

Or. fr

Amendment 64
Axel Voss, Michal Boni

Proposal for a regulation
Recital 8

Text proposed by the Commission

(8) In Declaration No 21 on the protection of personal data in the fields of judicial cooperation in criminal matters and police cooperation, annexed to the final act of the intergovernmental conference which adopted the Treaty of Lisbon, the conference acknowledged that specific rules on the protection of personal data and the free movement of personal data in the fields of judicial cooperation in criminal matters and police cooperation based on Article 16 TFEU could prove necessary because of the specific nature of those fields. This Regulation should therefore apply to Union agencies carrying out activities *in the fields of judicial cooperation in criminal matters and police cooperation only to the extent that Union law applicable to such agencies does not contain specific rules on the processing of personal data.*

Amendment

(8) In Declaration No 21 on the protection of personal data in the fields of judicial cooperation in criminal matters and police cooperation, annexed to the final act of the intergovernmental conference which adopted the Treaty of Lisbon, the conference acknowledged that specific rules on the protection of personal data and the free movement of personal data in the fields of judicial cooperation in criminal matters and police cooperation based on Article 16 TFEU could prove necessary because of the specific nature of those fields. This Regulation should therefore *not* apply to *the processing of operational personal data, such as personal data processed for criminal investigation purposes by Union bodies, offices or agencies carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of Part Three of the TFEU where the acts establishing these bodies, offices or agencies provide for comprehensive data protection rules applicable to the processing of such data, such as the acts establishing Eurojust, Europol and the European Public Prosecutor's Office.* Processing of *administrative* personal data *by those bodies, offices or agencies, such as staff data, should be covered by this Regulation.*

Or. en

Amendment 65
Brice Hortefeux

Proposal for a regulation
Recital 9

(9) Directive (EU) 2016/680 provides harmonised rules for the protection and the free movement of personal data processed for the purposes of the prevention, investigation, detection or prosecution of criminal offences or execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. In order to foster the same level of protection for natural persons through legally enforceable rights throughout the Union and to prevent divergences hampering the exchange of personal data between Union agencies carrying out activities ***in the fields of judicial cooperation in criminal matters and police cooperation*** and competent authorities in Member States, the rules for the protection and the free movement of operational personal data processed by such Union agencies should ***draw on the principles underpinning this Regulation*** and be consistent with Directive (EU) 2016/680.

(9) Directive (EU) 2016/680 provides harmonised rules for the protection and the free movement of personal data processed for the purposes of the prevention, investigation, detection or prosecution of criminal offences or execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. In order to foster the same level of protection for natural persons through legally enforceable rights throughout the Union and to prevent divergences hampering the exchange of personal data between Union ***bodies, offices and*** agencies carrying out activities ***falling within the scope of Chapters 4 and 5 of Title V of Part Three of the TFEU*** and competent authorities in Member States, the rules for the protection and the free movement of operational personal data processed by such Union ***bodies, offices and*** agencies should be consistent with Directive (EU) 2016/680.

Or. fr

Amendment 66

Axel Voss, Michal Boni

Proposal for a regulation

Recital 9

Text proposed by the Commission

Amendment

(9) Directive (EU) 2016/680 provides harmonised rules for the protection and the free movement of personal data processed for the purposes of the prevention, investigation, detection or prosecution of criminal offences or execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. In order to foster the same level of protection for natural persons

(9) Directive (EU) 2016/680 provides harmonised rules for the protection and the free movement of personal data processed for the purposes of the prevention, investigation, detection or prosecution of criminal offences or execution of criminal penalties, including the safeguarding against and the prevention of threats to public security. In order to foster the same level of protection for natural persons

through legally enforceable rights throughout the Union and to prevent divergences hampering the exchange of personal data between Union agencies carrying out activities ***in the fields of judicial cooperation in criminal matters and police cooperation*** and competent authorities in Member States, the rules for the protection and the free movement of operational personal data processed by such Union ***agencies should draw on the principles underpinning this Regulation and*** be consistent with Directive (EU) 2016/680.

through legally enforceable rights throughout the Union and to prevent divergences hampering the exchange of personal data between Union ***bodies, offices and*** agencies carrying out activities ***which fall within the scope of Chapter 4 and 5 of Title V of Part Three of the TFEU*** and competent authorities in Member States, the rules for the protection and the free movement of operational personal data processed by such Union ***bodies, offices and agencies should*** be consistent with Directive (EU) 2016/680.

Or. en

Amendment 67
Brice Hortefeux

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Where the founding act of a Union agency carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of the Treaty lays down a standalone data protection regime for the processing of operational personal data such regimes should be unaffected by this Regulation. However, the Commission should, in accordance with Article 62 of Directive (EU) 2016/680, by 6 May 2019 review Union acts which regulate processing by the competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security and, where appropriate, make the necessary proposals to amend those acts to ensure a consistent approach to the protection of personal data in the area of judicial cooperation in

Amendment

deleted

criminal matters and police cooperation.

Or. fr

Amendment 68
Axel Voss, Michał Boni

Proposal for a regulation
Recital 10

Text proposed by the Commission

Amendment

(10) Where the founding act of a Union agency carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of the Treaty lays down a standalone data protection regime for the processing of operational personal data such regimes should be unaffected by this Regulation. However, the Commission should, in accordance with Article 62 of Directive (EU) 2016/680, by 6 May 2019 review Union acts which regulate processing by the competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security and, where appropriate, make the necessary proposals to amend those acts to ensure a consistent approach to the protection of personal data in the area of judicial cooperation in criminal matters and police cooperation.

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Or. en

Amendment 69
Jan Philipp Albrecht

Proposal for a regulation
Recital 10

Text proposed by the Commission

(10) Where the founding act of a Union agency carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of the Treaty lays down a standalone data protection regime for the processing of operational personal data such regimes should be **unaffected by** this Regulation. However, the Commission should, in accordance with Article 62 of Directive (EU) 2016/680, by 6 May 2019 review Union acts which regulate processing by the competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security and, where appropriate, make the necessary proposals to amend those acts to ensure a consistent approach to the protection of personal data in the area of judicial cooperation in criminal matters and police cooperation.

Amendment

(10) Where the founding act of a Union agency carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of the Treaty lays down a standalone data protection regime for the processing of operational personal data, such regimes should be **overridden by the provisions in this Regulation. This Regulation should therefore repeal specific articles in specific acts that could potentially conflict with the provisions in** this Regulation. However, the Commission should, in accordance with Article 62 of Directive (EU) 2016/680, by 6 May 2019 review Union acts which regulate processing by the competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security and, where appropriate, make the necessary proposals to amend those acts to ensure a consistent approach to the protection of personal data in the area of judicial cooperation in criminal matters and police cooperation.

Or. en

Amendment 70
Brice Hortefeux

Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) This Regulation should apply to the processing of personal data by Union institutions, bodies, offices and agencies carrying out activities falling within the scope of Chapter 2 of Title V of the TEU. This Regulation does not apply to the processing of personal data in the context

of the missions referred to in Articles 42(1), 43 and 44 of the TEU, which implement the common security and defence policy. Where appropriate, relevant proposals could be submitted to further regulate the processing of personal data in the area of the common security and defence policy.

Or. fr

Amendment 71
Axel Voss, Michał Boni

Proposal for a regulation
Recital 10 a (new)

Text proposed by the Commission

Amendment

(10a) This Regulation should apply to the processing of personal data by Union institutions, bodies, offices or agencies carrying out activities which fall within the scope of Chapter 2 of Title V of the TEU. This Regulation does not apply to the processing of personal data by missions referred to in Articles 42(1), and 43 and 44 of the TEU, which implement the common security and defence policy. Where appropriate, relevant proposals could be put forward to further regulate the processing of personal data in the field of the common security and defence policy.

Or. en

Amendment 72
Maria Grapini

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) Consent should be given by a clear affirmative act establishing a freely given, specific, informed and unambiguous indication of the data subject's agreement to the processing of personal data relating to him or her, such as by a written statement, including by electronic means, or an oral statement. This could include ticking a box when visiting an internet website, choosing technical settings for information society services or another statement or conduct which clearly indicates in this context the data subject's acceptance of the proposed processing of his or her personal data. Silence, pre-ticked boxes or inactivity should not therefore constitute consent. Consent should cover all processing activities carried out for the same purpose or purposes. When the processing has multiple purposes, consent should be given for all of them. If the data subject's consent is to be given following a request by electronic means, the request must be clear, concise and not unnecessarily disruptive to the use of the service for which it is provided.

(14) Consent should be given by a clear affirmative act establishing a freely given, specific, informed and unambiguous indication of the data subject's agreement to the processing of personal data relating to him or her, such as by a written statement, including by electronic means, or an oral statement. This could include ticking a box when visiting an internet website, choosing technical settings for information society services or another statement or conduct which clearly indicates in this context the data subject's acceptance of the proposed processing of his or her personal data. Silence, pre-ticked boxes or inactivity should not therefore constitute consent. Consent should cover all processing activities carried out for the same purpose or purposes. When the processing has multiple purposes, consent should be given for all of them. If the data subject's consent is to be given following a request by electronic means, the request must be clear, concise and not unnecessarily disruptive to the use of the service for which it is provided. ***At the same time, it should only be possible for the electronic request to be completed and processed after the person concerned has been informed clearly and precisely of the purpose for its being processed.***

Or. ro

Amendment 73 **Maria Grapini**

Proposal for a regulation **Recital 15**

Text proposed by the Commission

(15) Any processing of personal data should be lawful and fair. It should be transparent to natural persons that personal data concerning them are collected, used, consulted or otherwise processed and to

Amendment

(15) Any processing of personal data should be lawful and fair ***and done for clear and well-defined purposes.*** . It should be transparent to natural persons that personal data concerning them are

what extent the personal data are or will be processed. The principle of transparency requires that any information and communication relating to the processing of those personal data be easily accessible and easy to understand, and that clear and plain language be used. That principle concerns, in particular, information to the data subjects on the identity of the controller and the purposes of the processing and further information to ensure fair and transparent processing in respect of the natural persons concerned and their right to obtain confirmation and communication of personal data concerning them which are being processed. Natural persons should be made aware of risks, rules, safeguards and rights in relation to the processing of personal data and how to exercise their rights in relation to such processing. In particular, the specific purposes for which personal data are processed should be explicit and legitimate and determined at the time of the collection of the personal data. The personal data should be adequate, relevant and limited to what is necessary for the purposes for which they are processed. This requires, in particular, ensuring that the period for which the personal data are stored is limited to a strict minimum. Personal data should be processed only if the purpose of the processing could not reasonably be fulfilled by other means. In order to ensure that the personal data are not kept longer than necessary, time limits should be established by the controller for erasure or for a periodic review. Every reasonable step should be taken to ensure that personal data which are inaccurate are rectified or deleted. Personal data should be processed in a manner that ensures appropriate security and confidentiality of the personal data, including for preventing unauthorised access to or use of personal data and the equipment used for the processing.

collected, used, consulted or otherwise processed and to what extent the personal data are or will be processed. The principle of transparency requires that any information and communication relating to the processing of those personal data be easily accessible and easy to understand, and that clear and plain language be used. That principle concerns, in particular, information to the data subjects on the identity of the controller and the purposes of the processing and further information to ensure fair and transparent processing in respect of the natural persons concerned and their right to obtain confirmation and communication of personal data concerning them which are being processed. Natural persons should be made aware of risks, rules, safeguards and rights in relation to the processing of personal data and how to exercise their rights in relation to such processing. In particular, the specific purposes for which personal data are processed should be explicit and legitimate and determined at the time of the collection of the personal data. The personal data should be adequate, relevant and limited to what is necessary for the purposes for which they are processed. This requires, in particular, ensuring that the period for which the personal data are stored is limited to a strict minimum. Personal data should be processed only if the purpose of the processing could not reasonably be fulfilled by other means. In order to ensure that the personal data are not kept longer than necessary, time limits should be established by the controller for erasure or for a periodic review. Every reasonable step should be taken to ensure that personal data which are inaccurate are rectified or deleted. Personal data should be processed in a manner that ensures appropriate security and confidentiality of the personal data, including for preventing unauthorised access to, ***disclosure during the transmission of***, or use of personal data and the equipment used for the processing.

Amendment 74**Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck****Proposal for a regulation****Recital 16***Text proposed by the Commission*

(16) In accordance with the principle of accountability, where Union institutions and bodies transmit personal data within or to other Union institutions or bodies, they should verify whether such personal data is required for the legitimate performance of tasks covered by the competence of the recipient where the recipient is not part of the controller. In particular, following a recipient's request for transmission of personal data, the controller should verify the existence of a relevant ground *of* its lawful processing of personal data, the competence of the recipient and should make a provisional evaluation of the necessity for the transmission of the data. If doubts arise as to this necessity, the controller should seek further information from the recipient. The recipient should ensure that the necessity for the transmission of the data can be subsequently verified.

Amendment

(16) In accordance with the principle of accountability, where Union institutions and bodies transmit personal data within or to other Union institutions or bodies, they should verify whether such personal data is required for the legitimate performance of tasks covered by the competence of the recipient where the recipient is not part of the controller. In particular, following a recipient's request for transmission of personal data, the controller should verify the existence of a relevant **EU legal** ground **for** its lawful processing of personal data, the competence of the recipient and should make a provisional evaluation of the necessity for the transmission of the data. If doubts arise as to this necessity, the controller should seek further information from the recipient. The recipient should ensure that the necessity for the transmission of the data can be subsequently verified.

Or. en

Amendment 75**Maria Grapini****Proposal for a regulation****Recital 17***Text proposed by the Commission*

(17) In order for processing to be lawful, personal data should be processed on the basis of the necessity of performance of a

Amendment

(17) In order for processing to be lawful, personal data should be processed on the basis of the necessity of performance of a

task carried out in the public interest by Union institutions and bodies or in the exercise of their official authority, the necessity for compliance with the legal obligation to which the controller is subject or some other legitimate basis as referred to in this Regulation, including the consent of the data subject concerned or the necessity for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract. Processing of personal data for the performance of tasks carried out in the public interest by the Union institutions and bodies includes the processing of personal data necessary for the management and functioning of those institutions and bodies. The processing of personal data should also be regarded to be lawful where it is necessary to protect an interest which is essential for the life of the data subject or that of another natural person. Processing of personal data based on the vital interest of another natural person should in principle take place only where the processing cannot be manifestly based on another legal basis. Some types of processing may serve both important grounds of public interest and the vital interests of the data subject as for instance when processing is necessary for humanitarian purposes, including for monitoring epidemics and their spread or in situations of humanitarian emergencies, in particular in situations of natural and man-made disasters.

task carried out in the public interest by Union institutions and bodies or in the exercise of their official authority, the necessity for compliance with the legal obligation to which the controller is subject or some other legitimate basis as referred to in this Regulation, including the consent of the data subject concerned or the necessity for the performance of a contract to which the data subject is party or in order to take steps at the request of the data subject prior to entering into a contract. Processing of personal data for the performance of tasks carried out in the public interest by the Union institutions and bodies includes the processing of personal data necessary for the management and functioning of those institutions and bodies. The processing of personal data should also be regarded to be lawful where it is necessary to protect an interest which is essential for the life of the data subject or that of another natural person. Processing of personal data based on the vital interest of another natural person should in principle take place only where the processing cannot be manifestly based on another legal basis, ***or where the processing is necessary to protect the life, physical integrity or health of the person concerned in the event of that person being physically or legally unable to give consent.*** Some types of processing may serve both important grounds of public interest and the vital interests of the data subject as for instance when processing is necessary for humanitarian purposes, including for monitoring epidemics and their spread or in situations of humanitarian emergencies, in particular in situations of natural and man-made disasters.

Or. ro

Amendment 76
Marju Lauristin

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Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) The Union law ***including the internal rules*** referred to in this Regulation should be clear and precise and its application should be foreseeable to persons subject to it, in accordance with the ***case-law of the Court of Justice of the European Union and the European Court of Human Rights***.

Amendment

(18) The Union law referred to in this Regulation should be clear and precise and its application should be foreseeable to persons subject to it, in accordance with the ***requirements set out in the Charter and the European Convention for the Protection of Human Rights and Fundamental Freedoms***.

Or. en

Amendment 77

Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) The Union law ***including the internal rules referred to in this Regulation*** should be clear and precise and its application should be foreseeable to persons subject to it, in accordance with the case-law of the Court of Justice of the European Union and the European Court of Human Rights.

Amendment

(18) The Union law should be clear and precise and its application should be foreseeable to persons subject to it, in accordance with the case-law of the Court of Justice of the European Union and the European Court of Human Rights.

Or. en

Amendment 78

Jan Philipp Albrecht

Proposal for a regulation
Recital 18

Text proposed by the Commission

(18) The Union law ***including the internal rules*** referred to in this Regulation

Amendment

(18) The Union law referred to in this Regulation should be clear and precise and

should be clear and precise and its application should be foreseeable to persons subject to it, in accordance with the case-law of the Court of Justice of the European Union and the European Court of Human Rights.

its application should be foreseeable to persons subject to it, in accordance with the case-law of the Court of Justice of the European Union and the European Court of Human Rights.

Or. en

Amendment 79
Marju Lauristin

Proposal for a regulation
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) The internal rules referred to in this Regulation should be clear and precise acts of general application intended to produce legal effects vis-à-vis data subjects, adopted at the highest level of management of the Union institutions and bodies within their competencies and in matters relating to their operation and should be published in the Official Journal of the European Union. The application of these rules should be foreseeable to persons subject to them in accordance with the requirements set out in the Charter and the European Convention for the Protection of Human Rights and Freedoms. Internal rules may take the form of decisions, in particular when adopted by Union institutions.

