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2009 - 2014

Committee on Civil Liberties, Justice and Home Affairs

2012/0011(COD)

8.3.2013

AMENDMENTS (10)

2951 - 3133

Draft report
Jan Philipp Albrecht
(PE501.927v04-00)

on the proposal for a regulation of the European Parliament and of the Council
on the protection of individuals with regard to the processing of personal data
and on the free movement of such data (General Data Protection Regulation)

Proposal for a regulation
(COM(2012)0011 – C7-0025/2012 – 2012/0011(COD))

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PE506.173v03-00

Proposal for a regulation
Article 80 – paragraph 1

Text proposed by the Commission

1. ***Member States shall provide for exemptions or derogations from the provisions on the general principles in Chapter II, the rights of the data subject in Chapter III, on controller and processor in Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI and on co-operation and consistency in Chapter VII for the processing of personal data carried out solely for journalistic purposes or the purpose of artistic or literary expression in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.***

Amendment

1. ***Chapter II*** (General principles), ***Chapter III*** (Rights of the data subject), ***Chapter IV*** (Controller and processor), ***Chapter V*** (Transfer of personal data to third countries and international organisations), ***Chapter VI*** (Independent supervisory authorities), ***Chapter VII*** (Co-operation and consistency) ***as well as Articles 73, 74, 76 and 79 of Chapter VIII*** (Remedies, liability and sanctions) ***shall not apply to the processing of personal data carried out solely for journalistic purposes or the purpose of artistic or literary expression in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.***

Or. en

Justification

The new draft legislation on data protection takes the form of a regulation and thus is directly applicable. If data protection law applies directly, the freedom of the press exception must also be directly applicable. An implementation by Member States should not lower down the current level of protection. Furthermore, the exemption should be extended to Articles 73, 74, 76 and 79 of Chapter VIII (on Remedies, Liabilities and Sanctions) because these Articles include new elements which go far beyond what is foreseen in the current directive and are not suitable for journalistic activities or pose a serious threat to press freedom.

Proposal for a regulation
Article 80 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall provide for exemptions or derogations from the ***provisions on the general principles in Chapter II, the rights of the data subject in Chapter III, on controller and processor in Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI and on co-operation and consistency in Chapter VII for the processing of personal data carried out solely for journalistic purposes or the purpose of artistic or literary expression in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.***

1. Member States shall provide for exemptions or derogations from the ***entireties of chapters Chapter II, Chapter III, Chapter IV, Chapter V, Chapter VI and Chapter VII in order to reconcile the right to the protection of personal data with the rules governing freedom of expression in accordance with the Charter of Fundamental Rights of the European Union and its referral to the ECHR.***

Or. en

Justification

The wording in the Commission proposal could be misunderstood and could lead to the interpretation that only some articles or paragraphs of the concerned chapters can be limited due to the freedom of speech. The amended wording is unambiguous and judicially clear. Furthermore, the phrase "solely for journalistic purposes or the purpose of artistic or literary expression" is not broad enough and could cause problems for media services handling confidential data needed for their journalistic work although the processing itself is not journalistic.

Amendment 2953

Cornelia Ernst

Proposal for a regulation

Article 80 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall provide for exemptions or derogations from the provisions on the general principles in Chapter II, the rights of the data subject in Chapter III, on controller and processor in

1. Member States shall provide for exemptions or derogations from the provisions on the general principles in Chapter II, the rights of the data subject in Chapter III, on controller and processor in

Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI and on co-operation and consistency in Chapter VII ***for the processing of personal data carried out solely for journalistic purposes or the purpose of artistic or literary expression in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.***

Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI and on co-operation and consistency in Chapter VII ***whenever necessary to reconcile the right to the protection of personal data with the rules governing freedom of expression in accordance with the Charter of Fundamental Rights of the European Union and its referral to the ECHR.***

Or. en

Amendment 2954
Judith Sargentini

Proposal for a regulation
Article 80 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for exemptions or derogations from the provisions on the general principles in Chapter II, the rights of the data subject in Chapter III, on controller and processor in Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI and on co-operation and consistency in Chapter VII ***for the processing of personal data carried out solely for journalistic purposes or the purpose of artistic or literary expression in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.***

Amendment

1. Member States shall provide for exemptions or derogations from the provisions on the general principles in Chapter II, the rights of the data subject in Chapter III, on controller and processor in Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI and on co-operation and consistency in Chapter VII ***in order to reconcile the right to the protection of personal data with the rules governing freedom of expression in accordance with the Charter of Fundamental Rights of the European Union and its referral to the ECHR.***

Or. en

Justification

Identical to the rapporteur's amendment 324, except that it doesn't add the words 'whenever

this is necessary'. These words might be (mis) interpreted as a weakening of the obligation of Member States to provide for exemptions and derogations for the sake of freedom of expression

Amendment 2955
Dimitrios Droutsas

Proposal for a regulation
Article 80 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for exemptions or derogations from the provisions on the general principles in Chapter II, the rights of the data subject in Chapter III, on controller and processor in Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI and on co-operation and consistency in Chapter VII ***for the processing of personal data carried out solely for journalistic purposes or the purpose of artistic or literary expression*** in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.

Amendment

1. Member States shall provide for exemptions or derogations from the provisions on the general principles in Chapter II, the rights of the data subject in Chapter III, on controller and processor in Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI and on co-operation and consistency in Chapter VII ***whenever it is necessary*** in order to reconcile the right to the protection of personal data with the rules governing freedom of expression ***in accordance with the Charter of Fundamental Rights of the European Union.***

Or. en

Amendment 2956
Sarah Ludford, Charles Tannock

Proposal for a regulation
Article 80 – paragraph 1

Text proposed by the Commission

1. Member States shall provide for exemptions or derogations from the provisions on the general principles in Chapter II, the rights of the data subject in Chapter III, on controller and processor in

Amendment

1. Member States shall provide for exemptions or derogations from the provisions on the general principles in Chapter II, the rights of the data subject in Chapter III, on controller and processor in

Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI and on co-operation and consistency in Chapter VII for the processing of personal data carried out solely for journalistic purposes or the purpose of artistic or literary expression in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.

Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI and on co-operation and consistency in Chapter VII ***and the provisions regarding processing concerning health and processing for historical, statistical and scientific research purposes in this chapter whenever this is necessary*** for the processing of personal data carried out solely for journalistic purposes or the purpose of artistic or literary expression in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.

Or. en

Justification

This is consistent with Articles 81 and 83.

Amendment 2957 **Louis Michel**

Proposal for a regulation **Article 80 – paragraph 1**

Text proposed by the Commission

1. ***Member States shall provide for exemptions or derogations from the provisions on the general principles in Chapter II, the rights of the data subject in Chapter III, on controller and processor in Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI and on co-operation and consistency in Chapter VII for the processing of personal data carried out solely for journalistic purposes or the purpose of artistic or literary expression in***

Amendment

1. ***Chapter II*** (General principles), ***Chapter III*** (Rights of the data subject), ***Chapter IV*** (Controller and processor), ***Chapter V*** (Transfer of personal data to third countries and international organisations), ***Chapter VI*** (Independent supervisory authorities), ***Chapter VII (Cooperation and consistency) as well as Articles 73, 74, 76 and 79 of Chapter VIII (Remedies, liability and sanctions)*** ***shall not apply to*** the processing of personal data carried out solely for journalistic purposes or the purpose of artistic or literary expression in order to reconcile the right to the protection

order to reconcile the right to the protection of personal data with the rules governing freedom of expression.

of personal data with the rules governing freedom of expression.

Or. en

Amendment 2958

Anna Maria Corazza Bildt

Proposal for a regulation

Article 80 – paragraph 1

Text proposed by the Commission

1. ***Member States shall provide for exemptions or derogations from the provisions on the general principles in*** Chapter II, the rights of the data subject in Chapter III, on controller and processor in Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI and on co-operation and consistency in Chapter VII for the processing of personal data carried out ***solely*** for journalistic purposes or the purpose of artistic or literary expression in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.

Amendment

1. Chapter II, the rights of the data subject in Chapter III, on controller and processor in Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI and on co-operation and consistency in Chapter VII ***should not apply*** for the processing of personal data carried out for journalistic purposes or the purpose of artistic or literary expression, in order to reconcile the right to the protection of personal data with the rules governing freedom of expression, ***also taking into account technological development and new digital media.***

Or. en

Amendment 2959

Axel Voss, Seán Kelly, Véronique Mathieu Houillon, Renate Sommer, Wim van de Camp, Lara Comi

Proposal for a regulation

Article 80 – paragraph 1

Text proposed by the Commission

1. ***Member States shall provide for exemptions or derogations from the***

Amendment

1. ***Chapter II (general principles), Chapter III (the rights of the data***

provisions on the general principles in Chapter II, the rights of the data subject in Chapter III, on controller and processor in Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V, the independent supervisory authorities in Chapter VI and on co-operation and consistency in Chapter VII for the processing of personal data carried out solely for journalistic purposes or the purpose of artistic or literary expression in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.

subject), Chapter IV (the controller and processor), Chapter V (transfer of personal data to third countries and international organisations), Chapter VI (supervisory authorities), Chapter VII (cooperation and consistency) and Articles 73, 74, 76 and 79 of Chapters VIII (legal remedies, liability and penalties) and X shall not apply to the processing of personal data carried out solely for journalistic purposes or the purpose of artistic or literary expression in order to reconcile the right to the protection of personal data with the rules governing freedom of expression.

Or. de

Justification

Wenn die Beschränkungen des Datenschutzrechts in Verordnungsform geregelt werden und damit unmittelbar auch die Datenverarbeitung zu journalistischen, künstlerischen oder literarischen Zwecken beschneiden, muss auch die Ausnahme von diesen Beschränkungen unmittelbar anwendbar sein. Diese Ausnahme vom Datenschutzrecht lässt das jeweilige Medien-, Äußerungs- und Persönlichkeitsrecht unberührt, das die Konflikte zwischen dem Persönlichkeitsrecht unter Einschluss des Rechts auf informationelle Selbstbestimmung und den Äußerungsfreiheiten sowie der Kunst- und Wissenschaftsfreiheit regelt.