Or. en

Amendment 80
Maria Grapini

Proposal for a regulation
Recital 20

(20) Where processing is based on the data subject's consent, the controller should be able to demonstrate that the data subject has given consent to the processing operation. In particular in the context of a written declaration on another matter, safeguards should ensure that the data subject is aware of the fact that and the extent to which consent is given. In accordance with Council Directive 93/13/EEC¹⁴ a declaration of consent pre-formulated by the controller should be provided in an intelligible and easily accessible form, using clear and plain language and it should not contain unfair terms. For consent to be informed, the data subject should be aware at least of the identity of the controller **and** the purposes of the processing for which the personal data are intended. Consent should not be regarded as freely given if the data subject has no genuine or free choice or is unable to refuse or withdraw consent without detriment.

(20) Where processing is based on the data subject's consent, the controller should be able to demonstrate that the data subject has given consent to the processing operation. In particular in the context of a written declaration on another matter, safeguards should ensure that the data subject is aware of the fact that and the extent to which consent is given. In accordance with Council Directive 93/13/EEC¹⁴ a declaration of consent pre-formulated by the controller should be provided in an intelligible and easily accessible form, using clear and plain language and it should not contain unfair terms. For consent to be informed, the data subject should be aware at least of the identity of the controller, the purposes of the processing for which the personal data are intended **and the categories of recipients of the data, and be informed on the right of access and of intervention in respect of the data**. Consent should not be regarded as freely given if the data subject has no genuine or free choice or is unable to refuse or withdraw consent without detriment.

¹⁴ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ J 95, 21.4.1993, p.29).

¹⁴ Council Directive 93/13/EEC of 5 April 1993 on unfair terms in consumer contracts (OJ J 95, 21.4.1993, p.29).

Or. ro

Amendment 81
Axel Voss

Proposal for a regulation
Recital 21

Text proposed by the Commission

Amendment

(21) Children merit specific protection with regard to their personal data, as they

deleted

may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data. Such specific protection should, in particular, apply to creating personality profiles and the collection of personal data with regard to children when using services offered directly to a child on websites of Union institutions and bodies, such as interpersonal communication services or online selling of tickets and when the processing of personal data is based on consent.

Or. en

Amendment 82
Maria Grapini

Proposal for a regulation
Recital 21

Text proposed by the Commission

(21) Children merit specific protection with regard to their personal data, as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data. Such specific protection should, in particular, apply to creating personality profiles and the collection of personal data with regard to children when using services offered directly to a child on websites of Union institutions and bodies, such as interpersonal communication services or online selling of tickets and when the processing of personal data is based on consent.

Amendment

(21) Children merit specific protection with regard to their personal data, as they may be less aware of the risks, consequences and safeguards concerned and their rights in relation to the processing of personal data. ***Data concerning children should be handled with particular care, as the risks relating to it are less well less known to children than to adults.*** Such specific protection should, in particular, apply to creating personality profiles and the collection of personal data with regard to children when using services offered directly to a child on websites of Union institutions and bodies, such as interpersonal communication services or online selling of tickets and when the processing of personal data is based on consent.

Or. ro

Amendment 83
Axel Voss, Michal Boni

Proposal for a regulation
Recital 24

Text proposed by the Commission

(24) The processing of special categories of personal data may be necessary for reasons of public interest in the areas of public health without consent of the data subject. Such processing should be subject to suitable and specific measures so as to protect the rights and freedoms of natural persons. In that context, ‘public health’ should be interpreted as defined in Regulation (EC) No 1338/2008 of the European Parliament and of the Council¹⁵, namely all elements related to health, namely health status, including morbidity and disability, the determinants having an effect on that health status, health care needs, resources allocated to health care, the provision of, and universal access to, health care as well as health care expenditure and financing, and the causes of mortality. Such processing of data concerning health for reasons of public interest should not result in personal data being processed for other purposes by third parties.

¹⁵ Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work (OJ L 354, 31.12.2008, p. 70).

Amendment

(24) The processing of special categories of personal data may be necessary for reasons of public interest in the areas of public health without consent of the data subject. Such processing should be subject to suitable and specific measures so as to protect the rights and freedoms of natural persons. In that context, ‘public health’ should be interpreted as defined in Regulation (EC) No 1338/2008 of the European Parliament and of the Council¹⁵, namely all elements related to health, namely health status, including morbidity and disability, the determinants having an effect on that health status, health care needs, resources allocated to health care, the provision of, and universal access to, health care as well as health care expenditure and financing, and the causes of mortality. Such processing of data concerning health for reasons of public interest should not result in personal data being processed for other purposes by third parties ***such as employers or insurances and banking companies.***

¹⁵ Regulation (EC) No 1338/2008 of the European Parliament and of the Council of 16 December 2008 on Community statistics on public health and health and safety at work (OJ L 354, 31.12.2008, p. 70).

Or. en

Amendment 84

Jan Philipp Albrecht

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) The processing of personal data for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes should be subject to appropriate safeguards for the rights and freedoms of the data subject pursuant to this Regulation. Those safeguards should ensure that technical and organisational measures are in place in order to ensure, in particular, the principle of data minimisation. The further processing of personal data for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes is to be carried out when the controller has assessed the feasibility to fulfil those purposes by processing data which do not permit or no longer permit the identification of data subjects, provided that appropriate safeguards exist (such as, for instance, pseudonymisation of the data). Union institutions and bodies should provide for appropriate safeguards for the processing of personal data for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in Union law, ***which may include internal rules.***

Amendment

(26) The processing of personal data for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes should be subject to appropriate safeguards for the rights and freedoms of the data subject pursuant to this Regulation. Those safeguards should ensure that technical and organisational measures are in place in order to ensure, in particular, the principle of data minimisation. The further processing of personal data for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes is to be carried out when the controller has assessed the feasibility to fulfil those purposes by processing data which do not permit or no longer permit the identification of data subjects, provided that appropriate safeguards exist (such as, for instance, pseudonymisation of the data). Union institutions and bodies should provide for appropriate safeguards for the processing of personal data for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in Union law.

Or. en

Amendment 85

Marju Lauristin

Proposal for a regulation

Recital 26

Text proposed by the Commission

(26) The processing of personal data for

Amendment

(26) The processing of personal data for

archiving purposes in the public interest, scientific or historical research purposes or statistical purposes should be subject to appropriate safeguards for the rights and freedoms of the data subject pursuant to this Regulation. Those safeguards should ensure that technical and organisational measures are in place in order to ensure, in particular, the principle of data minimisation. The further processing of personal data for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes is to be carried out when the controller has assessed the feasibility to fulfil those purposes by processing data which do not permit or no longer permit the identification of data subjects, provided that appropriate safeguards exist (such as, for instance, pseudonymisation of the data). Union institutions and bodies should provide for appropriate safeguards for the processing of personal data for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in Union law, which may include internal rules.

archiving purposes in the public interest, scientific or historical research purposes or statistical purposes should be subject to appropriate safeguards for the rights and freedoms of the data subject pursuant to this Regulation. Those safeguards should ensure that technical and organisational measures are in place in order to ensure, in particular, the principle of data minimisation. The further processing of personal data for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes is to be carried out when the controller has assessed the feasibility to fulfil those purposes by processing data which do not permit or no longer permit the identification of data subjects, provided that appropriate safeguards exist (such as, for instance, pseudonymisation of the data). Union institutions and bodies should provide for appropriate safeguards for the processing of personal data for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes in Union law, which may include internal rules ***adopted by Union institutions and bodies in matters relating to their operation.***

Or. en

Amendment 86 **Maria Grapini**

Proposal for a regulation **Recital 27**

Text proposed by the Commission

(27) Modalities should be provided for facilitating the exercise of the data subject's rights under this Regulation, including mechanisms to request and, if applicable, obtain, free of charge, in particular, access to and rectification or erasure of personal data and the exercise of the right to object.

Amendment

(27) Modalities should be provided for facilitating the exercise of the data subject's rights under this Regulation, including mechanisms to request and, if applicable, obtain, free of charge, in particular, access to and rectification or erasure of personal data, ***without its being adversely affected,***

The controller should also provide means for requests to be made electronically, especially where personal data are processed by electronic means. The controller should be obliged to respond to requests from the data subject without undue delay and at the latest within one month and to give reasons where the controller does not intend to comply with any such requests.

and the exercise of the right to object. The controller should also provide means for requests to be made electronically, especially where personal data are processed by electronic means. The controller should be obliged to respond to requests from the data subject without undue delay and at the latest within one month and to give reasons where the controller does not intend to comply with any such requests, ***in an electronic communication or by post, in accordance with the relevant legal provisions.***

Or. ro

Amendment 87

Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a regulation

Recital 37 – paragraph 1

Text proposed by the Commission

Legal acts adopted on the basis of the Treaties ***or internal rules of Union institutions and bodies may impose*** restrictions concerning specific principles and the rights of information, access to and rectification or erasure of personal data, the right to data portability, confidentiality of electronic communications as well as the communication of a personal data breach to a data subject and certain related obligations of the controllers, as far as necessary and proportionate in a democratic society to safeguard public security, the prevention, investigation and prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, including the protection of human life especially in response to natural or manmade disasters, internal security of Union institutions and bodies, other important objectives of general public interest of the Union or of a Member State, in particular an important

Amendment

Legal acts adopted on the basis of the Treaties ***may impose ad hoc*** restrictions concerning specific principles and the rights of information, access to and rectification or erasure of personal data, the right to data portability, confidentiality of electronic communications as well as the communication of a personal data breach to a data subject and certain related obligations of the controllers, as far as ***limited in time***, necessary and proportionate in a democratic society to safeguard public security, the prevention, investigation and prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, including the protection of human life especially in response to natural or manmade disasters, internal security of Union institutions and bodies, other important objectives of general public interest of the Union or of a Member State, in particular an important economic or

economic or financial interest of the Union or of a Member State, the keeping of public registers kept for reasons of general public interest or the protection of the data subject or the rights and freedoms of others, including social protection, public health and humanitarian purposes.

financial interest of the Union or of a Member State, the keeping of public registers kept for reasons of general public interest or the protection of the data subject or the rights and freedoms of others, including social protection, public health and humanitarian purposes.

Or. en

Amendment 88
Jan Philipp Albrecht

Proposal for a regulation
Recital 37 – paragraph 1

Text proposed by the Commission

Legal acts adopted on the basis of the Treaties *or internal rules of Union institutions and bodies* may impose restrictions concerning specific principles and the rights of information, access to and rectification or erasure of personal data, the right to data portability, confidentiality of electronic communications as well as the communication of a personal data breach to a data subject and certain related obligations of the controllers, as far as necessary and proportionate in a democratic society to safeguard public security, the prevention, investigation and prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, including the protection of human life especially in response to natural or manmade disasters, internal security of Union institutions and bodies, other important objectives of general public interest of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, the keeping of public registers kept for reasons of general public interest or the protection of the data subject or the rights and freedoms of others,

Amendment

Legal acts adopted on the basis of the Treaties may impose restrictions concerning specific principles and the rights of information, access to and rectification or erasure of personal data, the right to data portability, confidentiality of electronic communications as well as the communication of a personal data breach to a data subject and certain related obligations of the controllers, as far as necessary and proportionate in a democratic society to safeguard public security, the prevention, investigation and prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, including the protection of human life especially in response to natural or manmade disasters, internal security of Union institutions and bodies, other important objectives of general public interest of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, the keeping of public registers kept for reasons of general public interest or the protection of the data subject or the rights and freedoms of others, including social protection, public health

including social protection, public health and humanitarian purposes.

and humanitarian purposes.

Or. en

Amendment 89
Marju Lauristin

Proposal for a regulation
Recital 37 – paragraph 1

Text proposed by the Commission

Legal acts adopted on the basis of the Treaties or internal rules *of* Union institutions and bodies may impose restrictions concerning specific principles and the rights of information, access to and rectification or erasure of personal data, the right to data portability, confidentiality of electronic communications as well as the communication of a personal data breach to a data subject and certain related obligations of the controllers, as far as necessary and proportionate in a democratic society to safeguard public security, the prevention, investigation and prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, including the protection of human life especially in response to natural or manmade disasters, internal security of Union institutions and bodies, other important objectives of general public interest of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, the keeping of public registers kept for reasons of general public interest or the protection of the data subject or the rights and freedoms of others, including social protection, public health and humanitarian purposes.

Amendment

Legal acts adopted on the basis of the Treaties or internal rules ***adopted by*** Union institutions and bodies, ***in matters relating to their operation,*** may impose restrictions concerning specific principles and the rights of information, access to and rectification or erasure of personal data, the right to data portability, confidentiality of electronic communications as well as the communication of a personal data breach to a data subject and certain related obligations of the controllers, as far as necessary and proportionate in a democratic society to safeguard public security, the prevention, investigation and prosecution of criminal offences or the execution of criminal penalties, including the safeguarding against and the prevention of threats to public security, including the protection of human life especially in response to natural or manmade disasters, internal security of Union institutions and bodies, other important objectives of general public interest of the Union or of a Member State, in particular an important economic or financial interest of the Union or of a Member State, the keeping of public registers kept for reasons of general public interest or the protection of the data subject or the rights and freedoms of others, including social protection, public health and humanitarian purposes.

Or. en

Amendment 90
Jan Philipp Albrecht

Proposal for a regulation
Recital 37 – paragraph 2

Text proposed by the Commission

Amendment

Where a restriction is not provided for in legal acts adopted on the basis of the Treaties or their internal rules, Union institutions and bodies may in a specific case impose an ad hoc restriction concerning specific principles and the rights of data subject if such a restriction respects the essence of the fundamental rights and freedoms and, in relation to a specific processing operation, is necessary and proportionate in a democratic society to safeguard one or more of the objectives mentioned in paragraph 1. The restriction should be notified to the data protection officer. All restrictions should be in accordance with the requirements set out in the Charter and in the European Convention for the Protection of Human Rights and Fundamental Freedoms.

deleted

Or. en

Amendment 91
John Procter

Proposal for a regulation
Recital 44

Text proposed by the Commission

Amendment

(44) Union institutions and bodies should ensure the confidentiality of electronic communications as provided for by Article 7 of the Charter. In particular, Union institutions and bodies should ensure the security of their electronic communication networks, protect the

(44) Union institutions and bodies should ensure the confidentiality of electronic communications as provided for by Article 7 of the Charter. In particular, Union institutions and bodies should ensure the security of their electronic communication networks, protect the

information related to end-users' terminal equipment accessing their publicly available websites and mobile applications in accordance with Regulation (EU) XXXX/XX [new ePrivacy Regulation] and protect the personal data in directories of users.

information related to end-users' terminal equipment accessing their publicly available websites and mobile applications in accordance with Regulation (EU) XXXX/XX [new ePrivacy Regulation] and protect the personal data in directories of users, *whilst maintaining full accessibility for citizens and interest groups to the institutions, its staff and in particular its political representatives.*

Or. en

Amendment 92
Jan Philipp Albrecht

Proposal for a regulation
Recital 49

Text proposed by the Commission

(49) The European Data Protection Supervisor should be informed about administrative measures *and internal rules* of Union institutions and bodies which provide for the processing of personal data, lay down conditions for restrictions of data subject rights or provide appropriate safeguards for data subject rights, in order to ensure compliance of the intended processing with this Regulation and in particular to mitigate the risk involved for the data subject.

Amendment

(49) The European Data Protection Supervisor should be informed about administrative measures of Union institutions and bodies which provide for the processing of personal data, lay down conditions for restrictions of data subject rights or provide appropriate safeguards for data subject rights, in order to ensure compliance of the intended processing with this Regulation and in particular to mitigate the risk involved for the data subject.

Or. en

Amendment 93
Marju Lauristin

Proposal for a regulation
Recital 49

Text proposed by the Commission

(49) The European Data Protection

Amendment

(49) The European Data Protection

Supervisor should be informed about administrative measures and internal rules **of** Union institutions and bodies which provide for the processing of personal data, lay down conditions for restrictions of data subject rights or provide appropriate safeguards for data subject rights, in order to ensure compliance of the intended processing with this Regulation and in particular to mitigate the risk involved for the data subject.

Supervisor should be informed about administrative measures and **consulted on** internal rules **adopted by** Union institutions and bodies, **in matters relating to their operation**, which provide for the processing of personal data, lay down conditions for restrictions of data subject rights or provide appropriate safeguards for data subject rights, in order to ensure compliance of the intended processing with this Regulation and in particular to mitigate the risk involved for the data subject.

Or. en

Amendment 94
Cornelia Ernst

Proposal for a regulation
Recital 64 a (new)

Text proposed by the Commission

Amendment

(64a) The Commission has proposed to amend Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') to allow the IMI System to be used not only by the competent authorities of the Member States and the Commission, but also by Union bodies, offices and agencies^{1a}. Pending this revision, the European Data Protection Supervisor and the European Data Protection Board should be able to use the Internal Market Information System for the purposes of administrative cooperation and information exchange stipulated in the General Data Protection Regulation in view of its entry into application on 25 May 2018.

^{1a} See Article 36 of the Proposal for a Regulation of the European Parliament and of the Council on establishing a single digital gateway to provide information, procedures, assistance and problem solving services and amending Regulation (EU) No 1024/2012, COM(2017) 256 final, 2017/0086 (COD).

Or. en

Amendment 95
Marju Lauristin

Proposal for a regulation
Recital 65

Text proposed by the Commission

(65) In certain instances, Union law provides for a model of coordinated supervision, shared between the European Data Protection Supervisor and the national supervisory authorities. Moreover, the European Data Protection Supervisor is the supervisory authority of Europol and a specific model of cooperation with the national supervisory authorities is established through a cooperation board with an advisory function. In order to improve the effective supervision and enforcement of substantive data protection rules, ***a single, coherent model of coordinated supervision should be introduced in the Union. The Commission should therefore, where appropriate, submit legislative proposals with a view to amending Union legal acts providing for a model of coordinated supervision, in order to align them with the coordinated supervision model of this Regulation.*** The European Data Protection Board should serve as a single forum for ensuring the effective coordinated supervision across the board.

Amendment

(65) In certain instances, Union law provides for a model of coordinated supervision, shared between the European Data Protection Supervisor and the national supervisory authorities. Moreover, the European Data Protection Supervisor is the supervisory authority of Europol and a specific model of cooperation with the national supervisory authorities is established through a cooperation board with an advisory function. In order to improve the effective supervision and enforcement of substantive data protection rules, ***this Regulation should introduce a single, coherent*** model of coordinated supervision. The European Data Protection Board should serve as a single forum for ensuring the effective coordinated supervision across the board.

Or. en

Amendment 96
Jan Philipp Albrecht

Proposal for a regulation
Recital 65

Text proposed by the Commission

(65) In certain instances, Union law provides for a model of coordinated supervision, shared between the European Data Protection Supervisor and the national supervisory authorities. Moreover, the European Data Protection Supervisor is the supervisory authority of Europol and a specific model of cooperation with the national supervisory authorities is established through a cooperation board with an advisory function. In order to improve the effective supervision and enforcement of substantive data protection rules, ***a single, coherent model of coordinated supervision should be introduced in the Union. The Commission should therefore, where appropriate, submit legislative proposals with a view to amending Union legal acts providing for a model of coordinated supervision, in order to align them with the coordinated supervision model of this Regulation.*** The European Data Protection Board should serve as a single forum for ensuring the effective coordinated supervision across the board.

Amendment

(65) In certain instances, Union law provides for a model of coordinated supervision, shared between the European Data Protection Supervisor and the national supervisory authorities. Moreover, the European Data Protection Supervisor is the supervisory authority of Europol and a specific model of cooperation with the national supervisory authorities is established through a cooperation board with an advisory function. In order to improve the effective supervision and enforcement of substantive data protection rules, ***this Regulation should introduce a single, coherent*** model of coordinated supervision. The European Data Protection Board should serve as a single forum for ensuring the effective coordinated supervision across the board.

Or. en

Amendment 97
John Procter

Proposal for a regulation
Recital 68

Text proposed by the Commission

Amendment

(68) In order to strengthen the supervisory role of the European Data Protection Supervisor and the effective enforcement of this Regulation, the European Data Protection Supervisor should, as a sanction of last resort, have the power to impose administrative fines. The fines should aim at sanctioning the institution or body – rather than individuals – for non-compliance with this Regulation, to deter future violations of this Regulation and to foster a culture of personal data protection within the Union institutions and bodies. This Regulation should indicate infringements and the upper limits and criteria for setting the related administrative fines. The European Data Protection Supervisor should determine the amount of fines in each individual case, by taking into account all relevant circumstances of the specific situation, with due regard to the nature, gravity and duration of the infringement and of its consequences and the measures taken to ensure compliance with the obligations under this Regulation and to prevent or mitigate the consequences of the infringement. When imposing an administrative fine on a Union body, the European Data Protection Supervisor should consider the proportionality of amount of the fine. The administrative procedure for the imposition of fines on Union institutions and bodies should respect the general principles of Union law as interpreted by the Court of Justice of the European Union.

deleted

Or. en

Amendment 98

Axel Voss

Proposal for a regulation

Article 1 – paragraph 1

1. This Regulation lays down rules relating to the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and rules relating to the free movement of personal data between themselves or to recipients established in the Union **and subject to Regulation (EU) 2016/679¹⁸ or the provisions of national law adopted pursuant to Directive (EU) 2016/680¹⁹** .

1. This Regulation lays down rules relating to the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and rules relating to the free movement of personal data between themselves or to recipients established in the Union.

¹⁸ *Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation) (Text with EEA relevance), OJ L 119, 4.5.2016, p. 1–88.*

¹⁹ *Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016, p. 89–131.*

Or. en

Amendment 99

Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

**Proposal for a regulation
Article 2 – paragraph 1**

Text proposed by the Commission

1. This Regulation applies to the processing of personal data by all Union institutions ***and bodies insofar as such processing is carried out in the exercise of activities which fall, wholly or partially within the scope of Union law.***

Amendment

1. This Regulation applies to the processing of personal data by all Union institutions, ***agencies and bodies.***

Or. en

Amendment 100

Axel Voss, Michał Boni

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

1. This Regulation applies to the processing of personal data by all Union institutions and bodies ***insofar as such processing is carried out in the exercise of activities which fall, wholly or partially within the scope of Union law.***

Amendment

1. This Regulation applies to the processing of personal data by all Union institutions and bodies, ***except Eurojust, Europol and the European Public Prosecutor's Office. Specific data protection rules apply to these Union bodies.***

Or. en

Amendment 101

Brice Hortefeux

Proposal for a regulation

Article 2 – paragraph 1 a (new)

Text proposed by the Commission

1a. This Regulation shall not apply to the processing of operational personal data by Union bodies, offices and agencies carrying out activities falling within the scope of Chapters 4 or 5 of Title V of Part Three of the TFEU where acts creating such bodies, offices and agencies provide for a comprehensive set

Amendment

of rules regarding the protection of physical persons with regard to the processing of their data.

Or. fr

Amendment 102
Axel Voss, Michał Boni

Proposal for a regulation
Article 2 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Eurojust, Europol and the European Public Prosecutor's Office shall only be covered by this Regulation for the processing of administrative personal data. Separate provisions apply to the processing of operational personal data by Eurojust, EPPO and the European Public Prosecutor's Office. The before mentioned Union bodies are not subject to this Regulation for the processing of operational personal data.

Or. en

Amendment 103
Brice Hortefeux

Proposal for a regulation
Article 2 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. This Regulation shall not apply to the processing of personal data in the context of the missions referred to in Articles 42(1), 43 and 44 of the TEU.

Or. fr

Amendment 104
Axel Voss

Proposal for a regulation
Article 2 – paragraph 2

Text proposed by the Commission

Amendment

2. This Regulation shall apply to the processing of personal data, wholly or partially by automated means, and to the processing otherwise than by automated means of personal data which form part of a filing system or are intended to form part of a filing system.

deleted

Or. en

Amendment 105
Jan Philipp Albrecht

Proposal for a regulation
Article 2 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. This Regulation shall also apply to Union agencies carrying out activities which fall within the scope of Chapters 4 and 5 of Title V of the Treaty, including where the founding acts of these Union agencies lay down a standalone data protection regime for the processing of operational personal data. The provisions in this Regulation shall take precedence over the conflicting provisions in the founding acts of these Union agencies.

Or. en

Amendment 106
Axel Voss, Michal Boni

Proposal for a regulation
Article 3 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) the definitions in Regulation (EU) 2016/679, with the exception of the definition of 'controller' in point (7) of Article 4 of that Regulation;

(a) the definitions in Regulation (EU) 2016/679, with the exception of the definition of 'controller' in point (7), , **'main establishment' in point (16), 'enterprise' in point (18), 'group of undertaking' in point (19) and 'binding cooperate rules' in point (5)** of Article 4 of that Regulation;

Or. en

Amendment 107
Marju Lauristin

Proposal for a regulation
Article 3 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) 'operational personal data' means personal data processed by the Union agencies established on the basis of Chapters 4 and 5 of Title V of Part Three of the TFEU and by the missions referred to in Article 42(1), 43 and 44 of the TEU, for the purposes of meeting the objectives laid down in acts establishing those agencies or missions.

Or. en

Amendment 108
Jan Philipp Albrecht

Proposal for a regulation
Article 3 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) 'operational personal data' means personal data processed by the Union agencies established on the basis of Chapters 4 and 5 of Title V of Part Three of the TFEU and by the missions referred to in Article 42(1), 43 and 44 of the TEU,

for the purposes of meeting the objectives laid down in acts establishing those agencies or missions.

Or. en

Amendment 109

Axel Voss, Michal Boni

Proposal for a regulation

Article 3 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

(aa) 'operational personal data' means all personal data processed by the Union bodies, offices or agencies carrying out activities which fall within the scope of Chapter 4 or Chapter 5 of Title V of Part Three of the TFEU to meet the objectives laid down in the acts establishing these bodies, offices or agencies;

Or. en

Amendment 110

Axel Voss, Michal Boni

Proposal for a regulation

Article 3 – paragraph 2 – point a b (new)

Text proposed by the Commission

Amendment

(ab) 'administrative personal data' means all personal data processed by the Union bodies, offices or agencies which fall in the scope of this Regulation;

Or. en

Amendment 111

Axel Voss

Proposal for a regulation
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Personal data **must** be:

Amendment

1. Personal data **shall** be:

Or. en

Amendment 112
Axel Voss, Michał Boni

Proposal for a regulation
Article 5 – paragraph 1 – point a

Text proposed by the Commission

(a) *processing is necessary for the performance of a task carried out in the public interest on the basis or in the exercise of official authority vested in the Union institution or body;*

Amendment

(a) *the data subject has given consent to the processing of his or her personal data for one or more specific purposes;*

Or. en

Amendment 113
Axel Voss, Michał Boni

Proposal for a regulation
Article 5 – paragraph 1 – point b

Text proposed by the Commission

(b) processing is necessary for **compliance with a legal obligation** to which the **controller is** subject;

Amendment

(b) processing is necessary for **the performance of a contract** to which the **data subject is party or in order to take steps at the request of the data** subject **prior to entering into a contract;**

Or. en

Amendment 114
Axel Voss, Michał Boni

Proposal for a regulation
Article 5 – paragraph 1 – point c

Text proposed by the Commission

(c) processing is necessary for ***the performance of a contract*** to which the ***data subject is party or in order to take steps at the request of the data*** subject ***prior to entering into a contract***;

Amendment

(c) processing is necessary for ***compliance with a legal obligation*** to which the ***controller is*** subject;

Or. en

Amendment 115
Axel Voss, Michal Boni

Proposal for a regulation
Article 5 – paragraph 1 – point d

Text proposed by the Commission

(d) ***the data subject has given consent to the processing of his or her personal data for one or more specific purposes***;

Amendment

(d) ***processing is necessary in order to protect the vital interests of the data subject or of another natural person***;

Or. en

Amendment 116
Axel Voss, Michal Boni

Proposal for a regulation
Article 5 – paragraph 1 – point e

Text proposed by the Commission

(e) processing is necessary ***in order to protect the vital interests of the data subject or of another natural person***.

Amendment

(e) processing is necessary ***for the performance of a task carried out in the public interest on the basis or in the exercise of official authority vested in the Union institution or body***.

Or. en

Amendment 117

Axel Voss

Proposal for a regulation

Article 8

Text proposed by the Commission

Amendment

Article 8

deleted

Conditions applicable to children's consent in relation to information society services

1. Where point (d) of Article 5(1) applies, in relation to the offer of information society services directly to a child, the processing of the personal data of a child shall be lawful where the child is at least 13 years old. Where the child is below the age of 13 years, such processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the child.

2. The controller shall make reasonable efforts to verify in such cases that consent is given or authorised by the holder of parental responsibility over the child, taking into consideration available technology.

3. Paragraph 1 shall not affect the general contract law of Member States such as the rules on the validity, formation or effect of a contract in relation to a child.

Or. en

Amendment 118

John Procter

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. Where point (d) of Article 5(1)

1. Where point (d) of Article 5(1)

applies, in relation to the offer of information society services directly to a child, the processing of the personal data of a child shall be lawful where the child is at least **13** years old. Where the child is below the age of **13** years, such processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the child.

applies, in relation to the offer of information society services directly to a child, the processing of the personal data of a child shall be lawful where the child is at least **16** years old. Where the child is below the age of **16** years, such processing shall be lawful only if and to the extent that consent is given or authorised by the holder of parental responsibility over the child.

Or. en

Amendment 119

Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a regulation

Article 8 a (new)

Text proposed by the Commission

Amendment

Article 8 a

Article 8 a new

Transfer of personal data within or between Community institutions or bodies

Without prejudice to Articles 4, 5, 6 and 10:

1. Personal data shall only be transferred within or to other Community institutions or bodies if the data

are necessary for the legitimate performance of tasks covered by the competence of the recipient.

2. Where the data are transferred following a request from the recipient, both the controller and the

recipient shall bear the responsibility for the legitimacy of this transfer.

The controller shall be required to verify the competence of the recipient and to make a provisional

evaluation of the necessity for the transfer of the data. If doubts arise as to this necessity, the controller

shall seek further information from the recipient.

The recipient shall ensure that the necessity for the transfer of the data can be subsequently verified.

3. The recipient shall process the personal data only for the purposes for which they were transmitted.

Or. en

Amendment 120

Axel Voss

Proposal for a regulation

Article 9 – title

Text proposed by the Commission

Transmissions of personal data to recipients, other than Union institutions and bodies, established in the Union *and subject to Regulation (EU) 2016/679 or Directive (EU) 2016/680*

Amendment

Transmissions of personal data to recipients, other than Union institutions and bodies, established in the Union

Or. en

Amendment 121

Jan Philipp Albrecht

Proposal for a regulation

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. Without prejudice to Articles 4, 5, 6 *and 10*, personal data shall only be transmitted to recipients established in the Union and subject to Regulation (EU) 2016/679 or to the national law adopted pursuant to Directive (EU) 2016/680, if the *recipient establishes*:

Amendment

1. Without prejudice to Articles 4, 5, 6, *10, 14, 15(3) and 16(4)*, personal data shall only be transmitted to recipients established in the Union and subject to Regulation (EU) 2016/679 or to the national law adopted pursuant to Directive (EU) 2016/680, if the *controller demonstrates, on the basis of a reasoned request by the recipient*:

Amendment 122

Axel Voss

Proposal for a regulation

Article 9 – paragraph 1 – introductory part

Text proposed by the Commission

1. Without prejudice to Articles 4, 5, 6 and 10, personal data shall only be transmitted to recipients established in the Union **and subject to Regulation (EU) 2016/679 or to the national law adopted pursuant to Directive (EU) 2016/680**, if the recipient establishes:

Amendment

1. Without prejudice to Articles 4, 5, 6 and 10, personal data shall only be transmitted to **other** recipients established in the Union if the recipient establishes:

Or. en

Amendment 123

Axel Voss, Michal Boni

Proposal for a regulation

Article 9 – paragraph 1 – point b

Text proposed by the Commission

(b) that it is necessary to have the data transmitted, **it is proportionate** to the **purposes of the transmission and if** there is **no** reason to assume that the data subject's rights and freedoms and legitimate interests might be prejudiced.

Amendment

(b) that it is **strictly** necessary to have the data transmitted **having regard** to the **recipient's objectives, and that** there is **not any** reason to assume that the data subject's rights and freedoms and legitimate interests might be prejudiced **by the requested data transfer or the reasonably to be expected further use of that personal data by the recipient.**

Or. en

Amendment 124

Jan Philipp Albrecht

Proposal for a regulation

Article 9 – paragraph 1 – point b

Text proposed by the Commission

(b) that it is *necessary to have the data transmitted, it is proportionate to the purposes of the transmission and if there is no reason to assume that the data subject's rights and freedoms and legitimate interests might be prejudiced.*

Amendment

(b) that it is *proportionate and necessary for the purpose of serving a public interest such as transparency or good administration.*

Or. en

Amendment 125

Axel Voss, Michal Boni

Proposal for a regulation

Article 10 – paragraph 2 – point a

Text proposed by the Commission

(a) the data subject has given explicit consent to the processing of those data for one or more specified purposes, except where Union law provides that the prohibition referred to in paragraph 1 may not be lifted by the data subject, or

Amendment

(a) the data subject has given explicit consent to the processing of those *personal* data for one or more specified purposes, except where Union law provides that the prohibition referred to in paragraph 1 may not be lifted by the data subject, or

Or. en

Amendment 126

Axel Voss

Proposal for a regulation

Article 10 – paragraph 2 – point d

Text proposed by the Commission

(d) *processing is carried out in the course of its legitimate activities with appropriate safeguards by a non-profit-seeking body which constitutes an entity integrated in a Union institution or body and with a political, philosophical, religious or trade-union aim and on condition that the processing relates solely*

Amendment

deleted

to the members or to former members of this body or to persons who have regular contact with it in connection with its purposes and that the data are not disclosed outside that body without the consent of the data subjects;

Or. en

Amendment 127

Axel Voss, Michal Boni

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

Processing of personal data relating to criminal convictions and offences or related security measures pursuant to Article 5(1) **may** be carried out only **if** authorised by Union law, which may include internal rules, providing the appropriate specific safeguards for the rights and freedoms of data subjects.

Amendment

Processing of personal data relating to criminal convictions and offences or related security measures pursuant to Article 5(1) **shall** be carried out only **when** authorised by Union law, which may include internal rules, providing the appropriate specific safeguards for the rights and freedoms of data subjects.

Or. en

Amendment 128

Jan Philipp Albrecht

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

Processing of personal data relating to criminal convictions and offences or related security measures pursuant to Article 5(1) may be carried out only if authorised by Union law, **which may include internal rules**, providing the appropriate specific safeguards for the rights and freedoms of data subjects.

Amendment

Processing of personal data relating to criminal convictions and offences or related security measures pursuant to Article 5(1) may be carried out only if authorised by Union law providing the appropriate specific safeguards for the rights and freedoms of data subjects.