Amendment 2960
Nils Torvalds, Riikka Manner

Proposal for a regulation
Article 80 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. In order to reconcile the right to the protection of personal data with the principle of public access to official documents, personal data in documents held by a public authority or a public body may be disclosed by this authority or body in accordance with Member State legislation regarding public access to official documents.

Or. en

Justification

It is essential to ensure that public oversight of public affairs is not unduly impeded by data protection rules, and that the principle of public access to official documents is guaranteed in this Regulation.

Amendment 2961

Alexander Alvaro, Nadja Hirsch

Proposal for a regulation

Article 80 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The European Data Protection Board shall issue guidance on when exemptions or derogations in accordance with paragraph 1 may be necessary, after consultation with representatives of the press, authors and artists, data subjects and civil society organisations.

Or. en

Amendment 2962

Sarah Ludford, Charles Tannock

Proposal for a regulation

Article 80 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The European Data Protection Board shall issue guidance on when exemptions or derogations in accordance with paragraph 1 may be necessary, after consultation with representatives of the press, authors and artists, data subjects and civil society organisations.

Or. en

Justification

To reinforce the protection of freedom of expression and research.

Amendment 2963

Nils Torvalds

Proposal for a regulation

Article 80 – paragraph 2

Text proposed by the Commission

Amendment

2. Each Member State shall notify to the Commission those provisions of its law which it has adopted pursuant to paragraph 1 by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment law or amendment affecting them. **deleted**

Or. en

Amendment 2964

Axel Voss

Proposal for a regulation

Article 80 – paragraph 2

Text proposed by the Commission

Amendment

2. Each Member State shall notify to the Commission those provisions of its law which it has adopted pursuant to paragraph 1 by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment law or amendment affecting them. **deleted**

Or. en

Amendment 2965

Cecilia Wikström

Proposal for a regulation

Article 80 – paragraph 2

Text proposed by the Commission

Amendment

2. Each Member State shall notify to the Commission those provisions of its law which it has adopted pursuant to paragraph 1 by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment law or amendment affecting them.

deleted

Or. en

**Amendment 2966
Louis Michel**

**Proposal for a regulation
Article 80 – paragraph 2**

Text proposed by the Commission

Amendment

2. Each Member State shall notify to the Commission those provisions of its law which it has adopted pursuant to paragraph 1 by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment law or amendment affecting them.

deleted

Or. en

**Amendment 2967
Cecilia Wikström**

**Proposal for a regulation
Article 80 a (new)**

Text proposed by the Commission

Amendment

Article 80a

Processing of personal data and public access to official documents

Personal data in documents held by a public authority or a public body may be disclosed by this authority or body in

accordance with Member State legislation regarding public access to official documents, which reconciles the right to the protection of personal data with the principle of public access to official documents.

Or. en

Justification

It is essential to ensure that public oversight of public affairs is not unduly hampered by data protection rules. As expressed in opinions by the EDPS, the Article 29 Working Party and the FRA, the principle of public access to official documents should therefore be guaranteed in an article and not merely in a recital.

Amendment 2968
Anna Maria Corazza Bildt

Proposal for a regulation
Article 80 a (new)

Text proposed by the Commission

Amendment

Article 80a

Processing of personal data and public access to official documents

Personal data in documents held by a public authority or a public body may be disclosed by this authority or body in accordance with Union or Member State law regarding public access to official documents, in order to reconcile the right to the protection of personal data with the principle of public access to official documents.

Or. en

Amendment 2969
Jan Philipp Albrecht

Proposal for a regulation
Article 80 a (new)

Text proposed by the Commission

Amendment

Article 80a

Access to documents

1. Member States may provide in their national legislation for rules necessary to reconcile the right of access to documents with the principles in Chapter 2.

2. Each Member State shall notify to the Commission provisions of its law which it adopts pursuant to paragraph 1 by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.

Or. en

Justification

(See amendment 11 from the rapporteur on recital 18.) This clause ensures that existing laws on freedom of information and access to documents remain unaffected.

Amendment 2970
Louis Michel

Proposal for a regulation
Article 80 a (new)

Text proposed by the Commission

Amendment

Article 80a

Member States may determine the conditions for processing a national identification number or any other identifier of general application.

Or. en

Amendment 2971
Anna Hedh, Marita Ulvskog

Proposal for a regulation
Article 80 a (new)

Text proposed by the Commission

Amendment

Article 80a

***Processing of personal data and the
principle of public access to official
documents***

This Regulation allows the principle of public access to official documents to be taken into account when applying the provisions set out in this Regulation. Personal data in documents held by a public authority or a public body may be disclosed by this authority or body in accordance with Member State legislation to which the public authority or public body is subject. Such legislation shall reconcile the right to the protection of personal data with the principle of public access to official documents.

Or. en

Amendment 2972
Louis Michel

Proposal for a regulation
Article 81

Text proposed by the Commission

Amendment

Article 81

deleted

Processing of personal data concerning health

1. Within the limits of this Regulation and in accordance with point (h) of Article 9(2), processing of personal data concerning health must be on the basis of Union law or Member State law which shall provide for suitable and specific measures to safeguard the data subject's legitimate interests, and be necessary for:

(a) the purposes of preventive or occupational medicine, medical diagnosis, the provision of care or treatment or the management of health-care services, and where those data are processed by a health professional subject to the obligation of professional secrecy or another person also subject to an equivalent obligation of confidentiality under Member State law or rules established by national competent bodies; or

(b) reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety, inter alia for medicinal products or medical devices; or

(c) other reasons of public interest in areas such as social protection, especially in order to ensure the quality and cost-effectiveness of the procedures used for settling claims for benefits and services in the health insurance system.

2. Processing of personal data concerning health which is necessary for historical, statistical or scientific research purposes, such as patient registries set up for improving diagnoses and differentiating between similar types of diseases and preparing studies for therapies, is subject to the conditions and safeguards referred to in Article 83.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying other reasons of public interest in the area of public health as referred to in point (b) of paragraph 1, as well as criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1.

Or. en

Amendment 2973
Marie-Christine Vergiat

Proposal for a regulation
Article 81 – paragraph 1 – point a

Text proposed by the Commission

a) the purposes of preventive or occupational medicine, medical diagnosis, the provision of care or treatment or the management of health-care services, and where those data are processed by a health professional subject to the obligation of professional secrecy or another person also subject to an equivalent obligation of confidentiality under Member State law or rules established by national competent bodies; or

Amendment

a) the purposes of preventive or occupational medicine, **scientific research**, medical diagnosis, the provision of care or treatment or the management of health-care services, and where those data are processed by a health professional subject to the obligation of professional secrecy or another person also subject to an equivalent obligation of confidentiality under Member State law or rules established by national competent bodies; or

Or. fr

Amendment 2974
Sirpa Pietikäinen

Proposal for a regulation
Article 81 – paragraph 1 – point a a (new)

Text proposed by the Commission

Amendment

(aa) Subject to the exception in paragraph 1(b), data falling within categories of data covered by Articles 8 and 9 may be processed for historical, statistical or scientific research only with the consent of the data subjects. The consent can be given as a one-time consent for the scope of content specific research.

Or. en

Amendment 2975
Philippe Juvin

Proposal for a regulation
Article 81 – paragraph 1 – point b

Text proposed by the Commission

(b) reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety, inter alia for medicinal products or medical devices; or

Amendment

(b) reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and safety, inter alia for medicinal products or medical devices, ***and if the processing is carried out by a person bound by a confidentiality obligation***; or

Or. fr

Amendment 2976
Carmen Romero López, Juan Fernando López Aguilar

Proposal for a regulation
Article 81 – paragraph 1 – point b

Text proposed by the Commission

(b) reasons of public interest in the area of public health, ***such as*** protecting against serious cross-border threats to health or ensuring high standards of quality and safety, inter alia for medicinal products or medical devices; or

Amendment

(b) reasons of public interest in the area of public health, ***including*** protecting against serious cross-border threats to health or ensuring high standards of quality and safety, inter alia for medicinal products or medical devices; o

Or. es

Amendment 2977
Marie-Christine Vergiat

Proposal for a regulation
Article 81 – paragraph 1 – point b

Text proposed by the Commission

(b) reasons of public interest in the area of public health, such as protecting against serious cross-border threats to health or ensuring high standards of quality and

Amendment

Does not apply to English text.

safety, inter alia for medicinal products or medical devices; or

Or. fr

Amendment 2978

Axel Voss

Proposal for a regulation

Article 81 – paragraph 1 – point c

Text proposed by the Commission

(c) other reasons of public interest in areas such as social protection, especially in order to ensure the quality and cost-effectiveness of the procedures used for settling claims for benefits and services in the health insurance system.

Amendment

(c) other reasons of public interest in areas such as social protection, especially in order to ensure the quality and cost-effectiveness of the procedures used for settling claims for benefits and services in the health insurance system **and the provision of health services.**

Or. en

Amendment 2979

Claude Moraes, Glenis Willmott

Proposal for a regulation

Article 81 – paragraph 1 – point c

Text proposed by the Commission

(c) other reasons of public interest in areas such as social protection, especially in order to ensure the quality and cost-effectiveness of the procedures used for settling claims for benefits and services in the health insurance system.

Amendment

(c) other reasons of public interest in areas such as social protection, especially in order to ensure the quality and cost-effectiveness of the procedures used for settling claims for benefits and services in the health insurance system **and the provision of health services. Such processing of personal data concerning health for reasons of public interest should not result in data being processed for other purposes by third parties such as employers, insurance and banking companies.**

Justification

There is a need to reiterate Recital 123 within Article 81. This confirms that personal data concerning health cannot be used for other purposes by third parties such as employers, insurance and banking companies.

Amendment 2980

Claude Moraes, Glenis Willmott

Proposal for a regulation**Article 81 – paragraph 1 – point c***Text proposed by the Commission*

(c) other reasons of public interest in areas such as social protection, ***especially*** in order to ensure the quality and cost-effectiveness of the procedures used for settling claims for benefits and services in the health insurance system.