Amendment 129**Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck****Proposal for a regulation****Article 11 – paragraph 1***Text proposed by the Commission*

Processing of personal data relating to criminal convictions and offences or related security measures pursuant to Article 5(1) may be carried out only if authorised by Union law, ***which may include internal rules***, providing the appropriate specific safeguards for the rights and freedoms of data subjects.

Amendment

Processing of personal data relating to criminal convictions and offences or related security measures pursuant to Article 5(1) may be carried out only if authorised by Union law providing the appropriate specific safeguards for the rights and freedoms of data subjects.

Or. en

Amendment 130**Axel Voss****Proposal for a regulation****Article 14 – paragraph 1***Text proposed by the Commission*

1. The controller shall take appropriate measures to provide any information referred to in Articles 15 and 16 and any communication under Articles 17 to 24 and 38 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language, ***in particular for any information addressed specifically to a child***. The information shall be provided in writing, or by other means, including, where appropriate, by electronic means. When requested by the data subject, the information may be provided orally, provided that the identity of the data subject is proven by other

Amendment

1. The controller shall take appropriate measures to provide any information referred to in Articles 15 and 16 and any communication under Articles 17 to 24 and 38 relating to processing to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language. The information shall be provided in writing, or by other means, including, where appropriate, by electronic means. When requested by the data subject, the information may be provided orally, provided that the identity of the data subject is proven by other means.

means.

Or. en

Amendment 131

Axel Voss

Proposal for a regulation

Article 14 – paragraph 5 – subparagraph 1

Text proposed by the Commission

Information provided under Articles 15 and 16 and any communication and any actions taken under Articles 17 to 24 and 38 shall be provided free of charge. ***Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may refuse to act on the request.***

Amendment

Information provided under Articles 15 and 16 and any communication and any actions taken under Articles 17 to 24 and 38 shall be provided free of charge.

Or. en

Amendment 132

Axel Voss

Proposal for a regulation

Article 14 – paragraph 8

Text proposed by the Commission

8. ***If*** the Commission ***adopts*** delegated acts pursuant to Article 12(8) of Regulation (EU) 2016/679 determining the information to be presented by the icons and the procedures for providing standardised icons, Union institutions and bodies shall, where appropriate, provide the information pursuant to Articles 15 and 16 in combination with such standardised icons.

Amendment

8. The Commission ***shall be empowered to adopt*** delegated acts pursuant to Article 12(8) of Regulation (EU) 2016/679 determining the information to be presented by the icons and the procedures for providing standardised icons, Union institutions and bodies shall, where appropriate, provide the information pursuant to Articles 15 and 16 in combination with such standardised icons.

Or. en

Amendment 133
Axel Voss, Michal Boni

Proposal for a regulation
Article 16 – paragraph 5 – point b

Text proposed by the Commission

(b) the provision of such information proves impossible or would involve a disproportionate effort, in particular for processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes or in so far as the obligation referred to in paragraph 1 of this Article is likely to render impossible or seriously impair the achievement of the objectives of that processing;

Amendment

(b) the provision of such information proves impossible or would involve a disproportionate effort, in particular for processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes or in so far as the obligation referred to in paragraph 1 of this Article is likely to render impossible or seriously impair the achievement of the objectives of that processing. ***In such cases the controller shall take appropriate measures to protect the data subject's rights and freedoms and legitimate interest, including making the information publicly available;***

Or. en

Amendment 134
Axel Voss

Proposal for a regulation
Article 16 – paragraph 5 – point c

Text proposed by the Commission

(c) obtaining or disclosure is expressly laid down by Union law; or

Amendment

(c) obtaining or disclosure is expressly laid down by Union law ***to which the controller is subject and which provides appropriate measures to protect the data subject's legitimate interest;*** or

Or. en

Amendment 135

Axel Voss

Proposal for a regulation

Article 16 – paragraph 5 – point d

Text proposed by the Commission

(d) where the personal data must remain confidential subject to an obligation of professional secrecy regulated by Union law.

Amendment

(d) where the personal data must remain confidential subject to an obligation of professional secrecy regulated by Union law, ***including a statutory obligation of secrecy.***

Or. en

Amendment 136

Axel Voss

Proposal for a regulation

Article 20 – paragraph 1 – point b

Text proposed by the Commission

(b) the processing is unlawful and the data subject opposes ***their*** erasure and requests the restriction of their use instead;

Amendment

(b) the processing is unlawful and the data subject opposes ***the*** erasure ***of the personal data*** and requests the restriction of their use instead;

Or. en

Amendment 137

Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a regulation

Article 25 – paragraph 1 – introductory part

Text proposed by the Commission

1. Legal acts adopted on the basis of the Treaties ***or, in matters relating to the operation of the Union institutions and bodies, internal rules laid down by the latter*** may restrict the application of Articles 14 to 22, 34 and 38, as well as Article 4 in so far as its provisions correspond to the rights and obligations

Amendment

1. Legal acts adopted on the basis of the Treaties may restrict the application of Articles 14 to 22, 34 and 38, as well as Article 4 in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 22, when such a restriction respects the fundamental rights and freedoms and is a necessary and

provided for in Articles 14 to 22, when such a restriction respects ***the essence of*** the fundamental rights and freedoms and is a necessary and proportionate measure in a democratic society to safeguard:

proportionate measure in a democratic society to safeguard:

Or. en

Amendment 138
Jan Philipp Albrecht

Proposal for a regulation
Article 25 – paragraph 1 – introductory part

Text proposed by the Commission

1. Legal acts adopted on the basis of the Treaties ***or, in matters relating to the operation of the Union institutions and bodies, internal rules laid down by the latter*** may restrict the application of Articles 14 to 22, ***34*** and 38, as well as Article 4 in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 22, when such a restriction respects the essence of the fundamental rights and freedoms and is a necessary and proportionate measure in a democratic society to safeguard:

Amendment

1. Legal acts adopted on the basis of the Treaties, ***which should be clear and precise and their application should be foreseeable to persons subject to it,*** may restrict the application of Articles 14 to 22 and 38, as well as Article 4 in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 22, when such a restriction respects the essence of the fundamental rights and freedoms and is a necessary and proportionate measure in a democratic society to safeguard:

Or. en

Amendment 139
Axel Voss

Proposal for a regulation
Article 25 – paragraph 1 – point a

Text proposed by the Commission

(a) the national security, public security or defence ***of the Member States;***

Amendment

(a) the national security, public security or defence;

Or. en

Amendment 140

Axel Voss, Michal Boni

Proposal for a regulation

Article 25 – paragraph 1 – point d

Text proposed by the Commission

(d) the internal security of Union institutions and bodies, including of their electronic communication networks;

Amendment

(d) the internal security of Union institutions and bodies, including of their **servers, IT and** electronic communication networks;

Or. en

Amendment 141

Axel Voss, Michal Boni

Proposal for a regulation

Article 25 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In particular, any legal act or internal rule referred to in paragraph 1 shall contain specific provisions, where relevant, as to :

(a) the purposes of the processing or categories of processing;

(b) the categories of personal data;

(c) the scope of the restrictions introduced;

(d) the safeguards to prevent abuse or unlawful access or transfer;

(e) the specifications of the controller or categories of controllers;

(f) the storage periods and the applicable safeguards taking into account the nature, scope and purposes of the processing or categories of processing;

(g) the risks to the rights and freedoms of data subjects; and

(h) the rights of the data subject to be informed about the restriction, unless that may be prejudicial to the purpose of the restriction.

Or. en

Amendment 142
John Procter

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

Amendment

2. *Where a restriction is not provided for by a legal act adopted on the basis of the Treaties or by an internal rule in accordance with paragraph 1, the Union institutions and bodies may restrict the application of Articles 14 to 22, 34 and 38, as well as Article 4 in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 22, if such a restriction respects the essence of the fundamental rights and freedoms, in relation to a specific processing operation, and is a necessary and proportionate measure in a democratic society to safeguard one or more of the objectives referred to in paragraph 1. The restriction shall be notified to the competent data protection officer.* **deleted**

Or. en

Amendment 143
Axel Voss, Michał Boni

Proposal for a regulation
Article 25 – paragraph 2

Text proposed by the Commission

Amendment

2. Where a restriction is not provided for by a legal act adopted on the basis of the Treaties or by an internal rule in accordance with paragraph 1, the Union institutions and bodies may restrict the application of Articles 14 to 22, 34 and 38, as well as Article 4 in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 22, if such a restriction respects the essence of the fundamental rights and freedoms, in relation to a specific processing operation, and is a necessary and proportionate measure in a democratic society to safeguard one or more of the objectives referred to in paragraph 1. The restriction shall be notified to the competent data protection officer. *deleted*

Or. en

**Amendment 144
Jan Philipp Albrecht**

**Proposal for a regulation
Article 25 – paragraph 2**

Text proposed by the Commission

Amendment

2. Where a restriction is not provided for by a legal act adopted on the basis of the Treaties or by an internal rule in accordance with paragraph 1, the Union institutions and bodies may restrict the application of Articles 14 to 22, 34 and 38, as well as Article 4 in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 22, if such a restriction respects the essence of the fundamental rights and freedoms, in relation to a specific processing operation, and is a necessary and proportionate measure in a democratic society to safeguard one or more of the objectives referred to in paragraph 1. The restriction shall be *deleted*

notified to the competent data protection officer.

Or. en

Amendment 145

Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a regulation

Article 25 – paragraph 2

Text proposed by the Commission

2. Where a restriction is not provided for by a legal act adopted on the basis of the Treaties **or by an internal rule in accordance with paragraph 1**, the Union institutions and bodies may restrict the application of Articles 14 to 22, 34 and 38, as well as Article 4 in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 22, if such a restriction respects the essence of the fundamental rights and freedoms, in relation to a specific processing operation, and is a necessary and proportionate measure in a democratic society to safeguard one or more of the objectives referred to in paragraph 1. The restriction shall be notified to the competent data protection officer.

Amendment

2. Where a restriction is not provided for by a legal act adopted on the basis of the Treaties the Union institutions and bodies may restrict the application of Articles 14 to 22, 34 and 38, as well as Article 4 in so far as its provisions correspond to the rights and obligations provided for in Articles 14 to 22, if such a restriction respects the essence of the fundamental rights and freedoms, in relation to a specific processing operation, and is a necessary and proportionate measure in a democratic society to safeguard one or more of the objectives referred to in paragraph 1. The restriction shall be notified to the competent data protection officer.

Or. en

Amendment 146

Jan Philipp Albrecht

Proposal for a regulation

Article 25 – paragraph 3

Text proposed by the Commission

3. Where personal data are processed for scientific or historical research purposes or statistical purposes, Union law,

Amendment

3. Where personal data are processed for scientific or historical research purposes or statistical purposes, Union law

which may include internal rules, may provide for derogations from the rights referred to in Articles 17, 18, 20 and 23 subject to the conditions and safeguards referred to in Article 13 in so far as such rights are likely to render impossible or seriously impair the achievement of the specific purposes, and such derogations are necessary for the fulfilment of those purposes.

may provide for derogations from the rights referred to in Articles 17, 18, 20 and 23 subject to the conditions and safeguards referred to in Article 13 in so far as such rights are likely to render impossible or seriously impair the achievement of the specific purposes, and such derogations are necessary for the fulfilment of those purposes.

Or. en

Amendment 147
Marju Lauristin

Proposal for a regulation
Article 25 – paragraph 3

Text proposed by the Commission

3. Where personal data are processed for scientific or historical research purposes or statistical purposes, Union law, which may include internal rules, may provide for derogations from the rights referred to in Articles 17, 18, 20 and 23 subject to the conditions and safeguards referred to in Article 13 in so far as such rights are likely to render impossible or seriously impair the achievement of the specific purposes, and such derogations are necessary for the fulfilment of those purposes.

Amendment

3. Where personal data are processed for scientific or historical research purposes or statistical purposes, Union law, which may include internal rules, ***adopted by Union institutions and bodies in matters relating to their operation***, may provide for derogations from the rights referred to in Articles 17, 18, 20 and 23 subject to the conditions and safeguards referred to in Article 13 in so far as such rights are likely to render impossible or seriously impair the achievement of the specific purposes, and such derogations are necessary for the fulfilment of those purposes.

Or. en

Amendment 148
Marju Lauristin

Proposal for a regulation
Article 25 – paragraph 4

Text proposed by the Commission

4. Where personal data are processed for archiving purposes in the public interest, Union law, which may include internal rules, may provide for derogations from the rights referred to in Articles 17, 18, 20, 21, 22 and 23 subject to the conditions and safeguards referred to in Article 13 in so far as such rights are likely to render impossible or seriously impair the achievement of the specific purposes, and such derogations are necessary for the fulfilment of those purposes.

Amendment

4. Where personal data are processed for archiving purposes in the public interest, Union law, which may include internal rules ***adopted by Union institutions and bodies in matters relating to their operation***, may provide for derogations from the rights referred to in Articles 17, 18, 20, 21, 22 and 23 subject to the conditions and safeguards referred to in Article 13 in so far as such rights are likely to render impossible or seriously impair the achievement of the specific purposes, and such derogations are necessary for the fulfilment of those purposes.

Or. en

Amendment 149
Jan Philipp Albrecht

Proposal for a regulation
Article 25 – paragraph 4

Text proposed by the Commission

4. Where personal data are processed for archiving purposes in the public interest, Union law, ***which may include internal rules***, may provide for derogations from the rights referred to in Articles 17, 18, 20, 21, 22 and 23 subject to the conditions and safeguards referred to in Article 13 in so far as such rights are likely to render impossible or seriously impair the achievement of the specific purposes, and such derogations are necessary for the fulfilment of those purposes.

Amendment

4. Where personal data are processed for archiving purposes in the public interest, Union law may provide for derogations from the rights referred to in Articles 17, 18, 20, 21, 22 and 23 subject to the conditions and safeguards referred to in Article 13 in so far as such rights are likely to render impossible or seriously impair the achievement of the specific purposes, and such derogations are necessary for the fulfilment of those purposes.

Or. en

Amendment 150
Jan Philipp Albrecht

Proposal for a regulation
Article 25 – paragraph 5

Text proposed by the Commission

Amendment

5. *Internal rules referred to in paragraphs 1, 3 and 4 shall be sufficiently clear and precise and subject to appropriate publication.*

deleted

Or. en

Amendment 151

Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a regulation
Article 25 – paragraph 5

Text proposed by the Commission

Amendment

5. *Internal rules referred to in paragraphs 1, 3 and 4 shall be sufficiently clear and precise and subject to appropriate publication.*

deleted

Or. en

Amendment 152

Marju Lauristin

Proposal for a regulation
Article 25 – paragraph 5

Text proposed by the Commission

Amendment

5. Internal rules referred to in paragraphs 1, 3 and 4 shall be *sufficiently* clear and precise and subject to *appropriate publication*.

5. Internal rules referred to in paragraphs 1, 3 and 4 shall be clear and precise *acts of general application, intended to produce legal effects vis-a-vis data subjects, adopted at the highest level of management of the Union institutions and bodies* and subject to *publication in the Official Journal of the European Union*.

Amendment 153

Axel Voss

Proposal for a regulation**Article 28 – paragraph 1***Text proposed by the Commission*

1. Where a Union institution or body together with one or more controllers, ***which may be Union institutions or bodies or not***, jointly determine the purposes and means of processing, they shall be joint controllers. They shall in a transparent manner determine their respective responsibilities for compliance with ***their data protection obligations***, in particular as regards the exercising of the rights of the data subject and their respective duties to provide the information referred to in Articles 15 and 16, by means of an arrangement between them unless, and in so far as, the respective responsibilities of the controllers are determined by Union or Member State law to which the controllers are subject. The arrangement may designate a contact point for data subjects.

Amendment

1. Where a Union institution or body together with one or more controllers, jointly determine the purposes and means of processing, they shall be joint controllers. They shall in a transparent manner determine their respective responsibilities for compliance with ***the obligations under this Regulation***, in particular as regards the exercising of the rights of the data subject and their respective duties to provide the information referred to in Articles 15 and 16, by means of an arrangement between them unless, and in so far as, the respective responsibilities of the controllers are determined by Union or Member State law to which the controllers are subject. The arrangement may designate a contact point for data subjects.

Or. en

Amendment 154

Axel Voss

Proposal for a regulation**Article 31 – paragraph 1 – point d***Text proposed by the Commission*

(d) the categories of recipients to whom the personal data have been or will be disclosed including recipients in ***Member States***, third countries or international organisations;

Amendment

(d) the categories of recipients to whom the personal data have been or will be disclosed including recipients in third countries or international organisations;

Amendment 155

Axel Voss

Proposal for a regulation

Article 31 – paragraph 5

Text proposed by the Commission

Amendment

5. *Union institutions and bodies may decide to keep their records of processing activities in a central register. In this case, they may also decide to make the register publicly accessible.* **deleted**

Or. en

Amendment 156

Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a regulation

Article 31 – paragraph 5

Text proposed by the Commission

Amendment

5. Union institutions and bodies **may** decide to keep their records of processing activities in a central register. In this case, they **may** also decide to make the register publicly accessible.

5. Union institutions and bodies **shall** decide to keep their records of processing activities in a central register. In this case, they **shall** also decide to make the register publicly accessible.

Or. en

Amendment 157

Angelika Mlinar, Nathalie Griesbeck

Proposal for a regulation

Article 33 a (new)

Text proposed by the Commission

Amendment

Article 33 a

Adherence to an approved code of conduct as pursuant to article 42 of Regulation (EU) 2016/679 may be used as an element by which to demonstrate compliance with the requirements set out in paragraph 1 and 2 of this Article.