Amendment

(c) other reasons of public interest in areas such as social protection, in order to ensure ***its mission as defined in Member States' national legislation, including*** the quality and cost-effectiveness of the procedures used for settling claims for benefits and services in the health insurance system.

Justification

As it stands, Article 81-1 (c) indicates that health data processing is necessary for social protection but its formulation could be seen as limiting.

Amendment 2981

Sarah Ludford, Charles Tannock

Proposal for a regulation**Article 81 – paragraph 1 – point c***Text proposed by the Commission*

(c) other reasons of public interest in areas such as social protection, especially in order to ensure the quality and cost-effectiveness of the procedures used for settling claims for benefits and services in

Amendment

(c) other reasons of public interest in areas such as social protection, especially in order to ensure the quality and cost-effectiveness of the procedures used for settling claims for benefits and services in

the health insurance system.

the health insurance system ***and the provision of health services.***

Or. en

Justification

Self-explanatory.

Amendment 2982
Nathalie Griesbeck

Proposal for a regulation
Article 81 – paragraph 1 – point c

Text proposed by the Commission

(c) other reasons of public interest in areas such as social protection, especially in order to ensure the quality and cost-effectiveness of the procedures used for settling claims for benefits and services in the health insurance system.

Amendment

(c) other reasons of public interest in areas such as social protection, especially in order to ensure the quality and cost-effectiveness of the procedures used for settling claims for benefits and services in the health insurance system, ***and in the context of tasks defined by the laws of the Member States in the area of social protection.***

Or. fr

Justification

This amendment seeks to offer the Member States greater flexibility in the context of the use of personal data in the area of social protection, in keeping with the complexity of that area and the aims pursued.

Amendment 2983
Marie-Christine Vergiat

Proposal for a regulation
Article 81 – paragraph 1 – point c

Text proposed by the Commission

(c) other reasons of public interest in areas

Amendment

(c) other reasons of public interest in areas

such as social protection, especially in order to ensure the quality **and cost-effectiveness** of the procedures used for settling claims for benefits and services in the health insurance system.

such as social protection, especially in order to ensure the quality of the procedures used for settling claims for benefits and services in the health insurance system.

Or. fr

Justification

The quality and security of procedures must be among the basic guarantees provided in the area of data protection, and all the more so where health data are concerned, the particularly sensitive nature of which should be emphasised. These guarantees, and the measures taken to implement them, are all the more important in the current context of the development of 'e-health', which makes a greater degree of health data security essential.

Amendment 2984 **Wim van de Camp**

Proposal for a regulation **Article 81 – paragraph 1 – point c a (new)**

Text proposed by the Commission

Amendment

(ca) purposes of the entering into, or performance of, insurance contracts, especially in order to make an assessment of insured risks, the calculation of premiums, the settlement of claims and payment of benefits and the prevention and detection of fraud under insurance contracts.

Or. en

Justification

Processing of relevant health data is fundamental for instance for the provision of insurance services (e.g. life insurance), and should be allowed for the assessment of insured risks, the calculation of premiums and the settlement of claims and the payment of benefits without the obligation to request the explicit, specific and informed consent of the data subject prior to every processing.

Amendment 2985
Sarah Ludford

Proposal for a regulation
Article 81 – paragraph 2

Text proposed by the Commission

2. Processing of personal data concerning health which is necessary for historical, statistical or scientific research purposes, such as patient registries set up for improving diagnoses and differentiating between similar types of diseases and preparing studies for therapies, is subject to the conditions and safeguards referred to in Article 83.

Amendment

2. *Without prejudice to any exemptions or derogations made under Article 80,* processing of personal data concerning health which is necessary for historical, statistical or scientific research purposes, such as patient registries set up for improving diagnoses and differentiating between similar types of diseases and preparing studies for therapies, is subject to the conditions and safeguards referred to in Article 83.

Or. en

Justification

It needs to be made clear that Article 81 is complementary to Article 80, not restrictive of it.

Amendment 2986
Marian Harkin

Proposal for a regulation
Article 81 – paragraph 2

Text proposed by the Commission

2. Processing of personal data concerning health which is necessary for historical, statistical or scientific research purposes, ***such as patient registries set up for improving diagnoses and differentiating between similar types of diseases and preparing studies for therapies, is*** subject to the conditions and safeguards referred to in Article 83.

Amendment

2. Processing of personal data concerning health which is necessary for historical, statistical or scientific research purposes, ***shall be permitted only with the consent of the data subject, and shall be*** subject to the conditions and safeguards referred to in Article 83.

Or. en

Amendment 2987
Sarah Ludford, Charles Tannock

Proposal for a regulation
Article 81 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where the data subject is required to give consent for the processing of personal data relating to health, the option of broad consent should be available. Member States may in any case provide for exceptions to the requirement of consent for the use of personal data for research, as referred to in paragraph 2, with regard to research that serves a high public interest. Such exemptions for processing shall be subject to a requirement that it be carried out if reasonable using anonymised or pseudonymised data. Data must be anonymised or pseudonymised under the highest technical standards and all necessary measures shall be taken to prevent re-identification of the data subjects.

Or. en

Justification

'Broad consent' is a practical solution for protecting and fostering health research.

Amendment 2988
Marie-Christine Vergiat

Proposal for a regulation
Article 81 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The collection and re-use of health data for commercial purposes shall not be

compatible with this Regulation.

Or. fr

Amendment 2989

Alexander Alvaro

Proposal for a regulation

Article 81 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying other reasons of public interest in the area of public health as referred to in point (b) of paragraph 1, as well as criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1. **deleted**

Or. en

Amendment 2990

Axel Voss

Proposal for a regulation

Article 81 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying other reasons of public interest in the area of public health as referred to in point (b) of paragraph 1, as well as criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1. **deleted**

Or. en

Amendment 2991

Agustín Díaz de Mera García Consuegra

Proposal for a regulation

Article 81 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying other reasons of public interest in the area of public health as referred to in point (b) of paragraph 1, as well as criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1.

Deleted

Or. es

Amendment 2992

Sarah Ludford

Proposal for a regulation

Article 81 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying other reasons of public interest in the area of public health as referred to in point (b) of paragraph 1, as well as criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1.

deleted

Or. en

Amendment 2993
Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation
Article 81 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying other reasons of public interest in the area of public health as referred to in point (b) of paragraph 1, as well as criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1. **deleted**

Or. en

Amendment 2994
Marie-Christine Vergiat

Proposal for a regulation
Article 81 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying other reasons of public interest in the area of public health as referred to in point (b) of paragraph 1, as well as criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1. **deleted**

Or. fr

Amendment 2995
Sari Essayah

Proposal for a regulation
Article 81 – paragraph 3

Text proposed by the Commission

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying other reasons of public interest in the area of public health as referred to in point (b) of paragraph 1, ***as well as criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1.***

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying other reasons of public interest in the area of public health as referred to in point (b) of paragraph 1.

Or. en

Amendment 2996
Dimitrios Droutsas

Proposal for a regulation
Article 81 – paragraph 3

Text proposed by the Commission

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying other reasons of public interest in the area of public health as referred to in point (b) of paragraph 1, as well as criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1.

Amendment

3. The Commission shall be empowered to adopt, ***after requesting an opinion of the European Data Protection Board,*** delegated acts in accordance with Article 86 for the purpose of further specifying other reasons of public interest in the area of public health as referred to in point (b) of paragraph 1, as well as criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1.

Or. en

Amendment 2997
Sarah Ludford

Proposal for a regulation
Article 81 – paragraph 3 a (new)

3a. A controller or processor may transfer personal data to a third country or an international organisation for health purposes if:

(a) these purposes cannot reasonably be fulfilled by processing data which does not permit or not any longer permit the identification of the data subject;

(b) the recipient does not reasonably have access to data enabling the attribution of information to an identified or identifiable data subject; and

(c) contractual clauses between the controller or processor and the recipient of the data prohibit re-identification of the data subject and limit processing in accordance with the conditions and safeguards laid down in this Article.

Or. en

Justification

The transfer of pseudonymised data for research purposes is legitimate.

Amendment 2998

Sarah Ludford, Charles Tannock

Proposal for a regulation

Article 81 – paragraph 3 b (new)

3b. Within the limits of this Regulation, personal data may be processed for the purposes of a manufacturer's regulatory pre- and post-marketing obligations with respect to clinical evaluation of medical devices.

Or. en

Justification

Self-explanatory.

Amendment 2999
Monika Hohlmeier

Proposal for a regulation
Article 81 a (new)

Text proposed by the Commission

Amendment

Article 81a

***Data processing for the purpose of
enforcing the law***

***The processing of personal data by courts
and bailiffs shall be subject to the
procedural law laid down by the
European Union and the Member States.
This shall ensure an adequate balance
between the requirement to allow a
judicial hearing, the protection of
personal data and the obligation to
maintain effective legal protection.***

Or. de

Justification

Die Datenverarbeitung durch Gerichte und Gerichtsvollzieher benötigt eine Bereichsausnahme für die Gerichtsbarkeit. Denn insoweit besteht die Besonderheit, dass die jeweiligen Verfahrensordnungen, die in Teilen ebenfalls durch Unionsrecht harmonisiert sind, speziellere Vorschriften enthalten, die auch datenschutzrechtlich relevante Fragen wie die nach den Voraussetzungen für die Gewährung von Akteneinsicht regeln. Diese Vorschriften tragen dem Umstand Rechnung, dass zwischen dem Schutz personenbezogener Daten und dem Gebot der Gewährung rechtlichen Gehörs sowie der Verpflichtung zur Gewährung effektiven Rechtsschutzes ein Spannungsverhältnis besteht.

Amendment 3000
Monika Hohlmeier

Proposal for a regulation
Article 81 b (new)

Text proposed by the Commission

Amendment

Article 81b

Data protection in the field of executing sentences and carrying out punishments

Member States may, in accordance with the provisions of this regulation, adopt special legal provisions laying down the conditions for the processing of personal data by courts, public prosecutions departments and prisons in the public interest in connection with executing sentences and carrying out punishments.

Or. de

Amendment 3001

Axel Voss

Proposal for a regulation

Article 82

Text proposed by the Commission

Amendment

Article 82

deleted

Processing in the employment context

1. Within the limits of this Regulation, Member States may adopt by law specific rules regulating the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.

2. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1.

Or. en

Justification

The effect of harmonising the legal bases across Europe via this regulation should include Data protection in the employment context. This article is thus deleted.

Amendment 3002
Nils Torvalds

Proposal for a regulation
Article 82 – paragraph 1

Text proposed by the Commission

1. Within the limits of this Regulation, Member States may adopt by law specific rules regulating the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the

Amendment

1. Within the limits of this Regulation, Member States may adopt by law ***or by collective agreements*** specific rules regulating the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the

employment relationship.

employment relationship.

Or. en

Amendment 3003

Claude Moraes

Proposal for a regulation

Article 82 – paragraph 1

Text proposed by the Commission

1. ***Within the limits of*** this Regulation, Member States may ***adopt by law specific rules regulating*** the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.

Amendment

1. ***In accordance with the rules set out in*** this Regulation, Member States may ***in accordance with national law and practices regulate*** the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.

Or. en

Amendment 3004

Jens Rohde, Adina-Ioana Vălean

Proposal for a regulation

Article 82 – paragraph 1

Text proposed by the Commission

1. Within the limits of this Regulation, Member States may adopt by law specific rules regulating the processing of employees' personal data in the

Amendment

1. Within the limits of this Regulation, Member States ***or collective agreement among employers and employees*** may adopt by law specific rules regulating the

employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.

processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, ***criminal conviction***, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.

Or. en

Amendment 3005
Dimitrios Droutsas

Proposal for a regulation
Article 82 – paragraph 1

Text proposed by the Commission

1. ***Within the limits of*** this Regulation, Member States may ***adopt by law*** specific rules regulating the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.

Amendment

1. ***In accordance with the rules set out in*** this Regulation, Member States may, ***in accordance with national law and practices, adopt*** specific rules regulating the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.

This is without prejudice to the Member States right to promote or permit

collective agreements concluded between social partners which are more favourable to workers.

The level of protection of this Regulation is to be the minimum standard by law or collective agreements.

Or. en

Amendment 3006

Birgit Sippel, Josef Weidenholzer, Jutta Steinruck

Proposal for a regulation

Article 82 – paragraph 1

Text proposed by the Commission

1. ***Within the limits of*** this Regulation, Member States may adopt by law specific rules regulating the processing of employees' personal data in the employment context, in particular for the purposes of *the* recruitment, the performance of the contract of employment, including discharge of obligations laid down by law ***or*** by collective agreements, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.

Amendment

1. ***In accordance with*** this Regulation, Member States may adopt by law – ***by enacting legal provisions*** – specific rules regulating the processing of employees' personal data in the employment context, in particular, ***but not exclusively***, for the purposes of recruitment ***and applications for posts within a group of undertakings***, the performance of the contract of employment, including discharge of obligations laid down by law ***and*** by collective agreements, ***company agreements and wage agreements***, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.

It shall not be permissible to provide a level of protection lower than that afforded by this regulation

The right of the Member States to lay down protective provisions on the processing of personal data in the context of employment which are more favourable to employees shall be unaffected.

Without prejudice to the other provisions of this regulation, the legal provisions of the Member States referred to in paragraph 1 shall at the minimum include the following minimum standards:

Or. de

Amendment 3007
Anna Hedh, Marita Ulvskog

Proposal for a regulation
Article 82 – paragraph 1

Text proposed by the Commission

1. *Within the limits of this Regulation*, Member States may *adopt by law* specific rules regulating the processing of employees' personal data *in the employment context*, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.

Amendment

1. Member States may *in accordance with national law and practices adopt* specific rules regulating the processing of employees' personal data *on the labour market* in particular for *but not limited to* the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship. *This regulation recognizes the role of the social partners. In countries where it has been left to the parties on the labour market to regulate wages and various other work condition through collective agreements the social partners' obligations and rights under collective agreements should be taken into specific consideration when applying Article 6(1)(f).*

Or. en

Amendment 3008

Jean Lambert

Proposal for a regulation

Article 82 – paragraph 1

Text proposed by the Commission

1. *Within the limits of* this Regulation, **Member States may** adopt by **law** specific rules regulating the processing of employees' personal data in the employment context, in particular **for** the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law **or** by collective agreements, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.

Amendment

1. **Member States may, in accordance with the rules set out in** this Regulation, **and taking into account the principle of proportionality** adopt by **legal provisions** specific rules regulating the processing of employees' personal data in the employment context, in particular **but not limited to** the purposes of the recruitment **and job applications within the group of undertakings**, the performance of the contract of employment, including discharge of obligations laid down by law **and** by collective agreements, **company agreements and collective agreements in accordance with national law and practice**, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.

The right of Member States - or the social partners via collective agreements - to provide employees with more favourable protection provisions in respect of the processing of personal data in the employment context shall remain unaffected.

Or. en

Amendment 3009

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 82 – paragraph 1

Text proposed by the Commission

1. ***Within the limits of*** this Regulation, Member States may adopt by law specific rules regulating the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.

Amendment

1. ***In accordance with the rules set out in*** this Regulation, Member States may adopt by law specific rules regulating the processing of employees' personal data in the employment context, in particular for the purposes of the recruitment, the performance of the contract of employment, including discharge of obligations laid down by law or by collective agreements, management, planning and organisation of work, health and safety at work, and for the purposes of the exercise and enjoyment, on an individual or collective basis, of rights and benefits related to employment, and for the purpose of the termination of the employment relationship.

Or. en

Amendment 3010

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 82 – paragraph 1 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

The right of the Member States to lay down protective provisions on the processing of personal data in the context of employment which are more favourable to employees shall be unaffected.

Or. de

Amendment 3011

Birgit Sippel, Josef Weidenholzer, Jutta Steinruck

Proposal for a regulation

Article 82 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Profiling in connection with employment shall not be permitted.

Or. de

Amendment 3012

Claude Moraes, Glenis Willmott

Proposal for a regulation

Article 82 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The following data processing by the employer in the employment context is prohibited:

(a) data processed without information provided to the worker in advance as set out in Article 14;

(b) genetic data;

(c) medical data;

(d) monitoring of trade union and worker representatives in their function including the blacklisting of workers.

Or. en

Amendment 3013

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 82 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Data on employees may be processed only in a manner and for purposes which either

(a) are bindingly laid down by a national law; or

- (b) are necessary as a basis for employment or to carry out or terminate employment; or*
- (c) are necessary for the fulfilment of duties under an employment contract or the exercise of rights arising from employment; or*
- (d) are necessary for the proper functioning of IT systems; or*
- (e) are necessary for services within a business which an employee uses without being compelled to do so.*

Or. de

Amendment 3014
Anna Hedh, Marita Ulvskog

Proposal for a regulation
Article 82 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The following data processing by the employer or by a third party directly or indirectly linked to the employer or working by order or account for the employer in the employment context is prohibited:

- (a) without information in advance provided to the worker as set out in Article 14;***
- (b) permanent control of workers or control of their performance and behaviour independently of the technology used;***
- (c) genetic data;***
- (d) medical data;***
- (e) monitoring of trade union and worker representatives in their function including the blacklisting of workers.***

This applies to the personal data of the worker and a job applicant.

Amendment 3015

Birgit Sippel, Josef Weidenholzer, Jutta Steinruck

Proposal for a regulation

Article 82 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Workers' personal data, especially sensitive data such as political orientation and membership of and activities in trade unions, may under no circumstances be used to put workers on so-called 'blacklists', and to vet or bar them from future employment. The processing, the use in the employment context, the drawing-up and passing-on of blacklists of employees shall be prohibited. Member States shall conduct checks and adopt adequate sanctions in accordance with Article 79(6) to ensure effective implementation of this paragraph.

Or. de

Amendment 3016

Claude Moraes, Glenis Willmott

Proposal for a regulation

Article 82 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Processing in the social security context

Member States may, in accordance with the rules set out in this Regulation, adopt specific legislative rules particularising the conditions for the processing of personal data by their public and private institutions and departments in the social security context if carried out in the

public interest.

Each Member State shall notify to the Commission those provisions which it adopts pursuant to subparagraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.

Or. en

Justification

Data processing in the context of social security is carried out by both public and private non-profit bodies.

Amendment 3017

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 82 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Without prejudice to the other provisions of this regulation, the legal provisions of the Member States referred to in paragraph 1 shall at the minimum include the following minimum standards:

(a) Processing of data on employees without the employees' knowledge shall not be permitted. The private and intimate life of employees shall always be respected;

(b) Optical electronic surveillance of parts of the business premises which are not accessible to the public and are predominantly used for purposes of an employee's private life, particularly in sanitary facilities, changing rooms, rooms where breaks are spent and bedrooms, shall not be permitted;

(c) Optical electronic surveillance of publicly accessible parts of the business premises and parts which are not

accessible to the public and are not predominantly used for purposes of an employee's private life, such as entry halls, foyers, offices, workshops or the like, shall be permitted only to the extent that it is absolutely necessary for the safety/security of the employee and of the business;

(d) Insofar as possible, surveillance of public parts of the business should not include surveillance of the employee in his place of work. Before surveillance is performed, the employee shall be informed when and for how long the surveillance devices will be operated;

(e) Acoustic electronic surveillance shall be permitted only on compelling grounds of public safety, for example in the cockpit of an aircraft. Secret surveillance shall always be prohibited;

(f) Any surveillance of employees' representatives who are provided for by European Union law or domestic law and/or customs, including trade union representatives, shall be prohibited in relation to their representative activity. The same shall apply to blacklisting;

(g) Medical data on employees, particularly those gathered in connection with occupational health care examinations pursuant to Article 81(1)(a), may also not be disclosed to the employer;

(h) Profiling and processing whose purpose is to permanently monitor employees, their performance or their conduct, shall be prohibited. This shall apply irrespective of the technology used.