Or. en

Amendment 158

Axel Voss

Proposal for a regulation

Article 34 – title

Text proposed by the Commission

Amendment

Confidentiality of electronic communications

Confidentiality of electronic communications *data*

Or. en

Amendment 159

Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a regulation

Article 34 – paragraph 1

Text proposed by the Commission

Amendment

Union institutions and bodies shall ensure the confidentiality of electronic communications, *in particular* by securing their electronic communication networks.

Union institutions and bodies shall ensure the confidentiality of electronic communications, by securing their electronic communication networks.

Or. en

Amendment 160

Axel Voss

Proposal for a regulation

Article 34 – paragraph 1

Text proposed by the Commission

Union institutions and bodies shall ensure the confidentiality of electronic communications, in particular by securing their electronic communication networks.

Amendment

Union institutions and bodies shall ensure the confidentiality of electronic communications **data**, in particular by securing their electronic communication networks.

Or. en

Amendment 161

Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

**Proposal for a regulation
Article 35 – paragraph 1**

Text proposed by the Commission

Union institutions and bodies shall protect the information related to **end-users**' terminal equipment accessing their publicly available websites and mobile applications in accordance with Regulation (EU) XX/XXXX [new ePrivacy Regulation], in particular Article 8 thereof.

Amendment

Union institutions and bodies shall protect the information related to **users**' terminal equipment accessing their publicly available websites and mobile applications in accordance with Regulation (EU) XX/XXXX [new ePrivacy Regulation], in particular Article 8 thereof.

Or. en

Amendment 162

Axel Voss

**Proposal for a regulation
Article 36 – paragraph 2**

Text proposed by the Commission

2. Union institutions and bodies shall take all the necessary measures to prevent personal data contained in those directories, regardless of whether they are accessible to the public or not, from being used for direct marketing purposes.

Amendment

deleted

Or. en

Amendment 163

Axel Voss

Proposal for a regulation

Article 39

Text proposed by the Commission

[...]

Amendment

deleted

Or. en

Amendment 164

Axel Voss

Proposal for a regulation

Article 40 – paragraph 1

Text proposed by the Commission

1. The controller shall consult the European Data Protection Supervisor prior to processing where a data protection impact assessment under Article 39 indicates that the processing would, ***in the absence of safeguards, security measures and mechanisms to mitigate the risk,*** result in ***a high risk to the rights and freedoms of natural persons and the controller is of the opinion that the risk cannot be mitigated by reasonable means in terms of available technologies and costs of implementation.*** The controller shall seek the advice of the data protection officer about the need for prior consultation.

Amendment

1. The controller shall consult the European Data Protection Supervisor prior to processing where a data protection impact assessment under Article 39 indicates that the processing would result in high risk ***in the absence of measures taken by the controller to mitigate the risk.***

Or. en

Amendment 165

Axel Voss

Proposal for a regulation

Article 40 – paragraph 4

Text proposed by the Commission

4. The Commission may, by means of implementing act, determine a list of cases in which the controllers shall consult with, and obtain prior authorisation from, the European Data Protection Supervisor in relation to processing for the performance of a task carried out by the controller in the public interest, ***including the processing of such data in relation to social protection and public health.***

Amendment

4. The Commission may, by means of implementing act, determine a list of cases in which the controllers shall consult with, and obtain prior authorisation from, the European Data Protection Supervisor in relation to processing for the performance of a task carried out by the controller in the public interest.

Or. en

Amendment 166

Jan Philipp Albrecht

Proposal for a regulation

Article 41 – paragraph 1

Text proposed by the Commission

The Union institutions and bodies shall inform the European Data Protection Supervisor when drawing up administrative measures ***and internal rules*** relating to the processing of personal data involving a Union institution or body alone or jointly with others.

Amendment

The Union institutions and bodies shall inform the European Data Protection Supervisor when drawing up administrative measures relating to the processing of personal data involving a Union institution or body alone or jointly with others.

Or. en

Amendment 167

Marju Lauristin

Proposal for a regulation

Article 41 – paragraph 1

Text proposed by the Commission

The Union institutions and bodies shall inform the European Data Protection Supervisor when drawing up

Amendment

The Union institutions and bodies shall inform the European Data Protection Supervisor when drawing up

administrative measures **and internal rules** relating to the processing of personal data involving a Union institution or body alone or jointly with others.

administrative measures relating to the processing of personal data involving a Union institution or body alone or jointly with others.

Or. en

Amendment 168
Marju Lauristin

Proposal for a regulation
Article 41 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The Union institutions and bodies shall consult the European Data Protection Supervisor when drawing up the internal rules referred to in Article 25(5).

Or. en

Amendment 169
Axel Voss

Proposal for a regulation
Article 42

Text proposed by the Commission

Amendment

Article 42

deleted

Legislative consultation

1. Following the adoption of proposals for a legislative act and of recommendations or proposals to the Council pursuant to Article 218 TFEU and when preparing delegated acts or implementing acts, which have an impact on the protection of individuals' rights and freedoms with regard to the processing of personal data, the Commission shall consult the European Data Protection Supervisor.

2. Where an act referred to in paragraph 1 is of particular importance for the

protection of individuals' rights and freedoms with regard to the processing of personal data, the Commission may also consult the European Data Protection Board. In such cases the European Data Protection Supervisor and the European Data Protection Board shall coordinate their work with a view to issue a joint opinion.

3. The advice referred to in paragraphs 1 and 2 shall be provided in writing within a period of up to eight weeks of receipt of the request for consultation referred to in paragraphs 1 and 2. In urgent cases, or otherwise appropriate, the Commission may shorten the deadline.

4. This Article shall not apply where the Commission is required, pursuant to Regulation (EU) 2016/679, to consult the European Data Protection Board.

Or. en

Amendment 170

Angelika Mlinar, Nathalie Griesbeck

Proposal for a regulation Article 42 – paragraph 1

Text proposed by the Commission

1. *Following the adoption of proposals for a legislative act and of recommendations or proposals to the Council pursuant to Article 218 TFEU and when preparing delegated acts or implementing acts, which have an impact on the protection of individuals' rights and freedoms with regard to the processing of personal data, the Commission shall consult the European Data Protection Supervisor.*

Amendment

1. *In the course of the legislative process and of recommendations or proposals to the Council pursuant to Article 218 TFEU and when preparing delegated acts or implementing acts relating to the protection of natural persons' rights and freedoms with regard to processing, the Commission shall consult the European Data Protection Supervisor.*

Or. en

Amendment 171

Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a regulation

Article 42 – paragraph 2

Text proposed by the Commission

2. Where an act referred to in paragraph 1 is of particular importance for the protection of individuals' rights and freedoms with regard to the processing of personal data, the Commission **may** also consult the European Data Protection Board. In such cases the European Data Protection Supervisor and the European Data Protection Board shall coordinate their work with a view to issue a joint opinion.

Amendment

2. Where an act referred to in paragraph 1 is of particular importance for the protection of individuals' rights and freedoms with regard to the processing of personal data, the Commission **shall** also consult the European Data Protection Board. In such cases the European Data Protection Supervisor and the European Data Protection Board shall coordinate their work with a view to issue a joint opinion.

Or. en

Amendment 172

Axel Voss

Proposal for a regulation

Article 43 – paragraph 1

Text proposed by the Commission

Where the European Data Protection Supervisor exercises the powers provided for in points (a), (b) and (c) of Article 59(2), the controller or processor concerned shall inform the European Data Protection Supervisor of its views ***within a reasonable period to be specified by the European Data Protection Supervisor***, taking into account the circumstances of each case. The reply shall also include a description of the measures taken, if any, in response to the remarks of the European Data Protection Supervisor.

Amendment

Where the European Data Protection Supervisor exercises the powers provided for in points (a), (b) and (c) of Article 59(2), the controller or processor concerned shall inform the European Data Protection Supervisor of its views, taking into account the circumstances of each case. The reply shall also include a description of the measures taken, if any, in response to the remarks of the European Data Protection Supervisor.

Or. en

Amendment 173
Axel Voss, Michal Boni

Proposal for a regulation
Article 44 – paragraph 2

Text proposed by the Commission

2. Union institutions and bodies may designate a single data protection officer for several of them, taking into account their organisational structure and size.

Amendment

2. Union institutions and bodies may designate a single data protection officer for several of them, taking into account their organisational structure and size ***of the Union institutions and bodies.***

Or. en

Amendment 174
Jan Philipp Albrecht

Proposal for a regulation
Article 44 – paragraph 4

Text proposed by the Commission

4. The data protection officer may be a staff member of the Union institution or body, or fulfil the tasks on the basis of a service contract.

Amendment

4. The data protection officer may be a staff member of the Union institution or body, or, ***taking into account the organisational structure and size of the Union institution or body,*** fulfil the tasks on the basis of a service contract.

Or. en

Amendment 175
Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a regulation
Article 44 – paragraph 4

Text proposed by the Commission

4. The data protection officer may be a staff member of the Union institution or body, ***or fulfil the tasks on the basis of a service contract.***

Amendment

4. The data protection officer may be a staff member of the Union institution or body.

Amendment 176

Axel Voss

Proposal for a regulation

Article 45 – paragraph 5

Text proposed by the Commission

5. The data protection officer **and his or her staff** shall be bound by secrecy or confidentiality concerning the performance of his or her tasks, in accordance with Union law.

Amendment

5. The data protection officer shall be bound by secrecy or confidentiality concerning the performance of his or her tasks, in accordance with Union law.

Amendment 177

Axel Voss

Proposal for a regulation

Article 45 – paragraph 8

Text proposed by the Commission

8. The data protection officer shall be designated for a term of **three to** five years and shall be eligible for reappointment. The data protection officer may be dismissed from the post by the Union institution or body which designated him or her **only with the consent of the European Data Protection Supervisor**, if he or she no longer fulfils the conditions required for the performance of his or her duties.

Amendment

8. The data protection officer shall be designated for a term of five years and shall be eligible for reappointment. The data protection officer may be dismissed from the post by the Union institution or body which designated him or her, if he or she no longer fulfils the conditions required for the performance of his or her duties.

Amendment 178

Axel Voss

Proposal for a regulation

Article 46 – paragraph 1 – point b

Text proposed by the Commission

(b) ***ensure in an independent manner the internal application of this Regulation and*** to monitor compliance with this Regulation, with other applicable Union law ***containing*** data protection provisions and with the policies of the controller or processor in relation to the protection of personal data, including the assignment of responsibilities, ***the raising of awareness*** and training of staff involved in processing operations, and the related audits;

Amendment

(b) to monitor compliance with this Regulation, with other applicable Union law data protection provisions and with the policies of the controller or processor in relation to the protection of personal data, including the assignment of responsibilities, ***awareness-raising*** and training of staff involved in processing operations, and the related audits

Or. en

Amendment 179

Axel Voss

Proposal for a regulation

Article 46 – paragraph 1 – point f

Text proposed by the Commission

(f) ***provide advice where requested as regards the need for prior consultation of the European Data Protection Supervisor pursuant to Article 40 and to consult the European Data Protection Supervisor in case of doubt as to the need for a prior consultation;***

Amendment

deleted

Or. en

Amendment 180

Axel Voss

Proposal for a regulation

Article 46 – paragraph 1 – point g

Text proposed by the Commission

(g) respond to requests from the European Data Protection Supervisor and,

Amendment

(g) respond to requests from the European Data Protection Supervisor and,

within the sphere of his or her competence, to cooperate and consult with the European Data Protection Supervisor at the latter's request or on his or her own initiative.

to cooperate and consult with the European Data Protection Supervisor.

Or. en

Amendment 181

Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Nathalie Griesbeck

Proposal for a regulation

Article 46 – paragraph 1 – point g a (new)

Text proposed by the Commission

Amendment

(ga) Ensure that the rights and freedoms of the data subjects are unlikely to be adversely affected by the processing operations.

Or. en

Amendment 182

Axel Voss

Proposal for a regulation

Article 46 – paragraph 2

Text proposed by the Commission

Amendment

2. The data protection officer may make recommendations for the practical improvement of data protection to the controller and the processor and advise them on matters concerning the application of data protection provisions. ***Furthermore he or she may, on his or her own initiative or at the request of the controller or the processor, the Staff Committee concerned or any individual, investigate matters and occurrences directly relating to his or her tasks and which come to his or her notice, and report back to the person who commissioned the investigation or to the***

2. The data protection officer may make recommendations for the practical improvement of data protection to the controller and the processor and advise them on matters concerning the application of data protection provisions.

controller or the processor.

Or. en

Amendment 183

Marju Lauristin

Proposal for a regulation

Article 48 – paragraph 1

Text proposed by the Commission

1. A transfer of personal data to a third country or international organisation may take place where the Commission has decided pursuant to Article 45(3) of Regulation (EU) 2016/679 that an adequate level of protection is ensured in the third country, a territory or one or more specified sectors within that third country, or within the international organisation and the personal data are transferred solely to allow tasks covered by the competence of the controller to be carried out.

Amendment

1. A transfer of personal data to a third country or international organisation may take place where the Commission has decided pursuant to Article 45(3) of Regulation (EU) 2016/679 **or to Article 36 of Directive (EU) 2016/680** that an adequate level of protection is ensured in the third country, a territory or one or more specified sectors within that third country, or within the international organisation and the personal data are transferred solely to allow tasks covered by the competence of the controller to be carried out.

Or. en

Amendment 184

Axel Voss

Proposal for a regulation

Article 48 – paragraph 1

Text proposed by the Commission

1. A transfer of personal data to a third country or international organisation may take place where the Commission has decided pursuant to Article 45(3) of Regulation (EU) 2016/679 that an adequate level of protection is ensured in the third country, a territory or one or more specified sectors within that third country, or within the international organisation **and**

Amendment

1. A transfer of personal data to a third country or international organisation may take place where the Commission has decided pursuant to Article 45(3) of Regulation (EU) 2016/679 that an adequate level of protection is ensured in the third country, a territory or one or more specified sectors within that third country, or within the international organisation.

the personal data are transferred solely to allow tasks covered by the competence of the controller to be carried out.

Such a transfer shall not require any specific authorisation.

Or. en

Amendment 185

Axel Voss

Proposal for a regulation

Article 48 – paragraph 2

Text proposed by the Commission

2. The Union institutions and bodies shall inform the Commission **and the European Data Protection Supervisor** of cases where they consider the third country or international organisation in question does not ensure an adequate level of protection within the meaning of paragraph 1.

Amendment

2. The Union institutions and bodies shall inform the Commission of cases where they consider the third country or international organisation in question does not ensure an adequate level of protection within the meaning of paragraph 1.

Or. en

Amendment 186

Axel Voss

Proposal for a regulation

Article 49 – paragraph 5

Text proposed by the Commission

5. Authorisations by the European Data Protection Supervisor on the basis of Article 9(7) of Regulation (EC) No 45/2001 shall remain valid until amended, replaced or repealed, **if necessary, by the European Data Protection Supervisor.**

Amendment

5. Authorisations by the European Data Protection Supervisor on the basis of Article 9(7) of Regulation (EC) No 45/2001 shall remain valid until amended, replaced or repealed.

Or. en

Amendment 187

Jan Philipp Albrecht

**Proposal for a regulation
Chapter 5 a (new)**

Text proposed by the Commission

Amendment

***PROCESSING OF OPERATIONAL
PERSONAL DATA***

Or. en

**Amendment 188
Jan Philipp Albrecht**

**Proposal for a regulation
Article 52 a (new)**

Text proposed by the Commission

Amendment

Article 52 a

Scope

By way of derogation from Articles 4, 6, 7, 8, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 35, 41, 43, 49, 50 and 51, the provisions of this Chapter shall apply to processing of operational data by Union agencies established on the basis of Chapters 4 and 5 of Title V of Part Three of the TFEU and by missions referred to in Article 42(1), 43 and 44 of the TEU.

Or. en

**Amendment 189
Jan Philipp Albrecht**

**Proposal for a regulation
Article 52 b (new)**

Text proposed by the Commission

Amendment

Article 52 b

Principles relating to processing of

personal data

Personal data shall be:

- (a) processed lawfully and fairly ('lawfulness and fairness');*
- (b) collected for specified, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes provided that the Union agencies and missions provide appropriate safeguards for the rights and freedoms of data subjects ('purpose limitation');*
- (c) adequate, relevant, and not excessive in relation to the purposes for which they are processed ('data minimisation');*
- (d) accurate and kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');*
- (e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes provided that the agencies or missions provide appropriate safeguards for the rights and freedoms of data subjects, in particular by the implementation of the appropriate technical and organisational measures required by this Regulation ('storage limitation');*
- (f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised*

or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

Or. en

Amendment 190
Jan Philipp Albrecht

Proposal for a regulation
Article 52 c (new)

Text proposed by the Commission

Amendment

Article 52 c

Lawfulness of processing

1. Processing shall be lawful only if and to the extent that processing is necessary for the performance of a task carried out by Union agencies and missions and that it is based on Union law.

2. Union law specifying and complementing this Regulation as regards the processing within the scope of this Chapter shall specify the objectives of processing, the personal data to be processed and the purposes of the processing.

Or. en

Amendment 191
Jan Philipp Albrecht

Proposal for a regulation
Article 52 d (new)

Text proposed by the Commission

Amendment

Article 52 d

Distinction between different categories of

data subjects

Union agencies or missions shall make a clear distinction between personal data of different categories of data subjects, such as:

(a) persons with regard to whom there are serious grounds for believing that they have committed or are about to commit a criminal offence;

(b) persons convicted of a criminal offence;

(c) victims of a criminal offence or persons with regard to whom certain facts give rise to reasons for believing that they could be the victim of a criminal offence; and

(d) other parties to a criminal offence, such as persons who might be called on to testify in investigations in connection with criminal offences or subsequent criminal proceedings, persons who can provide information on criminal offences, or contacts or associates of one of the persons referred to in points (a) and (b).