Or. de

Amendment 3018

Birgit Sippel, Josef Weidenholzer, Jutta Steinruck

Proposal for a regulation

Article 82 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Surveillance to monitor the performance of employees shall be prohibited.

Or. de

Amendment 3019

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 82 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. In the cases referred to in points (b) to (e) of paragraph 1a and for the purposes of this regulation, it shall be permitted for domestic laws or collective agreements between employers and employees – insofar as these are provided for by law – to create a basis for the admissibility of specific procedures, the design of procedures or implementation or to prohibit processing.

Or. de

Amendment 3020

Birgit Sippel, Josef Weidenholzer, Jutta Steinruck

Proposal for a regulation

Article 82 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Processing of data on employees without the employees' knowledge shall not be permitted. The private and intimate life of employees shall always be respected.

Or. de

Amendment 3021

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 82 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. If a representative body has been established for employees within an undertaking in accordance with the law of the Member State, processing by the employer shall be permitted only if the statutory participation rights have been respected.

Or. de

Amendment 3022

Birgit Sippel, Josef Weidenholzer, Jutta Steinruck

Proposal for a regulation

Article 82 – paragraph 1 e (new)

Text proposed by the Commission

Amendment

1e. Open optical electronic surveillance and/or open acoustic electronic surveillance of parts of the business premises which are not accessible to the public and are predominantly used for purposes of an employee's private life, particularly in sanitary facilities, changing rooms, rooms where breaks are spent and bedrooms, shall not be permitted. Open optical electronic surveillance and/or open acoustic electronic surveillance of publicly accessible parts of the business premises or parts which are not accessible to the public and are not predominantly used for purposes of an employee's private life, such as entry halls, foyers, offices, workshops or the like, shall be permitted only to the extent that it is absolutely

necessary for the safety/security of the employee and of the business. Surveillance of public parts of the business should not include surveillance of the employee in his place of work, except insofar as this is unavoidable. Before surveillance is performed, the employee shall be informed when and for how long the surveillance devices will be operated. Recordings of the surveillance shall be deleted after a short time, at the latest one month after the surveillance has taken place. Secret surveillance shall always be prohibited.

Or. de

Amendment 3023
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Article 82 – paragraph 1 e (new)

Text proposed by the Commission

Amendment

1e. If there is an intention to communicate data concerning employees to entities which fall outside the scope of this regulation, the employer's data protection officer shall without fail perform an assessment pursuant to Article 33.

Or. de

Amendment 3024
Birgit Sippel, Josef Weidenholzer, Jutta Steinruck

Proposal for a regulation
Article 82 – paragraph 1 f (new)

Text proposed by the Commission

Amendment

1f. If undertakings collect or process personal data in connection with statutory

medical examinations and/or aptitude tests, they must, in advance, inform the applicant or employee of the purpose for which the data are to be used, and subsequently communicate the data to them together with the findings, and explain them. Collection of data for the purpose of genetic testing and analyses shall be prohibited.

Collection and processing of personal data as part of medical examinations and/or aptitude tests must be necessary for the protection of health at work and preventive health care with reference to the employment relationship. The employer may not have direct access to the data. Data concerning applicants shall be treated in the same way as data concerning employees.

Collection of health data in preparation for dismissal on health grounds shall be prohibited.

Or. de

Amendment 3025

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 82 – paragraph 1 f (new)

Text proposed by the Commission

Amendment

If. Data concerning the conduct or performance of employees which have been collected or processed in a manner which breaches this regulation may not be used either judicially or extrajudicially.

Or. de

Amendment 3026

Birgit Sippel, Josef Weidenholzer, Jutta Steinruck

Proposal for a regulation
Article 82 – paragraph 1 g (new)

Text proposed by the Commission

Amendment

1g. Legal provisions may be laid down, particularly by means of collective agreements, stipulating whether and to what extent the telephone, e-mail, Internet and other telecommunications services may also be used for private purposes. Private use may also be permitted by an employment contract. If private use is permitted, processing of traffic data collected with reference to it shall only be permitted for the preservation of data security, to ensure the proper functioning of telecommunications networks and telecommunications services, and to levy charges, after the employee has been informed. Furthermore, the content of private e-mails shall not be analysed.

Or. de

Amendment 3027
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Article 82 – paragraph 1 g (new)

Text proposed by the Commission

Amendment

1g. Employees' representative bodies or trade unions may exercise rights pursuant to Article 76 on behalf of the employees whom they represent.

Or. de

Amendment 3028
Birgit Sippel, Josef Weidenholzer, Jutta Steinruck

Proposal for a regulation
Article 82 – paragraph 1 h (new)

Text proposed by the Commission

Amendment

1h. Collection and processing of information/data concerning employees or applicants via social networks which are not specifically job application portals shall be prohibited.

Or. de

Amendment 3029

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 82 – paragraph 1 h (new)

Text proposed by the Commission

Amendment

1h. Without prejudice to domestic legal provisions concerning the rights of participation of employees' representative bodies, the latter should be involved in any decision:

(a) to appoint the business's data protection officer pursuant to Section 4;

(b) to establish and adapt data-processing systems;

(c) to formulate Binding Corporate Rules.

Or. de

Amendment 3030

Birgit Sippel, Josef Weidenholzer, Jutta Steinruck

Proposal for a regulation

Article 82 – paragraph 1 i (new)

Text proposed by the Commission

Amendment

1i. Data on employees which are inaccurate, whose accuracy is contested by employees or which have been collected by unauthorised means may not

be used.

Or. de

Amendment 3031

Birgit Sippel, Josef Weidenholzer, Jutta Steinruck

Proposal for a regulation

Article 82 – paragraph 1 j (new)

Text proposed by the Commission

Amendment

1j. Employees who have refused unauthorised examinations or requests for information or have given false answers to them, or who have objected to unauthorised collection/use of data on employees may not be disadvantaged.

Or. de

Amendment 3032

Birgit Sippel, Josef Weidenholzer

Proposal for a regulation

Article 82 – paragraph 1 k (new)

Text proposed by the Commission

Amendment

1k. Without prejudice to rights to information and codetermination pursuant to domestic labour law, the workplace representation and European Works Council shall have the following rights:

(a) the right to be consulted on the appointment of the business's data protection officer (Article 35(7));

(b) the right to be consulted and informed regularly by the business's data protection officer;

(c) the right to representation of employees concerned before a regular national court (Article 73) and the right to

bring a class action (Article 75);
(d) the right to be consulted on the
formulation of binding corporate rules
(Article 43).

Or. de

Amendment 3033
Anna Hedh, Marita Ulvskog

Proposal for a regulation
Article 82 – paragraph 2

Text proposed by the Commission

Amendment

2. Each Member State shall notify to the Commission those provisions of its law which it adopts pursuant to paragraph 1, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.

deleted

Or. en

Amendment 3034
Dimitrios Droutsas

Proposal for a regulation
Article 82 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. In case of obligatory medical examinations and qualifying tests of applicants the data subject must be informed before the data is collected.

Or. en

Amendment 3035
Anna Hedh, Marita Ulvskog

Proposal for a regulation
Article 82 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Trade unions shall have the right to represent the employee when reporting complaints to the supervisory authority or when seeking judicial remedy. Trade Unions shall furthermore have the right to take class action.

Or. en

Amendment 3036
Marie-Christine Vergiat

Proposal for a regulation
Article 82 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The collection and re-use of employment data for commercial purposes shall not be compatible with this Regulation.

Or. fr

Amendment 3037
Dimitrios Droutsas

Proposal for a regulation
Article 82 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Open optical - electronic control or biometric devices are only allowed in exceptional cases and only with the consent of the workers representatives. The conditions for control are to be laid down through law or collective agreements.

Amendment 3038

Alexander Alvaro

Proposal for a regulation

Article 82 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1. **deleted**

Or. en

Amendment 3039

Sari Essayah

Proposal for a regulation

Article 82 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1. **deleted**

Or. en

Amendment 3040

Agustín Díaz de Mera García Consuegra

Proposal for a regulation

Article 82 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1.

Deleted

Or. es

**Amendment 3041
Dimitrios Droutsas**

**Proposal for a regulation
Article 82 – paragraph 3**

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1.

deleted

Or. en

**Amendment 3042
Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation
Article 82 – paragraph 3**

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the safeguards for the processing of personal data for the purposes referred to

deleted

in paragraph 1.

Or. en

Amendment 3043

Anna Hedh, Marita Ulvskog

Proposal for a regulation

Article 82 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1. **deleted**

Or. en

Amendment 3044

Marie-Christine Vergiat

Proposal for a regulation

Article 82 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the safeguards for the processing of personal data for the purposes referred to in paragraph 1. **deleted**

Or. fr

Amendment 3045

Dimitrios Droutsas

Proposal for a regulation
Article 82 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Trade unions have the right to represent the workers concerned when taking a complaint to the supervisory authority, or when seeking a judicial remedy.

Or. en

Amendment 3046
Dimitrios Droutsas

Proposal for a regulation
Article 82 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. On a proposal from the Commission, the European Parliament and the Council shall review this Article no later than 2 years after the date referred to in Article 91(2).

Or. en

Amendment 3047
Csaba Sógor

Proposal for a regulation
Article 82 a (new)

Text proposed by the Commission

Amendment

Article 82a

Processing in the social security context
1. Member States may, in accordance with the rules set out in this Regulation, adopt specific legislative rules particularising the conditions for the processing of personal data by their public institutions

and departments in the social security context if carried out in the public interest.

2. Each Member State shall notify the Commission of the rules adopted in national law pursuant to paragraph 1 by the date specified in Article 91(2) at the latest and of any subsequent amendment affecting them within one month of the amendment being adopted.

Or. hu

Justification

‘Without delay’ is not a tangible concept. A precise deadline must be given.