Or. en

Amendment 192
Jan Philipp Albrecht

Proposal for a regulation
Article 52 e (new)

Text proposed by the Commission

Amendment

Article 52 e

Distinction between personal data and verification of quality of personal data

1. Union agencies and missions shall distinguish personal data based on facts from personal data based on personal assessments.

2. Union agencies and missions shall process personal data in such a way that it

can be established which authority provided the data or where the data has been retrieved from.

3. Union agencies and missions shall ensure that personal data which are inaccurate, incomplete or no longer up to date are not transmitted or made available. To that end, Union agencies and missions shall verify the quality of personal data before they are transmitted or made available. As far as possible, in all transmissions of personal data, Union agencies and missions shall add necessary information enabling the recipient to assess the degree of accuracy, completeness and reliability of personal data, and the extent to which they are up to date shall be added.

4. If it emerges that incorrect personal data have been transmitted or personal data have been unlawfully transmitted, the recipient shall be notified without delay. In such a case, the personal data shall be rectified or erased or processing shall be restricted.

Or. en

Amendment 193
Jan Philipp Albrecht

Proposal for a regulation
Article 52 f (new)

Text proposed by the Commission

Amendment

Article 52 f

Specific processing conditions

1. When Union agencies and missions provide for specific conditions for processing, they shall inform the recipient of such personal data of those conditions and the requirement to comply with them.

2. Union agencies and missions shall comply with specific processing

conditions for processing provided by a national authority in accordance with Article 9 (3) and (4) of Directive (EU) 2016/680.

Or. en

Amendment 194
Jan Philipp Albrecht

Proposal for a regulation
Article 52 g (new)

Text proposed by the Commission

Amendment

Article 52 g

Transmission of personal data to other Union institutions and bodies

- 1. Union agencies and missions shall only transmit personal data to other Union institutions and bodies if the data are necessary for the legitimate performance of tasks covered by the competence of other Union institutions and bodies.***
- 2. Where personal data are transmitted following a request from the other Union institution or body, both the controller and the recipient shall bear the responsibility for the legitimacy of this transfer.***
- 3. Union agencies and missions shall be required to verify the competence of the other Union institution or body and to make a provisional evaluation of the necessity for the transmission. If doubts arise as to this necessity, Union agencies and missions shall seek further information from the recipient.***
- 4. Other Union institutions and bodies shall ensure that the necessity for the transmission can be subsequently verified.***
- 5. Other Union institutions and bodies shall process the personal data only for the purposes for which they were***

transmitted.

Or. en

Amendment 195
Jan Philipp Albrecht

Proposal for a regulation
Article 52 h (new)

Text proposed by the Commission

Amendment

Article 52 h

***Processing of special categories of
personal data***

1. Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, personal data concerning health or personal data concerning a natural person's sex life or sexual orientation shall be allowed only where strictly necessary for the performance of tasks of Union agencies and missions, subject to appropriate safeguards for the rights and freedoms of the data subject and only if they supplement other operational personal data already processed by Union agencies and missions.

2. The data protection officer shall be informed immediately of recourse to this Article.

Or. en

Amendment 196
Jan Philipp Albrecht

Proposal for a regulation
Article 52 i (new)

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Text proposed by the Commission

Amendment

Article 52 i

***Automated individual decision-making,
including profiling***

The data subject shall have the right not to be subject to a decision of Union agencies and missions based solely on automated processing, including profiling, which produces legal effects concerning him/her or similarly significantly affects him/her.

Or. en

**Amendment 197
Jan Philipp Albrecht**

**Proposal for a regulation
Article 52 j (new)**

Text proposed by the Commission

Amendment

Article 52 j

Information to be made available or given to the data subject

1. Union agencies and missions shall make available to the data subject at least the following information:

(a) the identity and the contact details of the Union agency or mission;

(b) the contact details of the data protection officer;

(c) the purposes of the processing for which the personal data are intended;

(d) the right to lodge a complaint with the European Data Protection Supervisor and its contact details;

(e) the existence of the right to request from Union agencies and missions access to and rectification or erasure of personal data and restriction of processing of the

personal data concerning the data subject.

2. In addition to the information referred to in paragraph 1, Union agencies and missions shall give to the data subject, in specific cases, the following further information to enable the exercise of his or her rights:

(a) the legal basis for the processing;

(b) the period for which the personal data will be stored, or, where that is not possible, the criteria used to determine that period;

(c) the categories of recipients of the personal data, including in third countries or international organisations;

(d) where necessary, further information, in particular where the personal data are collected without the knowledge of the data subject.

3. Union agencies and missions may delay, restrict or omit the provision of the information to the data subject pursuant to paragraph 2 to the extent that, and for as long as, such a measure is provided for by a legal act adopted on the basis of the Treaties and constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and the 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.

Amendment 198
Jan Philipp Albrecht

Proposal for a regulation
Article 52 k (new)

Text proposed by the Commission

Amendment

Article 52 k

Right of access by the data subject

The data subject shall have the right to obtain from Union agencies and missions confirmation as to whether or not personal data concerning that subject are being processed, and, where that is the case, access to the personal data and the following information:

(a) the purposes of and legal basis for the processing;

(b) the categories of personal data concerned;

(c) the recipients or categories of recipients to whom the personal data have been disclosed, in particular recipients in third countries or international organisations;

(d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;

(e) the existence of the right to request from Union agencies and missions rectification or erasure of personal data or restriction of processing of personal data concerning the data subject;

(f) the right to lodge a complaint with the European Data Protection Supervisor and his or her contact details;

(g) communication of the personal data undergoing processing and of any available information as to their origin.

Amendment 199
Jan Philipp Albrecht

Proposal for a regulation
Article 52 1 (new)

Text proposed by the Commission

Amendment

Article 52 1

Limitations to the right of access

1. Union agencies and missions may restrict, wholly or partly, the data subject's right of access to the extent that, and for as long as, such a partial or complete restriction is provided for by a legal act adopted on the basis of the Treaties and 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.***

2. In the cases referred to in paragraph 1, Union agencies and missions shall inform the data subject, without undue delay, in writing of any refusal or restriction of access and of the reasons for the refusal or the restriction. Such information may be omitted where the provision thereof would undermine a purpose under

paragraph 1. 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 in the Court of Justice of the European Union.

3. Union agencies and missions shall document the factual or legal reasons on which the decision is based. That information shall be made available to the European Data Protection Supervisor on request.

Or. en

Amendment 200
Jan Philipp Albrecht

Proposal for a regulation
Article 52 m (new)

Text proposed by the Commission

Amendment

Article 52 m

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

1. The data subject shall have the right to obtain from Union agencies and missions without undue delay the rectification of inaccurate personal data relating to that subject. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement.

2. Union agencies and missions shall erase personal data without undue delay and the data subject shall have the right to obtain from Union agencies and missions the erasure of personal data concerning that subject without undue delay where processing infringes Articles 52b, 52c or 52h, or where

personal data must be erased in order to comply with a legal obligation to which Union agencies and missions are subject.

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

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

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

Where processing is restricted pursuant to point (a) of the first subparagraph, 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.

4. Union agencies and missions shall inform the data subject in writing of any refusal of rectification or erasure of personal data or restrict 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.

5. 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.

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

7. Union agencies and missions shall, where 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 personal data or restrict processing of the personal data under their responsibility.

Or. en

Amendment 201
Jan Philipp Albrecht

Proposal for a regulation
Article 52 n (new)

Text proposed by the Commission

Amendment

Article 52 n

Exercise of rights by the data subject and verification by the European Data Protection Supervisor

1. In the cases referred to in Articles 52i(3) , 52k and 52m(4), the rights of the data subject may also be exercised through the European Data Protection Supervisor.

2. Union agencies and missions shall inform the data subject of the possibility of exercising his or her rights through the European Data Protection Supervisor pursuant to paragraph 1.

3. Where the right referred to in paragraph 1 is exercised, the European Data Protection Supervisor shall at least inform the data subject that all necessary verifications or a review by it have taken place. The European Data Protection Supervisor shall also inform the data subject of his or her right to seek a judicial remedy in the Court of Justice of the European Union.

Or. en

Amendment 202
Jan Philipp Albrecht

Proposal for a regulation
Article 52 o (new)

Text proposed by the Commission

Amendment

Article 52 o

Logging

1. Union agencies and missions shall keep logs for any of the following processing operations in automated processing systems: collection, alteration, consultation, disclosure including transfers, combination and erasure. The logs of consultation and disclosure shall make it possible to establish the justification for, and the date and time of, such operations, the identification of the person who consulted or disclosed personal data, and, as far as possible, the identity of the recipients of such personal data.

2. The logs shall be used solely for verification of the lawfulness of processing, self-monitoring, ensuring the integrity and security of the personal data, and for criminal proceedings. Such logs shall be deleted after three years, unless they are required for on-going control.

3. Union agencies or missions shall make

the logs available to their data protection officer and to the European Data Protection Supervisor on request.

Or. en

Amendment 203
Jan Philipp Albrecht

Proposal for a regulation
Article 52 p (new)

Text proposed by the Commission

Amendment

Article 52 p

Transfers subject to appropriate safeguards

1. In the absence of an adequacy decision pursuant to Article 45 of Regulation (EU) 2016/679 or Article 36 of Directive (EU) 2016/680, Union agencies and missions may transfer personal data to a third country or an international organisation where:

(a) appropriate safeguards with regard to the protection of personal data are provided for in a legally binding instrument; or

(b) Union agencies and missions have assessed all the circumstances surrounding the transfer of personal data and conclude that appropriate safeguards exist with regard to the protection of personal data.

2. Union agencies and missions shall seek authorisation from the European Data Protection Supervisor when transferring personal data under point (b) of paragraph 1.

3. When a transfer is based on point (b) of paragraph 1, such a transfer shall be documented and the documentation shall be made available to the European Data Protection Supervisor on request,

including the date and time of the transfer, information about the receiving competent authority, the justification for the transfer and the personal data transferred.

Or. en

Amendment 204
Jan Philipp Albrecht

Proposal for a regulation
Article 52 q (new)

Text proposed by the Commission

Amendment

Article 52 q

Derogations for specific situations

1. In the absence of an adequacy decision pursuant to Article 45 of Regulation (EU) 2016/679 or Article 36 of Directive (EU) 2016/680, or of appropriate safeguards pursuant to Article 52p, Union agencies and missions may, on a case-by-case basis, transfer personal data to a third country or an international organisation only on the condition that the transfer is proportionate and necessary:

(a) in order to protect the vital interests of the data subject or another person;

(b) to safeguard legitimate interests of the data subject;

(c) for the prevention of an immediate and serious threat to public security of a Member State or a third country; or

(d) in individual cases for the performance of the tasks of Union agencies and missions, unless they determine that fundamental rights and freedoms of the data subject concerned override the public interest in the transfer.

2. Union agencies shall seek authorisation from the European Data Protection Supervisor when transferring

personal data under point (b) of paragraph 1.

3. Where a transfer is based on paragraph 1, such a transfer shall be documented and the documentation shall be made available to the European Data Protection Supervisor on request, including the date and time of the transfer, and information about the receiving competent authority, about the justification for the transfer and about the personal data transferred.

Or. en

Amendment 205
Marju Lauristin

Proposal for a regulation
Chapter 5 a (new)

Text proposed by the Commission

Amendment

CHAPTER Va

PROCESSING OF OPERATIONAL PERSONAL DATA

Article 52a

Scope

By way of derogation from Articles 4, 6, 7, 8, 10, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 35, 41, 43, 49, 50 and 51, the provisions of this Chapter shall apply to processing of operational data by Union agencies established on the basis of Chapters 4 and 5 of Title V of Part Three of the TFEU and by missions referred to in Article 42(1), 43 and 44 of the TEU.

Article 52b

Principles relating to processing of personal data

1. Personal data shall be:

(a) processed lawfully and fairly ('lawfulness and fairness');

(b) collected for specified, explicit and legitimate purposes and not further processed in a manner incompatible with those purposes; further processing for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes shall not be considered to be incompatible with the initial purposes provided that the Union agencies and missions provide appropriate safeguards for the rights and freedoms of data subjects ('purpose limitation');

(c) adequate, relevant, and not excessive in relation to the purposes for which they are processed ('data minimisation');

(d) accurate and, where necessary, kept up to date; every reasonable step must be taken to ensure that personal data that are inaccurate, having regard to the purposes for which they are processed, are erased or rectified without delay ('accuracy');

(e) kept in a form which permits identification of data subjects for no longer than is necessary for the purposes for which the personal data are processed; personal data may be stored for longer periods insofar as the personal data will be processed solely for archiving purposes in the public interest, scientific or historical research purposes or statistical purposes provided that the agencies or missions provide appropriate safeguards for the rights and freedoms of data subjects, in particular by the implementation of the appropriate technical and organisational measures required by this Regulation ('storage limitation');

(f) processed in a manner that ensures appropriate security of the personal data, including protection against unauthorised or unlawful processing and against accidental loss, destruction or damage, using appropriate technical or organisational measures ('integrity and confidentiality').

2. Processing by Union agencies or missions for any of the purposes of processing personal data laid down in their founding acts other than that for which the personal data are collected shall be permitted in so far as:

(a) the Union agencies or missions are authorised to process such personal data for such a purpose in accordance with Union law; and

(b) processing is necessary and proportionate to that other purpose in accordance with Union law.

Article 52c

Lawfulness of processing

Processing shall be lawful only if and to the extent that processing is necessary for the performance of a task carried out by Union agencies and missions and that it is based on Union law. Union law specifying and complementing this Regulation as regards the processing within the scope of this Chapter shall specify the objectives of processing, the personal data to be processed and the purposes of the processing.

Article 52d

Distinction between different categories of data subjects

Union agencies or missions shall, where applicable and as far as possible, make a clear distinction between personal data of different categories of data subjects, such as:

(a) persons with regard to whom there are serious grounds for believing that they have committed or are about to commit a criminal offence;

(b) persons convicted of a criminal offence;

(c) victims of a criminal offence or persons with regard to whom certain facts give rise to reasons for believing that they could be the victim of a criminal offence;

and

(d) other parties to a criminal offence, such as persons who might be called on to testify in investigations in connection with criminal offences or subsequent criminal proceedings, persons who can provide information on criminal offences, or contacts or associates of one of the persons referred to in points (a) and (b).

Article 52e

Distinction between personal data and verification of quality of personal data

Union agencies and missions shall distinguish, as far as possible, personal data based on facts from personal data based on personal assessments. Union agencies and missions shall process personal data in such a way that it can be established which authority provided the data or where the data has been retrieved from. Union agencies and missions shall take all reasonable steps to ensure that personal data which are inaccurate, incomplete or no longer up to date are not transmitted or made available. To that end, Union agencies and missions shall, as far as practicable, verify the quality of personal data before they are transmitted or made available. As far as possible, in all transmissions of personal data, Union agencies and missions shall add necessary information enabling the recipient to assess the degree of accuracy, completeness and reliability of personal data, and the extent to which they are up to date shall be added. If it emerges that incorrect personal data have been transmitted or personal data have been unlawfully transmitted, the recipient shall be notified without delay. In such a case, the personal data shall be rectified or erased or processing shall be restricted.

Article 52f

Specific processing conditions

When Union agencies and missions provide for specific conditions for

processing, they shall inform the recipient of such personal data of those conditions and the requirement to comply with them. Union agencies and missions shall comply with specific processing conditions for processing provided by a national authority in accordance with Article 9 (3) and (4) of Directive (EU) 2016/680.

Article 52g

Transmission of personal data to other Union institutions and bodies

Union agencies and missions shall only transmit personal data to other Union institutions and bodies if the data are necessary for the legitimate performance of tasks covered by the competence of other Union institutions and bodies. Where personal data are transmitted following a request from the other Union institution or body, both the controller and the recipient shall bear the responsibility for the legitimacy of this transfer. Union agencies and missions shall be required to verify the competence of the other Union institution or body and to make a provisional evaluation of the necessity for the transmission. If doubts arise as to this necessity, Union agencies and missions shall seek further information from the recipient. Other Union institutions and bodies shall ensure that the necessity for the transmission can be subsequently verified. Other Union institutions and bodies shall process the personal data only for the purposes for which they were transmitted.

Article 52h

Processing of special categories of personal data

Processing of personal data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs, or trade-union membership, and the processing of genetic data, biometric data for the purpose of uniquely identifying a natural person, personal data concerning health or personal data concerning a

natural person's sex life or sexual orientation shall be allowed only where strictly necessary for the performance of tasks of Union agencies and missions, subject to appropriate safeguards for the rights and freedoms of the data subject and only if they supplement other operational personal data already processed by Union agencies and missions. The data protection officer shall be informed immediately of recourse to this Article.

Article 52i

Automated individual decision-making, including profiling

The data subject shall have the right not to be subject to a decision of Union agencies and missions based solely on automated processing, including profiling, which produces legal effects concerning him/her or similarly significantly affects him/her.

Article 52j

Information to be made available or given to the data subject

1. Union agencies and missions shall make available to the data subject at least the following information:

(a) the identity and the contact details of the Union agency or mission;

(b) the contact details of the data protection officer;

(c) the purposes of the processing for which the personal data are intended;

(d) the right to lodge a complaint with the European Data Protection Supervisor and its contact details;

(e) the existence of the right to request from Union agencies and missions access to and rectification or erasure of personal data and restriction of processing of the personal data concerning the data subject.