Amendment 3048
Marie-Christine Vergiat

Proposal for a regulation
Article 82 a (new)

Text proposed by the Commission

Amendment

Article 82a

Processing in the context of social security

1. In accordance with the rules laid down in this Regulation, Member States may adopt specific legislative provisions setting out the conditions governing the processing of personal data by their public and private social security institutions and services, provided that processing is carried out in the public interest.

2. Each Member State shall notify the Commission at the latest by the date specified in Article 91(2) of the provisions which it has adopted pursuant to paragraph 1 and without delay of any subsequent amendment affecting those provisions.

Justification

This amendment essentially takes over the rapporteur's Amendment 333. However, it also covers private social security institutions and services, such as mutual social security companies.

Amendment 3049

Anna Hedh, Christel Schaldemose, Marita Ulvskog

Proposal for a regulation**Article 83 – title***Text proposed by the Commission*

Processing for historical, statistical and scientific **research** purposes

Amendment

Processing for historical, statistical and scientific purposes

Or. en

Justification

The Commission wording is unclear and open to interpretation. It is unclear if it refers to historical research, statistical research and scientific research. If this is the case it would represent a narrowing down of the

Amendment 3050

Axel Voss

Proposal for a regulation**Article 83 – paragraph 1 – introductory part***Text proposed by the Commission*

1. ***Within the limits of this Regulation,*** personal data may be processed for historical, statistical or scientific research purposes only if:

Amendment

1. Personal data may be processed for historical, statistical or scientific research purposes only if:

Or. en

Amendment 3051
Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation
Article 83 – paragraph 1 – introductory part

Text proposed by the Commission

1. Within the limits of this Regulation, personal data may be processed for historical, statistical or scientific **research** purposes only if:

Amendment

1. Within the limits of this Regulation, personal data may be processed for historical, statistical or scientific purposes only if:

Or. en

Amendment 3052
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 83 – paragraph 1 – introductory part

Text proposed by the Commission

1. Within the limits of this Regulation, personal data may be processed for historical, statistical or scientific research purposes only if:

Amendment

1. Within the limits of this Regulation, personal data may be processed for historical, statistical or scientific research purposes, ***or for the purposes of a preliminary official or administrative investigation to determine biological parentage***, only if:

Or. es

Amendment 3053
Anna Hedh, Christel Schaldemose, Marita Ulvskog

Proposal for a regulation
Article 83 – paragraph 1 – point a

Text proposed by the Commission

(a) these purposes cannot be otherwise fulfilled by processing ***data which does not permit or not any longer permit the identification of the data subject***;

Amendment

(a) these purposes cannot be otherwise fulfilled by processing ***anonymous data***;

Amendment 3054

Sarah Ludford

Proposal for a regulation

Article 83 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) data enabling the attribution of information to an identified or identifiable data subject is kept separately from the other information as long as these purposes can be fulfilled in this manner.

deleted

Or. en

Justification

The obligation on a data controller to separate identifiable data from other information before it can be processed for historical, statistical or scientific purposes is both burdensome and potentially excessively costly.

Amendment 3055

Timothy Kirkhope

on behalf of the ECR Group

Proposal for a regulation

Article 83 – paragraph 1 – point b

Text proposed by the Commission

Amendment

(b) data enabling the attribution of information to an identified or identifiable data subject is kept separately from the other information as long as these purposes can be fulfilled in this manner.

(b) data enabling the attribution of information to an identified or identifiable data subject ***where technically and practically possible*** is kept separately from the other information as long as these purposes can be fulfilled in this manner.

Or. en

Amendment 3056
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 83 – paragraph 1 – point b

Text proposed by the Commission

(b) data enabling the attribution of information to an identified or identifiable data subject is kept separately from the other information as long as these purposes can be fulfilled in this manner.

Amendment

(b) data enabling the attribution of information to an identified or identifiable data subject is kept separately from the other information as long as these purposes can be fulfilled in this manner. ***The personal data being processed in the context of a preliminary official or administrative investigation to determine biological parentage shall only be communicated to data subjects when appropriate and without prejudice to the lodging of a criminal complaint if legal provision is made therefor.***

Or. es

Amendment 3057
Claude Moraes, Glenis Willmott

Proposal for a regulation
Article 83 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) where data are to be processed for scientific research purposes, the proposed scientific research project has received a favourable opinion from an independent research ethics committee.

Or. en

Justification

This reflects the role of ethics committees which are an important safeguard that underpins the use of personal data in research without specific consent. Combined with the amendment to Recital 124, this amendment would make the article consistent with the WMA Declaration of Helsinki - Ethical Principles for Medical Research Involving Human Subjects (2008)

Amendment 3058

Axel Voss, Seán Kelly, Wim van de Camp, Véronique Mathieu Houillon, Renate Sommer, Monika Hohlmeier

Proposal for a regulation

Article 83 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the personal data is processed for the purpose of generating aggregate data reports, wholly composed of either anonymous data, pseudonymous data or both.

Or. en

Amendment 3059

Nils Torvalds

Proposal for a regulation

Article 83 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) in case data is to be processed for scientific research purposes, the proposed scientific research project has received a favourable opinion from an independent research ethics committee.

Or. en

Amendment 3060

Marian Harkin

Proposal for a regulation

Article 83 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) Member States law may provide for exceptions to the requirement of consent

for research, as referred to in paragraph 1a, with regard to research that serves an exceptionally high public interests, if that research cannot possibly be carried out otherwise. The data in question shall be anonymised, or if that is not possible for the research purposes, pseudonymised under the highest technical standards, and all necessary measures shall be taken to prevent re-identification of the data subjects. Such processing shall be subject to prior authorisation of the competent supervisory authority, in accordance with Article 34(1).

Or. en

Amendment 3061

Philippe Juvin

Proposal for a regulation

Article 83 – paragraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) the information processed cannot be linked to an identified or identifiable person.

Or. fr

Amendment 3062

Petru Constantin Luhan

Proposal for a regulation

Article 83 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Further processing of data for historical, statistical or scientific purposes shall not be considered as incompatible under point (b) of Article 5(1) provided that the processing:

- (a) is subject to the conditions and safeguards of this Article; and*
- (b) complies with all other relevant legislation.*

Or. en

Justification

Historical, statistical and scientific activities are recognised under the regulation as uses of data that are in the public interest. Specific safeguards which allow the use of data for these purpose are detailed in Article 83. This amendment clarifies the relationship of Article 5(1)(b) to Article 83. The proposal is consistent with the previous legislation. Art. 6(1)(b) of the 1995 Data Protection Directive provides that “Further processing of data for historical, statistical or scientific purposes shall not be considered as incompatible provided that Member States provide appropriate safeguards.” The failure to carry forward this language into the Proposed Regulation appears to have been an oversight. Further, this amendment is consistent with the Council Presidency’s 22 June 2012 proposed amendments to Article 5(1)(b).

Amendment 3063

Jens Rohde, Adina-Ioana Vălean

Proposal for a regulation

Article 83 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Within the limits of this Regulation, especially this article, Member States may adopt specific regulations concerning the processing of personal data for scientific research purposes, in particular public health research.

Or. en

Amendment 3064

Cornelia Ernst

Proposal for a regulation

Article 83 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The processing of personal data for purposes of opinion and social research shall be lawful if the data will be rendered anonymous at the earliest possible moment in such a way that the identification of the data subjects is no longer possible.

Or. en

Amendment 3065

Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation

Article 83 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Further processing of data for historical, statistical or scientific purposes shall not be considered as incompatible with Article 5(1)(b) provided that the processing:

(a) is subject to the conditions and safeguards of this Article; and

(b) complies with all other relevant legislation.

Or. en

Amendment 3066

Sari Essayah

Proposal for a regulation

Article 83 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. A person may give consent that sensitive data concerning that person may be used for non-specified historical,

statistical or scientific research purposes without the person receiving information about each specific research project.

Or. en

Amendment 3067

Nils Torvalds, Eija-Riitta Korhola, Riikka Manner

Proposal for a regulation

Article 83 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The data subject has given his or her consent for the processing of data for historical, statistical and scientific research. For the purposes of historical, statistical and scientific research, a one-time consent is enough and there is no need for explicit consent to be given each time by the data subject, or a need to notify the data subject, separately before the processing of data related to research purposes.

Or. en

Amendment 3068

Anna Hedh, Marita Ulvskog

Proposal for a regulation

Article 83 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Further processing of sensitive personal data for medical research purposes may be allowed in line with relevant national and EU legislation and after a favourable opinion by an Ethics Committee.

Or. en

Justification

The re-use personal data is of great importance when new research questions arise that could not be foreseen when the data was collected. The condition for re-use should be laid down in national legislation and include investigation and approval of Ethics Committee.

Amendment 3069

Sarah Ludford, Charles Tannock

Proposal for a regulation

Article 83 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Further processing of data for historical, statistical or scientific research purposes shall not be considered as incompatible with Article 5(1)(b) provided that the processing:

(a) is subject to the conditions and safeguards of this Article; and

(b) complies with all other relevant legislation.

Or. en

Justification

Clarification

Amendment 3070

Nathalie Griesbeck

Proposal for a regulation

Article 83 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. If the further processing of data for the purposes of historical, statistical or scientific research is consistent with a very significant public interest, and provided that the conditions and guarantees laid down in this article are

complied with, it shall not be subject to the requirement laid down in Article 5(1)(b).

Or. fr

Justification

This amendment seeks to ensure that the collection of personal data for research purposes, where this is necessary and proportionate, is not excessively difficult.

Amendment 3071

Cornelia Ernst

Proposal for a regulation

Article 83 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Subject to the exception in paragraph 1b, data falling within the categories of data covered by Articles 8 and 9 may be processed for historical, statistical or scientific research only with the consent of the data subjects unless they will be rendered anonymous under adequate technical standards and at the earliest possible moment for the research purposes.

Or. en

Amendment 3072

Sarah Ludford

Proposal for a regulation

Article 83 – paragraph 1 – point a

Text proposed by the Commission

Amendment

(a) these purposes cannot ***be otherwise fulfilled*** by processing data which does not permit or not any longer permit the identification of the data subject;

(a) these purposes cannot ***reasonably be achieved*** by processing data which does not permit or not any longer permit the identification of the data subject; ***and***

Justification

This replaces an impossibly strict test with a more workable and reasonable one .