2. In addition to the information referred to in paragraph 1, Union agencies and

missions shall give to the data subject, in specific cases, the following further information to enable the exercise of his or her rights:

- (a) the legal basis for the processing;*
- (b) the period for which the personal data will be stored, or, where that is not possible, the criteria used to determine that period;*
- (c) where applicable, the categories of recipients of the personal data, including in third countries or international organisations;*
- (d) where necessary, further information, in particular where the personal data are collected without the knowledge of the data subject.*

3. Union agencies and missions may delay, restrict or omit the provision of the information to the data subject pursuant to paragraph 2 to the extent that, and for as long as, such a measure is provided for by a legal act adopted on the basis of the Treaties or by an internal rule of the Union agency or mission and constitutes a necessary and proportionate measure in a democratic society with due regard for the fundamental rights and the 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 objectives of the common foreign and security policy of the Union;*
- (f) protect the rights and freedoms of others.*

Article 52k

Right of access by the data subject

The data subject shall have the right to obtain from Union agencies and missions confirmation as to whether or not personal data concerning that subject are being processed, and, where that is the case, access to the personal data and the following information:

(a) the purposes of and legal basis for the processing;

(b) the categories of personal data concerned;

(c) the recipients or categories of recipients to whom the personal data have been disclosed, in particular recipients in third countries or international organisations;

(d) where possible, the envisaged period for which the personal data will be stored, or, if not possible, the criteria used to determine that period;

(e) the existence of the right to request from Union agencies and missions rectification or erasure of personal data or restriction of processing of personal data concerning the data subject;

(f) the right to lodge a complaint with the European Data Protection Supervisor and his or her contact details;

(g) communication of the personal data undergoing processing and of any available information as to their origin.

Article 52l

Limitations to the right of access

1. Union agencies and missions may restrict, wholly or partly, the data subject's right of access to the extent that, and for as long as, such a partial or complete restriction is provided for by a legal act adopted on the basis of the Treaties or by an internal rule of the Union agency or mission and 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 objectives of the common foreign and security policy of the Union;

(f) protect the rights and freedoms of others.

2. In the cases referred to in paragraph 1, Union agencies and missions shall inform the data subject, without undue delay, in writing of any refusal or restriction of access and of the reasons for the refusal or the restriction. Such information may be omitted where the provision thereof would undermine a purpose under paragraph 1. 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 in the Court of Justice of the European Union. Union agencies and missions shall document the factual or legal reasons on which the decision is based. That information shall be made available to the European Data Protection Supervisor on request.

Article 52m

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

1. The data subject shall have the right to obtain from Union agencies and missions without undue delay the rectification of

inaccurate personal data relating to that subject. Taking into account the purposes of the processing, the data subject shall have the right to have incomplete personal data completed, including by means of providing a supplementary statement. Union agencies and missions shall erase personal data without undue delay and the data subject shall have the right to obtain from Union agencies and missions the erasure of personal data concerning that subject without undue delay where processing infringes Articles 52b, 52c or 52h, or where 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 personal data is contested by the data subject and their accuracy or inaccuracy cannot be ascertained; or

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

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

3. Union agencies and missions shall inform the data subject in writing of any refusal of rectification or erasure of personal data or restrict 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 objectives of the common foreign and security policy of the Union;

(f) 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 personal data to the competent authority from which the inaccurate personal data originate. Union agencies and missions shall, where 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 personal data or restrict processing of the personal data under their responsibility.

Article 52n

Exercise of rights by the data subject and verification by the European Data Protection Supervisor

In the cases referred to in Articles 52i(3), 52k and 52m(4), the rights of the data subject may also be exercised through the European Data Protection Supervisor. Union agencies and missions shall inform the data subject of the possibility of exercising his or her rights through the European Data Protection Supervisor pursuant to paragraph 1. Where the right referred to in paragraph 1 is exercised,

the European Data Protection Supervisor shall at least inform the data subject that all necessary verifications or a review by it have taken place. The European Data Protection Supervisor shall also inform the data subject of his or her right to seek a judicial remedy in the Court of Justice of the European Union.

Article 52o

Logging

Union agencies and missions shall keep logs for any of the following processing operations in automated processing systems: collection, alteration, consultation, disclosure including transfers, combination and erasure. The logs of consultation and disclosure shall make it possible to establish the justification for, and the date and time of, such operations, the identification of the person who consulted or disclosed personal data, and, as far as possible, the identity of the recipients of such personal data. The logs shall be used solely for verification of the lawfulness of processing, self-monitoring, ensuring the integrity and security of the personal data, and for criminal proceedings. Such logs shall be deleted after three years, unless they are required for on-going control. Union agencies or missions shall make the logs available to the European Data Protection Supervisor on request.

Article 52p

Transfers subject to appropriate safeguards

1. In the absence of an adequacy decision pursuant to Article 45 of Regulation (EU) 2016/679 or Article 36 of Directive (EU) 2016/680, Union agencies and missions may transfer personal data to a third country or an international organisation where:

(a) appropriate safeguards with regard to the protection of personal data are provided for in a legally binding

instrument; or

(b) Union agencies and missions have assessed all the circumstances surrounding the transfer of personal data and conclude that appropriate safeguards exist with regard to the protection of personal data.

2. Union agencies and missions shall inform the European Data Protection Supervisor about categories of transfers under point (b) of paragraph 1. When a transfer is based on point (b) of paragraph 1, such a transfer shall be documented and the documentation shall be made available to the European Data Protection Supervisor on request, including the date and time of the transfer, information about the receiving competent authority, the justification for the transfer and the personal data transferred.

Article 52q

Derogations for specific situations

1. In the absence of an adequacy decision pursuant to Article 45 of Regulation (EU) 2016/679 or Article 36 of Directive (EU) 2016/680, or of appropriate safeguards pursuant to Article 52p, Union agencies and missions may transfer personal data to a third country or an international organisation only on the condition that the transfer is necessary:

(a) in order to protect the vital interests of the data subject or another person;

(b) to safeguard legitimate interests of the data subject;

(c) for the prevention of an immediate and serious threat to public security of a Member State or a third country; or

(d) in individual cases for the performance of the tasks of Union agencies and missions, unless they determine that fundamental rights and freedoms of the data subject concerned

override the public interest in the transfer.

2. Where a transfer is based on paragraph 1, such a transfer shall be documented and the documentation shall be made available to the European Data Protection Supervisor on request, including the date and time of the transfer, and information about the receiving competent authority, about the justification for the transfer and about the personal data transferred.

Or. en

Amendment 206

Axel Voss

Proposal for a regulation

Article 53 – paragraph 3

Text proposed by the Commission

3. The European Data Protection Supervisor shall be responsible for monitoring and ensuring the application of the provisions of this Regulation and any other Union act relating to the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data by a Union institution or body, and for **advising** Union institutions and bodies **and data subjects on all** matters concerning the processing of personal data. To those ends the European Data Protection Supervisor shall fulfil the tasks provided for in Article 58 and exercise the powers granted in Article 59.

Amendment

3. The European Data Protection Supervisor shall be responsible for monitoring and ensuring the application of the provisions of this Regulation and any other Union act relating to the protection of the fundamental rights and freedoms of natural persons with regard to the processing of personal data by a Union institution or body, and for **providing suggestions to** Union institutions and bodies **on** matters concerning the processing of personal data. To those ends the European Data Protection Supervisor shall fulfil the tasks provided for in Article 58 and exercise the powers granted in Article 59.

Or. en

Amendment 207

Axel Voss, Michał Boni

Proposal for a regulation

Article 54 – paragraph 2

Text proposed by the Commission

2. The list drawn up by the Commission from which the European Data Protection Supervisor shall be chosen shall be made up of persons whose independence is beyond doubt and who are acknowledged as having the experience and skills required to perform the duties of European Data Protection Supervisor, ***for example because they belong or have belonged to the supervisory authorities established under Article 41 of Regulation (EU) 2016/679.***

Amendment

2. The list drawn up by the Commission from which the European Data Protection Supervisor shall be chosen shall be made up of persons whose independence is beyond doubt and who are acknowledged as having the experience and skills required to perform the duties of European Data Protection Supervisor.

Or. en

Amendment 208

Axel Voss, Michal Boni

Proposal for a regulation

Article 58 – paragraph 1 – point a

Text proposed by the Commission

(a) monitor and ***enforce*** the application of this Regulation ***and other*** Union ***acts relating to the protection of natural persons with regard to the processing of personal data by a Union institution or body, with*** the exception of the processing of personal data by ***the Court of Justice of the European Union acting in its judicial capacity;***

Amendment

(a) monitor and ***ensure*** the application of this Regulation ***by a Union institution or body, with the exception of the processing of personal data by the Court of Justice of the European Union acting in its judicial capacity and*** the exception of the processing of ***operational*** personal data by ***Europol, Eurojust and the European Public Prosecutor's Office;***

Or. en

Amendment 209

Axel Voss

Proposal for a regulation

Article 58 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) promote public awareness and understanding of the risks, rules, safeguards and rights in relation to processing. ***Activities addressed specifically to children shall receive specific attention;***

(b) promote public awareness and understanding of the risks, rules, safeguards and rights in relation to processing ***of personal data;***

Or. en

Amendment 210

Axel Voss

Proposal for a regulation

Article 58 – paragraph 1 – point e

Text proposed by the Commission

(e) handle complaints lodged by a data subject, or by a body, organisation or association in accordance with Article 67, ***and investigate, to the extent appropriate, the subject matter of the complaint and inform the complainant of the progress and the outcome of the investigation within a reasonable period, in particular if further investigation or coordination with another supervisory authority is necessary;***

Amendment

(e) handle complaints lodged by a data subject, or by a body, organisation or association in accordance with Article 67;

Or. en

Amendment 211

Axel Voss

Proposal for a regulation

Article 58 – paragraph 1 – point g

Text proposed by the Commission

(g) advise all Union institutions and bodies ***on legislative and administrative measures relating to the protection of natural persons' rights and freedoms with regard to*** the processing of personal data;

Amendment

(g) advise all Union institutions and bodies, ***on its own initiative or on request, on measures concerning*** the processing of personal data;

Amendment 212

Axel Voss

Proposal for a regulation

Article 58 – paragraph 1 – point h

Text proposed by the Commission

(h) monitor relevant developments, insofar as they have an impact on the protection of personal data, ***in particular the development of information and communication technologies***;

Amendment

(h) monitor relevant developments, insofar as they have an impact on the protection of personal data;

Or. en

Amendment 213

Axel Voss

Proposal for a regulation

Article 58 – paragraph 1 – point p

Text proposed by the Commission

(p) ***fulfil any other tasks related to the protection of personal data; and***

Amendment

deleted

Or. en

Amendment 214

Axel Voss

Proposal for a regulation

Article 59 – paragraph 1 – point a

Text proposed by the Commission

(a) to ***order*** the controller and the processor ***to provide any*** information it requires for the performance of its tasks;

Amendment

(a) to ***request from*** the controller and the processor information it requires for the performance of its tasks;

Amendment 215

Axel Voss

Proposal for a regulation

Article 59 – paragraph 1 – point d

Text proposed by the Commission

(d) to obtain, from the controller and the processor, access to all personal data and **to all** information necessary for the performance of its tasks;

Amendment

(d) to obtain, from the controller and the processor, access to all personal **administrative** data and information necessary for the performance of its tasks, **operational personal data shall be excluded from this provision**;

Or. en

Amendment 216

Axel Voss

Proposal for a regulation

Article 59 – paragraph 1 – point e

Text proposed by the Commission

(e) to obtain access to any premises of the controller and the processor, including to any data processing equipment and means, in accordance with Union **or Member State procedural** law;

Amendment

(e) to obtain access to any premises of the controller and the processor, including to any data processing equipment and means, in accordance with Union law;

Or. en

Amendment 217

Axel Voss

Proposal for a regulation

Article 59 – paragraph 2 – point h

Text proposed by the Commission

Amendment

(h) to order the rectification or erasure of personal data or restriction of processing pursuant to Articles 18, 19 and 20 and the notification of such actions to recipients to whom the personal data have been disclosed pursuant to Article 19(2) and Article 21;

deleted

Or. en

Amendment 218
Axel Voss

Proposal for a regulation
Article 59 – paragraph 2 – point i

Text proposed by the Commission

Amendment

(i) to impose an administrative fine pursuant to Article 66, subject to non-compliance by the Union institution or body with one of the measures referred to in this paragraph and depending on the circumstances of each individual case;

deleted

Or. en

Amendment 219
Axel Voss

Proposal for a regulation
Article 59 – paragraph 2 – point j

Text proposed by the Commission

Amendment

(j) to order the suspension of data flows to a recipient in a Member State, a third country or to an international organisation.

deleted

Or. en

Amendment 220

Jan Philipp Albrecht

Proposal for a regulation

Article 59 – paragraph 3 – point b a (new)

Text proposed by the Commission

Amendment

(ba) to authorise or not the processing operations as referred to in Article 40(4);

Or. en

Amendment 221

Axel Voss

Proposal for a regulation

Article 59 – paragraph 3 – point c

Text proposed by the Commission

Amendment

(c) to issue, on its own initiative or on request, opinions to the Union institutions and bodies **and to the public on any** issue related to the protection of personal data;

(c) to issue, on its own initiative or on request, opinions to the Union institutions and bodies issue related to the protection of personal data;

Or. en

Amendment 222

Marju Lauristin

Proposal for a regulation

Article 61 – title

Text proposed by the Commission

Amendment

Cooperation **with** national supervisory authorities

Cooperation **between the European Data Protection Supervisor and** national supervisory authorities

Or. en

Amendment 223

Jan Philipp Albrecht

Proposal for a regulation
Article 61 – paragraph 1

Text proposed by the Commission

The European Data Protection Supervisor shall cooperate with supervisory authorities established under Article 41 of Regulation (EU) 2016/679 and Article 51 of Directive (EU) 2016/680 (hereinafter “national supervisory authorities”) **and with the joint supervisory authority established under Article 25 of Council Decision 2009/917/JHA²¹** to the extent necessary for the performance of their respective duties, in particular by providing each other with relevant information, requesting **national supervisory authorities** to exercise their powers or responding to **a request from such authorities**.

²¹ **Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes, OJ L 323, 10.12.2009, p. 20–30.**

Amendment

The European Data Protection Supervisor shall cooperate with supervisory authorities established under Article 41 of Regulation (EU) 2016/679 and Article 51 of Directive (EU) 2016/680 (hereinafter “national supervisory authorities”) to the extent necessary for the performance of their respective duties, in particular by providing each other with relevant information, requesting **each other** to exercise their powers or responding to **each other's requests**.

Or. en

Amendment 224
Marju Lauristin

Proposal for a regulation
Article 61 – paragraph 1

Text proposed by the Commission

The European Data Protection Supervisor shall cooperate with supervisory authorities established under Article 41 of Regulation (EU) 2016/679 and Article 51 of Directive (EU) 2016/680 (hereinafter “national supervisory authorities”) **and with the joint supervisory authority established under Article 25 of Council Decision 2009/917/JHA²¹** to the extent necessary for

Amendment

The European Data Protection Supervisor shall cooperate with supervisory authorities established under Article 41 of Regulation (EU) 2016/679 and Article 51 of Directive (EU) 2016/680 (hereinafter “national supervisory authorities”) to the extent necessary for the performance of their respective duties, in particular by providing each other with relevant information,

the performance of their respective duties, in particular by providing each other with relevant information, requesting *national supervisory authorities* to exercise their powers or responding to *a request from such authorities*.

requesting *each other* to exercise their powers or responding to *each other's requests*.

²¹ *Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes, OJ L 323, 10.12.2009, p. 20–30.*

Or. en

Amendment 225

Cornelia Ernst

Proposal for a regulation **Article 61 – paragraph 1**

Text proposed by the Commission

The European Data Protection Supervisor shall cooperate with supervisory authorities established under Article **41** of Regulation (EU) 2016/679 and Article **51** of Directive (EU) 2016/680 (hereinafter “national supervisory authorities”) and with the joint supervisory authority established under Article 25 of Council Decision 2009/917/JHA²¹ to the extent necessary for the performance of their respective duties, in particular by providing each other with relevant information, requesting national supervisory authorities to exercise their powers or responding to a request from such authorities.

Amendment

The European Data Protection Supervisor shall cooperate with supervisory authorities established under Article **51** of Regulation (EU) 2016/679 and Article **41** of Directive (EU) 2016/680 (hereinafter “national supervisory authorities”) and with the joint supervisory authority established under Article 25 of Council Decision 2009/917/JHA²¹ to the extent necessary for the performance of their respective duties, in particular by providing each other with relevant information, requesting national supervisory authorities to exercise their powers or responding to a request from such authorities.

²¹ Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes, OJ L 323, 10.12.2009, p. 20–30.

²¹ Council Decision 2009/917/JHA of 30 November 2009 on the use of information technology for customs purposes, OJ L 323, 10.12.2009, p. 20–30.

Or. en

Amendment 226
Cornelia Ernst

Proposal for a regulation
Article 61 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The European Data Protection Supervisor and the European Data Protection Board may use the Internal Market Information System established by Regulation (EU) No 1024/2012 of the European Parliament and of the Council of 25 October 2012 on administrative cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation') for the purposes of administrative cooperation and information exchange pursuant to Articles 60-62, 64, 65 and 70 of Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data, and repealing Directive 95/46/EC (General Data Protection Regulation).

Or. en

Amendment 227
Marju Lauristin

Proposal for a regulation
Article 62 – paragraph 1

Text proposed by the Commission

Amendment

1. Where a Union act ***refers to this Article***, the European Data Protection Supervisor ***shall cooperate actively with the national supervisory authorities, in order to ensure effective supervision of***

1. Where a Union act ***envisages that*** the European Data Protection Supervisor ***supervises the processing of personal data at the Union level and*** national supervisory authorities ***supervise***

large IT *systems or* Union *agencies*.

the processing of personal data at national level in a large IT system or a Union body, office or agency, the European Data Protection Supervisor and the national supervisory authorities, each acting within the scope of their respective competencies, shall cooperate actively in the framework of their responsibilities and shall ensure coordinated supervision.