Amendment 3073

Timothy Kirkhope

on behalf of the ECR Group

Proposal for a regulation**Article 83 – paragraph 2**

Text proposed by the Commission

Amendment

2. Bodies conducting historical, statistical or scientific research may publish or otherwise publicly disclose personal data only if: **deleted**

(a) the data subject has given consent, subject to the conditions laid down in Article 7;

(b) the publication of personal data is necessary to present research findings or to facilitate research insofar as the interests or the fundamental rights or freedoms of the data subject do not override these interests; or

(c) the data subject has made the data public.

Amendment 3074

Claude Moraes, Glenis Willmott

Proposal for a regulation**Article 83 – paragraph 2 – introductory part**

Text proposed by the Commission

Amendment

2. Bodies **conducting** historical, statistical or scientific **research** may publish or

2. Bodies **using personal data for** historical, statistical or scientific **purposes**

otherwise publicly disclose personal data only if:

may publish or otherwise publicly disclose personal data only if:

Or. en

Amendment 3075
Petru Constantin Luhan

Proposal for a regulation
Article 83 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. A controller or processor may transfer personal data to a third country or an international organisation for historical, statistical or scientific purposes if:

(a) these purposes cannot be otherwise fulfilled by processing data which does not permit or not any longer permit the identification of the data subject;

(b) the recipient does not reasonably have access to data enabling the attribution of information to an identified or identifiable data subject; and

(c) contractual clauses between the controller or processor and the recipient of the data prohibit re-identification of the data subject and limit processing in accordance with the conditions and safeguards laid down in this Article.

Or. en

Amendment 3076
Axel Voss

Proposal for a regulation
Article 83 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where the data subject is required to give his/her consent for the processing of

medical data exclusively for public health research purposes, the option of broad consent may be available to the data subject for the purposes of epidemiological, translational and clinical research.

Where personal data is collected for statistical and public health purposes, such data should be made anonymous immediately after the end of data collection, checking or matching operations, except if the identification data remain necessary for statistical, and public health purposes such as epidemiological, translational and clinical research.

Or. en

Amendment 3077

Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation

Article 83 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. A controller or processor may transfer personal data to a third country or an international organisation for historical, statistical or scientific purposes if:

(a) these purposes cannot be otherwise fulfilled by processing data which does not permit or not any longer permit the identification of the data subject;

(b) the recipient does not reasonably have access to data enabling the attribution of information to an identified or identifiable data subject; and

(c) contractual clauses between the controller or processor and the recipient of the data prohibit re-identification of the data subject and limit processing in accordance with the conditions and safeguards laid down in this Article.

Justification

A recipient of key-coded data, transferred for scientific research purposes has no means to re-identify subjects, and under this amendment, does not have access to the key and is contractually precluded from re-identifying data subjects. This amendment would formalize a process for reasonably ensuring that key-coded data cannot and will not be re-identified by recipients located in third countries, allowing for the transfer of such data without further burdens.

Amendment 3078
Dimitrios Droutsas

Proposal for a regulation
Article 83 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States can adopt specific measures to regulate the processing of personal data for historical, statistical or scientific purposes while respecting the provisions of paragraphs 1 and 2 of this Article as well as respecting fundamental rights as enshrined in the Charter of fundamental rights of the European Union.

Or. en

Amendment 3079
Sarah Ludford, Charles Tannock

Proposal for a regulation
Article 83 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Where the data subject is required to give his/her consent under this article, the option of broad consent should be available.

Justification

'Broad consent' is a practical solution in the context of research.

Amendment 3080

Marie-Christine Vergiat

Proposal for a regulation

Article 83 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The collection and re-use of historical, statistical and scientific research data for commercial purposes shall not be compatible with this Regulation.

Or. fr

Amendment 3081

Dimitrios Droutsas

Proposal for a regulation

Article 83 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. Each Member State shall notify to the Commission those provisions which it adopts pursuant to paragraph 1b, by the date specified in Article 91(2) at the latest and, without delay, any subsequent amendment affecting them.

Or. en

Amendment 3082

Axel Voss, Philippe Juvin, Véronique Mathieu Houillon

Proposal for a regulation

Article 83 – paragraph 2 – point a

Text proposed by the Commission

(a) the data subject has given consent, subject to the conditions laid down in Article 7;

Amendment

(a) the data subject has given consent, subject to the conditions laid down in Article 7; **or**

Or. en

Amendment 3083
Cornelia Ernst

Proposal for a regulation
Article 83 – paragraph 2 – point b

Text proposed by the Commission

(b) the publication of personal data is necessary to present research findings or to facilitate research insofar as the interests or the fundamental rights or freedoms of the data subject do not override these interests; or

Amendment

deleted

Or. en

Amendment 3084
Claude Moraes, Glenis Willmott

Proposal for a regulation
Article 83 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) Further processing of data for historical, statistical or scientific purposes shall not be considered as incompatible with Article 5(1)(b) provided that the processing:

(i) is subject to the conditions and safeguards of this Article; and

(ii) complies with all other relevant legislation.

Justification

This amendment clarifies that historical, statistical and scientific research purposes are intended to be not incompatible purposes, by relating Article 5(1)(b) to Article 83. The proposal would ensure that the Regulation is consistent with the previous 1995 Data Protection Directive, which states that “Further processing of data for historical, statistical or scientific purposes shall not be considered as incompatible provided that Member States provide appropriate safeguards.” (Article 6(1)(b)). Note: this amendment is consistent with the Council Presidency’s proposed changes in the version dated 22 June 2012.

Amendment 3085

Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation

Article 83 – paragraph 2 – point c a (new)

Text proposed by the Commission

Amendment

(ca) the personal data is processed for the purpose of generating aggregate data reports, wholly composed of either anonymous data, pseudonymous data or both.

Justification

The purpose of such reports is not to identify or go back to individuals. To create such reports, individual data sets are pooled together in an anonymous way and have no privacy impact. Web Analytics are an example of Aggregate Data Reports.

Amendment 3086

Alexander Alvaro

Proposal for a regulation

Article 83 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with ***deleted***

Article 86 for the purpose of further specifying the criteria and requirements for the processing of personal data for the purposes referred to in paragraph 1 and 2 as well as any necessary limitations on the rights of information to and access by the data subject and detailing the conditions and safeguards for the rights of the data subject under these circumstances.

Or. en

Amendment 3087

Axel Voss

Proposal for a regulation

Article 83 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the processing of personal data for the purposes referred to in paragraph 1 and 2 as well as any necessary limitations on the rights of information to and access by the data subject and detailing the conditions and safeguards for the rights of the data subject under these circumstances. **deleted**

Or. en

Amendment 3088

Agustín Díaz de Mera García Consuegra

Proposal for a regulation

Article 83 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further **Deleted**

specifying the criteria and requirements for the processing of personal data for the purposes referred to in paragraph 1 and 2 as well as any necessary limitations on the rights of information to and access by the data subject and detailing the conditions and safeguards for the rights of the data subject under these circumstances.

Or. es

Amendment 3089

Sarah Ludford

Proposal for a regulation

Article 83 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the processing of personal data for the purposes referred to in paragraph 1 and 2 as well as any necessary limitations on the rights of information to and access by the data subject and detailing the conditions and safeguards for the rights of the data subject under these circumstances. **deleted**

Or. en

Amendment 3090

Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation

Article 83 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements **deleted**

for the processing of personal data for the purposes referred to in paragraph 1 and 2 as well as any necessary limitations on the rights of information to and access by the data subject and detailing the conditions and safeguards for the rights of the data subject under these circumstances.

Or. en

Amendment 3091
Dimitrios Droutsas

Proposal for a regulation
Article 83 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the processing of personal data for the purposes referred to in paragraph 1 and 2 as well as any necessary limitations on the rights of information to and access by the data subject and detailing the conditions and safeguards for the rights of the data subject under these circumstances.

deleted

Or. en

Amendment 3092
Louis Michel

Proposal for a regulation
Article 83 – paragraph 3

Text proposed by the Commission

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the processing of personal data for the

deleted

purposes referred to in paragraph 1 and 2 as well as any necessary limitations on the rights of information to and access by the data subject and detailing the conditions and safeguards for the rights of the data subject under these circumstances.

Or. en

Amendment 3093

Jens Rohde, Adina-Ioana Vălean

Proposal for a regulation

Article 83 – paragraph 3

Text proposed by the Commission

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the processing of personal data for the purposes referred to in paragraph 1 and 2 as well as any necessary limitations on the rights of information to and access by the data subject and detailing the conditions and safeguards for the rights of the data subject under these circumstances.

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements, ***exempt technical requirements*** for the processing of personal data for the purposes referred to in paragraph 1 and 2 as well as any necessary limitations on the rights of information to and access by the data subject and detailing the conditions and safeguards for the rights of the data subject under these circumstances.

Or. en

Amendment 3094

Sarah Ludford, Charles Tannock

Proposal for a regulation

Article 83 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. A controller or processor may transfer personal data to a third country or an international organisation for historical, statistical or scientific research purposes if:

- (a) these purposes cannot reasonably be fulfilled by processing data which does not permit or not any longer permit the identification of the data subject;*
- (b) the recipient does not reasonably have access to data enabling the attribution of information to an identified or identifiable data subject; and*
- (c) contractual clauses between the controller or processor and the recipient of the data prohibit re-identification of the data subject and limit processing in accordance with the conditions and safeguards laid down in this Article.*

Or. en

Justification

The transfer of pseudonymised data for research purposes is legitimate.

Amendment 3095

Sarah Ludford

Proposal for a regulation

Article 83 – paragraph 3 b (new)

Text proposed by the Commission

Amendment

3b. The provisions in this Article are without prejudice to exemptions or derogations which Member States should provide for under Article 80 in order to reconcile the right to the protection of personal data with the rules governing freedom of expression including as these relate to freedom of academic inquiry.