Or. en

Amendment 228

Jan Philipp Albrecht

Proposal for a regulation

Article 62 – paragraph 1

Text proposed by the Commission

1. Where a Union act *refers to this Article*, the European Data Protection Supervisor *shall cooperate actively with the* national supervisory authorities, *in order to ensure effective supervision of large IT systems or Union agencies*.

Amendment

1. Where a Union act *envisages that* the European Data Protection Supervisor *supervises the processing of personal data at the Union level and* national supervisory authorities *supervise the processing of personal data at national level in a large IT system or a Union body, office or agency, the European Data Protection Supervisor and the national supervisory authorities, each acting within the scope of their respective competencies, shall cooperate actively in the framework of their responsibilities and shall ensure coordinated supervision.*

Or. en

Amendment 229

Axel Voss, Michał Boni

Proposal for a regulation

Article 62 – paragraph 1

Text proposed by the Commission

Amendment

1. Where a Union act refers to this Article, the European Data Protection Supervisor shall cooperate **actively** with the national supervisory authorities, in order to ensure effective supervision of large IT systems or Union agencies.

1. Where a Union act refers to this Article, the European Data Protection Supervisor shall cooperate with the national supervisory authorities, in order to ensure effective supervision of large IT systems or Union **bodies and** agencies.

Or. en

Amendment 230
Marju Lauristin

Proposal for a regulation
Article 62 – paragraph 2

Text proposed by the Commission

2. **The European Data Protection Supervisor** shall, acting within the scope of its respective competences and in the framework of **its** responsibilities, exchange relevant information, assist in carrying out audits and inspections, examine difficulties of interpretation or application of this Regulation and other applicable Union acts, study problems with the exercise of independent supervision or in the exercise of the rights of data subjects, draw up harmonised proposals for solutions to any problems and promote awareness of data protection rights, as necessary, **jointly with the national supervisory authorities**.

Amendment

2. **They** shall, **each** acting within the scope of its respective competences and in the framework of **their** responsibilities, exchange relevant information, assist **each other** in carrying out audits and inspections, examine difficulties of interpretation or application of this Regulation and other applicable Union acts, study problems with the exercise of independent supervision or in the exercise of the rights of data subjects, draw up harmonised proposals for solutions to any problems and promote awareness of data protection rights, as necessary.

Or. en

Amendment 231
Jan Philipp Albrecht

Proposal for a regulation
Article 62 – paragraph 2

Text proposed by the Commission

2. **The European Data Protection Supervisor** shall, acting within the scope of

Amendment

2. **They** shall, **each** acting within the scope of its respective competences and in

its respective competences and in the framework of *its* responsibilities, exchange relevant information, assist in carrying out audits and inspections, examine difficulties of interpretation or application of this Regulation and other applicable Union acts, study problems with the exercise of independent supervision or in the exercise of the rights of data subjects, draw up harmonised proposals for solutions to any problems and promote awareness of data protection rights, as necessary, ***jointly with the national supervisory authorities.***

the framework of ***their*** responsibilities, exchange relevant information, assist ***each other*** in carrying out audits and inspections, examine difficulties of interpretation or application of this Regulation and other applicable Union acts, study problems with the exercise of independent supervision or in the exercise of the rights of data subjects, draw up harmonised proposals for solutions to any problems and promote awareness of data protection rights, as necessary.

Or. en

Amendment 232
Marju Lauristin

Proposal for a regulation
Article 62 – paragraph 3

Text proposed by the Commission

3. For the purposes laid down in paragraph 2, the European Data Protection Supervisor ***shall meet with*** the national supervisory authorities at least twice a year within the framework of the European Data Protection Board. ***The costs and servicing of those meetings shall be borne by*** the European Data Protection Board. ***Rules of procedure shall be adopted at the first meeting.*** Further working methods ***shall be developed jointly*** as necessary.

Amendment

3. For the purposes laid down in paragraph 2, the European Data Protection Supervisor ***and*** the national supervisory authorities ***shall meet*** at least twice a year within the framework of the European Data Protection Board. ***For these purposes,*** the European Data Protection Board ***may develop*** further working methods as necessary.

Or. en

Amendment 233
Jan Philipp Albrecht

Proposal for a regulation
Article 62 – paragraph 3

Text proposed by the Commission

3. For the purposes laid down in paragraph 2, the European Data Protection Supervisor ***shall meet with*** the national supervisory authorities at least twice a year within the framework of the European Data Protection Board. The costs and servicing of those meetings shall be borne by the European Data Protection Board. ***Rules of procedure shall be adopted at the first meeting.*** Further working methods ***shall be developed jointly*** as necessary.

Amendment

3. For the purposes laid down in paragraph 2, the European Data Protection Supervisor ***and*** the national supervisory authorities ***shall meet*** at least twice a year within the framework of the European Data Protection Board. The costs and servicing of those meetings shall be borne by the European Data Protection Board. ***For these purposes, the European Data Protection Board may develop*** further working methods as necessary.

Or. en

Amendment 234

Axel Voss

Proposal for a regulation

Article 63 – paragraph 1

Text proposed by the Commission

1. Without prejudice to any ***judicial***, administrative or ***non-judicial*** remedy, every data subject shall have the right to lodge a complaint with the European Data Protection Supervisor if the data subject considers that the processing of personal data relating to him or her infringes this Regulation.

Amendment

1. Without prejudice to any administrative or ***judicial*** remedy, every data subject shall have the right to lodge a complaint with the European Data Protection Supervisor if the data subject considers that the processing of personal data relating to him or her infringes this Regulation.

Or. en

Amendment 235

Axel Voss

Proposal for a regulation

Article 64 – paragraph 1

Text proposed by the Commission

The Court of Justice of the European Union shall have jurisdiction to hear all

Amendment

deleted

disputes relative to the provisions of this Regulation, including claims for damages.

Or. en

Amendment 236

Axel Voss

Proposal for a regulation

Article 64 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Actions against decisions of the European Data Protection Supervisor, including decisions referred to in Article 63(3), shall be brought before the Court of Justice of the European Union.

Or. en

Amendment 237

Axel Voss

Proposal for a regulation

Article 64 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The Court of Justice of the European Union shall have jurisdiction to hear all disputes relative to the provisions of this Regulation, including claims for damages.

Or. en

Amendment 238

John Procter

Proposal for a regulation

Article 66

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 239

Axel Voss

Proposal for a regulation

Article 66

Text proposed by the Commission

Amendment

[...]

deleted

Or. en

Amendment 240

Jan Philipp Albrecht

Proposal for a regulation

Article 66 – paragraph 2

Text proposed by the Commission

Amendment

2. Infringements of the obligations of the Union institution or body pursuant to Articles 8, 12 27, 28, 29, 30, 31, 32, 33, 37, 38, 39, 40, 44, 45 and 46 shall, in accordance with paragraph 1, be subject to administrative fines up to 25 000 EUR per infringement and up to a total of **250 000 EUR** per year.

2. Infringements of the obligations of the Union institution or body pursuant to Articles 8, 12 27, 28, 29, 30, 31, 32, 33, 37, 38, 39, 40, 44, 45 and 46 shall, in accordance with paragraph 1, be subject to administrative fines up to 25 000 EUR per infringement and up to a total of **2% of the annual budget of the Union institution or body** per year.

Or. en

Amendment 241

Jan Philipp Albrecht

Proposal for a regulation

Article 66 – paragraph 3 – introductory part

Text proposed by the Commission

3. Infringements of the following provisions by the Union institution or body shall, in accordance with paragraph 1, be subject to administrative fines up to 50 000 EUR per infringement and up to a total of **500 000 EUR** per year:

Amendment

3. Infringements of the following provisions by the Union institution or body shall, in accordance with paragraph 1, be subject to administrative fines up to 50 000 EUR per infringement and up to a total of **4% of the annual budget of the Union institution or body** per year:

Or. en

Amendment 242

Axel Voss

Proposal for a regulation

Article 67

Text proposed by the Commission

Article 67

Representation of data subjects

The data subject shall have the right to mandate a not-for-profit body, organisation or association which has been properly constituted in accordance with Union law or the law of a Member State, has statutory objectives which are in the public interest, and is active in the field of the protection of data subjects' rights and freedoms with regard to the protection of their personal data to lodge the complaint with the European Data Protection Supervisor on his or her behalf, to exercise the rights referred to in Articles 63 on his or her behalf, and to exercise the right to receive compensation referred to in Article 65 on his or her behalf.

Amendment

deleted

Or. en

Amendment 243

Axel Voss

Proposal for a regulation

Article 68

Text proposed by the Commission

Amendment

Article 68

deleted

Complaints by Union staff

Any person employed by a Union institution or body may lodge a complaint with the European Data Protection Supervisor regarding an alleged infringement of the provisions of this Regulation, without acting through official channels. No one shall suffer prejudice on account of a complaint lodged with the European Data Protection Supervisor alleging such an infringement.

Or. en

Amendment 244

Jan Philipp Albrecht

Proposal for a regulation

Article 71 a (new)

Text proposed by the Commission

Amendment

Article 71 a

Amendments to SIS II Regulation (EC) No 1987/2006 and SIS II Council Decision 2007/533/JHA

Article 46 of Regulation (EC) No 1987/2006 of the European Parliament and of the Council of 20 December 2006 on the establishment, operation and use of the second generation Schengen Information System (SIS II) and Article 62 of Council Decision 2007/533/JHA of 12 June 2007 on the establishment, operation and use of the second generation Schengen Information System (SIS II) are replaced with the following:

"national supervisory authorities and the EDPS shall, each acting within their respective competences, cooperate with each other in accordance with Article 62 of [New Regulation 45/2001]".

Or. en

Amendment 245
Marju Lauristin

Proposal for a regulation
Article 71 a (new)

Text proposed by the Commission

Amendment

Article 71 a

*Amendments to SIS II Regulation (EC)
No 1987/2006 and SIS II Council
Decision 2007/533/JHA*

*Article 46 of Regulation (EC) No
1987/2006 of the European Parliament
and of the Council of 20 December 2006
on the establishment, operation and use of
the second generation Schengen
Information System (SIS II) and Article
62 of Council Decision 2007/533/JHA of
12 June 2007 on the establishment,
operation and use of the second
generation Schengen Information System
(SIS II) are hereby deleted.*

Or. en

Amendment 246
Jan Philipp Albrecht

Proposal for a regulation
Article 71 b (new)

Text proposed by the Commission

Amendment

Article 71 b

Amendments to VIS Regulation (EC) No

767/2008

Article 43 of Regulation (C) No 767/2008 of the European Parliament and the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) is replaced with the following: "national supervisory authorities and the EDPS shall, each acting within their respective competences, cooperate with each other in accordance with Article 62 of [New Regulation 45/2001]".

Or. en

Amendment 247
Marju Lauristin

Proposal for a regulation
Article 71 b (new)

Text proposed by the Commission

Amendment

Article 71 b

Amendments to VIS Regulation (EC) No 767/2008

Article 43 of Regulation (C) No 767/2008 of the European Parliament and the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (VIS Regulation) is hereby deleted.

Or. en

Amendment 248
Jan Philipp Albrecht

Proposal for a regulation
Article 71 c (new)

Article 71 c

***Amendments to Customs Information
System Council Regulation (EC) No
515/97 and Council decision
2009/917/JHA***

***1. Paragraph (4) of Article 37 of Council
Regulation (EC) No 515/97 of 13 March
1997 on mutual assistance between the
administrative authorities of the Member
States and cooperation between the latter
and the Commission to ensure the correct
application of the law on customs and
agricultural matters is replaced with the
following: "national supervisory
authorities and the EDPS shall, each
acting within their respective
competences, cooperate with each other in
accordance with Article 62 of [New
Regulation 45/2001]".***

***2. Article 25 of Council Decision
2009/917/JHA of 30 November 2009 on
the use of information technology for
customs purposes is hereby deleted.
Paragraphs (2) and (3) of Article 26 of
that Council Decision are replaced with
the following: "national supervisory
authorities and the EDPS shall, each
acting within their respective
competences, cooperate with each other in
accordance with Article 62 of [New
Regulation 45/2001]".***

Or. en

**Amendment 249
Marju Lauristin**

**Proposal for a regulation
Article 71 d (new)**

Article 71 d

*Amendments to Customs Information
System Council Regulation (EC) No
515/97 and Council decision
2009/917/JHA*

*1. Paragraphs (4) and (5) of Article 37 of
Council Regulation (EC) No 515/97 of 13
March 1997 on mutual assistance
between the administrative authorities of
the Member States and cooperation
between the latter and the Commission to
ensure the correct application of the law
on customs and agricultural matters are
hereby deleted.*

*2. Articles 25 of paragraphs (2) and (3) of
Article 26 of Council Decision
2009/917/JHA of 30 November 2009 on
the use of information technology for
customs purposes are hereby deleted.*

Or. en

Amendment 250
Marju Lauristin

Proposal for a regulation
Article 71 c (new)

Text proposed by the Commission

Amendment

Article 71 c

*Amendments to Internal Market
Information System Regulation (EU) No
1024/2012*

*Paragraphs (3) and (4) of Article 21 of
Regulation (EU) No 1024/2012 of the
European Parliament and of the Council
of 25 October 2012 on administrative
cooperation through the Internal Market
Information System and repealing
Commission Decision 2008/49/EC (the
IMI Regulation) are hereby deleted.*

Or. en

Amendment 251
Jan Philipp Albrecht

Proposal for a regulation
Article 71 d (new)

Text proposed by the Commission

Amendment

Article 71 d

Amendments to Europol Regulation (EU)
2016/794

Articles 28, 30, 33, 34, 35, 36, 37, 40, 41, 45, and 46 of Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA are hereby deleted. Article 44 of that Regulation is replaced with the following: "national supervisory authorities and the EDPS shall, each acting within their respective competences, cooperate with each other in accordance with Article 62 of [New Regulation 45/2001]".

Or. en

Amendment 252
Marju Lauristin

Proposal for a regulation
Article 71 f (new)

Text proposed by the Commission

Amendment

Article 71 f

Amendments to Europol Regulation (EU)
2016/794

Articles 28, 32, 33, 34, 35, 36, 37, 39, 40, 41, 44, 45, and 46 of Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the

European Union Agency for Law Enforcement Cooperation (Europol) and replacing the repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA are hereby deleted.

Or. en

Amendment 253
Jan Philipp Albrecht

Proposal for a regulation
Article 71 e (new)

Text proposed by the Commission

Amendment

Article 71 e

Amendments to Council Regulation (EU) 2017/XX on EPPO

Articles 36e, 36f, 37, 37b, 37c, 37cc, 37ccc, 37d, 37e, 37f, 37g, 37h, 37i, 37j, 37k, 37n, 37o, 41, 41a, 41b, 43a, 43b, 43c, 43d, 43e and 46 of Council Regulation (EU) 2017/... of implementing enhanced cooperation on the establishment of the European Public Prosecutor's Office ("the EPPO") are hereby deleted. Article 45 of that Regulation is replaced with the following: "national supervisory authorities and the EDPS shall, each acting within their respective competences, cooperate with each other in accordance with Article 62 of [New Regulation 45/2001]".

Or. en

Amendment 254
Marju Lauristin

Proposal for a regulation
Article 71 g (new)

Text proposed by the Commission

Amendment

Article 71 g

***Amendments to Council Regulation (EU)
2017/XX on EPPO***

***Articles 47, 48(1) and 51 to 89 of Council
Regulation (EU) 2017/... of implementing
enhanced cooperation on the
establishment of the European Public
Prosecutor's Office ("the EPPO") are
hereby deleted.***

Or. en

Amendment 255
Marju Lauristin

Proposal for a regulation
Article 71 e (new)

Text proposed by the Commission

Amendment

Article 71 e

***Amendments to Commission
Implementing Regulation (EU) 2015/428***

***Paragraph 8 of Article 69c of Commission
Implementing Regulation (EU) 2015/428
of 10 March 2015 amending Regulation
(EEC) No 2454/93 and Regulation (EU)
No 1063/2010 a regards the rules of
origin relating to the scheme of
generalised tariff preferences and
preferential tariff measures for certain
countries or territories is hereby deleted.***

Or. en

Amendment 256
Jan Philipp Albrecht

Proposal for a regulation
Article 71 f (new)

Text proposed by the Commission

Amendment

Article 71 f

**Amendments to Eurojust Regulation (EU)
2017/XX**

Articles 27, 29, 30, 31, 33, 36 and 37 of Regulation (EU) 2017/... of the European Parliament and of the Council on the European Union Agency for Criminal Justice Cooperation (Eurojust) are hereby deleted. Article 35 of that Regulation is replaced with the following: "national supervisory authorities and the EDPS shall, each acting within their respective competences, cooperate with each other in accordance with Article 62 of [New Regulation 45/2001]".

Or. en

Amendment 257

Jan Philipp Albrecht

Proposal for a regulation

Article 71 g (new)

Text proposed by the Commission

Amendment

Article 71 g

**Amendments to Eurodac Regulation (EU)
2017/XX**

Articles 29, 30, 31, and 39 of Regulation (EU) 2017/... of the European Parliament and of the Council on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of [Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person], for identifying an illegally staying third-country national or stateless person and

on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes (recast) are hereby deleted. Article 34 of that Regulation is replaced with the following: "national supervisory authorities and the EDPS shall, each acting within their respective competences, cooperate with each other in accordance with Article 62 of [New Regulation 45/2001]".

Or. en