Or. en

Justification

This emphasises that Article 83 is complementary to Article 80, not restrictive of it.

Amendment 3096
Sarah Ludford

Proposal for a regulation
Article 83 a (new)

Text proposed by the Commission

Amendment

Article 83a

***Processing of criminal convictions data
for the purpose of the prevention of
financial crime***

***Within the limits of this Regulation and in
accordance with Article 9(2)(j),
processing of personal data concerning
criminal convictions or related security
measures shall be permitted if it provides
for appropriate measures to protect the
data subject's fundamental rights and
freedoms and is for:***

***(a) the purposes of the prevention,
investigation or detection of financial
crime; or***

***(b) reasons of public interest such as
protecting against cross-border threats of
financial crime, and in either case, must
necessarily be carried out without the
consent of the data subject being sought
so as not to prejudice those purposes.***

Or. en

Justification

Self-explanatory.

Amendment 3097
Marie-Christine Vergiat

Proposal for a regulation
Article 83 a (new)

Article 83a

Derogations in respect of processing for historical, statistical and scientific research purposes

1. Once the initial processing for which they were collected has been completed, personal data may be processed by archive services whose main or mandatory task is to collect, conserve, provide information about, exploit and disseminate archives in the public interest, in particular in order to substantiate individuals' rights or for historical, statistical or scientific research purposes.

The communication and dissemination tasks shall be carried out in accordance with the rules laid down by the Member States concerning access to and the release and dissemination of administrative or archive documents.

2. These forms of processing of personal data shall not be subject to the requirements laid down in Articles 5(d), 9, 23, 32, 33, 38 and 53(1)(f) and (g) of this Regulation.

3. Member States shall encourage the drafting, in particular by the European Archives Group, of codes of conduct designed to help archives apply rules on the processing of personal data, in particular in order to guarantee:

(a) the confidentiality of data vis-à-vis third parties;

(b) the authenticity, integrity and proper conservation of data;

(c) access to archives in the context of the rules governing access to the Member States' administrative documents or archives.

Or. fr

Justification

Les spécificités des archives sont rappelées par la déclaration de l'UNESCO de 2011 : « Les archives consignent les décisions, les actions et les mémoires. Les archives constituent un patrimoine unique et irremplaçable transmis de génération en génération. Les documents sont gérés dès leur création pour en préserver la valeur et le sens. Sources d'informations fiables pour une gouvernance responsable et transparente, les archives jouent un rôle essentiel dans le développement des sociétés en contribuant à la constitution et à la sauvegarde de la mémoire individuelle et collective. L'accès le plus large aux archives doit être maintenu et encouragé pour l'accroissement des connaissances, le maintien et l'avancement de la démocratie et des droits de la personne, la qualité de vie des citoyens. ». Dès lors, il convient d'articuler ce règlement, directement applicable en droit interne, avec les réglementations des Etats membres en matière d'archives. Il est en effet indispensable pour préserver l'existence et le bon fonctionnement des archives de prévoir un régime spécifiquement adapté. Ainsi, par exemple, pour assumer leur rôle de garant de la mémoire collective et individuelle, et d'être en mesure de garantir la fiabilité et l'authenticité des données confiées, notamment les données à caractère personnel, les services d'archives doivent être exemptés de certaines dispositions.

Amendment 3098

Axel Voss, Monika Hohlmeier, Seán Kelly, Renate Sommer, Véronique Mathieu Houillon, Lara Comi, Georgios Papanikolaou

Proposal for a regulation

Article 84 – paragraph 1

Text proposed by the Commission

1. Within the limits of this Regulation, Member States **may** adopt specific rules to set out the investigative powers by the supervisory authorities laid down in Article 53(2) in relation to controllers or processors that are subjects under national law or rules established by national competent bodies to an obligation of professional secrecy or other equivalent obligations of secrecy, where this is necessary and proportionate to reconcile the right of the protection of personal data with the obligation of secrecy. These rules shall only apply with regard to personal data which the controller or processor has received from or has obtained in an activity covered by this obligation of secrecy.

Amendment

1. Within the limits of this Regulation, Member States **shall** adopt specific rules to set out the investigative powers by the supervisory authorities laid down in Article 53(2) in relation to controllers or processors that are subjects under national law or rules established by national competent bodies to an obligation of professional secrecy or other equivalent obligations of secrecy, where this is necessary and proportionate to reconcile the right of the protection of personal data with the obligation of secrecy. These rules shall only apply with regard to personal data which the controller or processor has received from or has obtained in an activity covered by this obligation of secrecy.

Or. en

Amendment 3099

Alexandra Thein

Proposal for a regulation

Article 84 – paragraph 1

Text proposed by the Commission

1. ***Within the limits of this Regulation,*** Member States may adopt specific rules to set out the investigative powers by the supervisory authorities laid down in Article 53(2) in relation to controllers or processors that are subjects under national law or rules established by national competent bodies to an obligation of professional secrecy or other equivalent obligations of secrecy, where this is necessary and proportionate to reconcile the right of the protection of personal data with the obligation of secrecy. These rules shall only apply with regard to personal data which the controller or processor has received from or has obtained in an activity covered by this obligation of secrecy.

Amendment

1. Member States may adopt ***by law:***

(a) exemptions or derogations from the provisions on the general principles in Chapter II, the rights of the data subject in Chapter III, on controller and processor in Chapter IV, on the transfer of personal data to third countries and international organisations in Chapter V for the processing of personal data that are subject to an obligation of professional secrecy or another equivalent obligation of secrecy of the controller or processor,

(b) within the limits of this Regulation, specific rules to set out the investigative powers by the supervisory authorities laid down in Article 53(2) in relation to controllers or processors that are subjects under national law or rules established by national competent bodies to an obligation of professional secrecy or other equivalent obligations of secrecy, where this is

necessary and proportionate to reconcile the right of the protection of personal data with the obligation of secrecy.

These rules shall only apply with regard to personal data which the controller or processor has received from or has obtained in an activity covered by this obligation of secrecy.

Or. en

Justification

Die berufliche Verschwiegenheitspflicht (z.B. Notare, Steuerberater) muss gegenüber jeder datenschutzrechtlichen Regelung vorrangig sein. Das betrifft nicht nur die bereits in Art. 84 vorgesehene Möglichkeit der Mitgliedstaaten, die Untersuchungsbefugnisse der Aufsichtsbehörden gegenüber Berufsgeheimnisträgern abweichend zu regeln, sondern auch die materiellen Datenschutzregelungen erforderlichenfalls anpassen zu können.

Amendment 3100

Sophia in 't Veld

Proposal for a regulation

Article 85

Text proposed by the Commission

Amendment

Article 85

deleted

Existing data protection rules of churches and religious associations

1. Where in a Member State, churches and religious associations or communities apply, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, such rules may continue to apply, provided that they are brought in line with the provisions of this Regulation.

2. Churches and religious associations which apply comprehensive rules in accordance with paragraph 1 shall provide for the establishment of an independent supervisory authority in accordance with Chapter VI of this

Regulation.

Or. en

Amendment 3101

Josef Weidenholzer, Birgit Sippel

Proposal for a regulation

Article 85

Text proposed by the Commission

Amendment

Article 85

deleted

Existing data protection rules of churches and religious associations

1. Where in a Member State, churches and religious associations or communities apply, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, such rules may continue to apply, provided that they are brought in line with the provisions of this Regulation.

2. Churches and religious associations which apply comprehensive rules in accordance with paragraph 1 shall provide for the establishment of an independent supervisory authority in accordance with Chapter VI of this Regulation.

Or. en

Justification

A special treatment of any kind of churches and religious communities in the given context is inappropriate. The interests of the churches and others regarding sensitive data are already included in Article 9.

Amendment 3102

Bastiaan Belder

Proposal for a regulation
Article 85 – title

Text proposed by the Commission

Existing data protection rules of churches and religious associations

Amendment

Data protection rules of churches and religious associations

Or. nl

Amendment 3103
Agustín Díaz de Mera García Consuegra

Proposal for a regulation
Article 85 – paragraph 1

Text proposed by the Commission

1. Where in a Member State, churches and religious associations or communities apply, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, such rules may continue to apply, provided that they are brought in line with the provisions of this Regulation.

Amendment

1. Where in a Member State, churches and religious associations or communities apply, at the time of entry into force of this Regulation, comprehensive rules relating to the protection of individuals with regard to the processing of personal data, such rules may continue to apply ***and may if necessary be amended***, provided that they are brought in line with the provisions of this Regulation.

Or. es

Amendment 3104
Bastiaan Belder

Proposal for a regulation
Article 85 – paragraph 1

Text proposed by the Commission

1. Where in a Member State, churches and religious associations or communities apply, ***at the time of entry into force of this Regulation, comprehensive*** rules relating to the protection of individuals with regard to the processing of personal

Amendment

1. Where in a Member State, churches and religious associations or communities apply ***adequate*** rules relating to the protection of individuals with regard to the processing of personal data, such rules may ***be applied***, provided that they ***guarantee***

data, such rules may *continue to apply*,
provided that they *are brought in line with*
the provisions of this Regulation.

an adequate level of data protection.

Or. nl

Justification

On account of the subsidiarity principle, the regulation must be without prejudice to adequate provisions in the Member States concerning data processing by churches and religious associations. This will enable a satisfactory level of data protection to be guaranteed while at the same time avoiding imposing a disproportionate burden on churches and religious associations, as they will mainly process data concerning their own members.

Amendment 3105

Bastiaan Belder

Proposal for a regulation

Article 85 – paragraph 2

Text proposed by the Commission

Amendment

2. Churches and religious associations **deleted**
*which apply comprehensive rules in
accordance with paragraph 1 shall
provide for the establishment of an
independent supervisory authority in
accordance with Chapter VI of this
Regulation.*

Or. nl

Justification

It is not churches and religious associations that can and should establish independent supervisory authorities. Chapter VI indicates that Member States are responsible for the establishment and functioning of one or more supervisory authorities.

Amendment 3106

Agustín Díaz de Mera García Consuegra

Proposal for a regulation

Article 85 – paragraph 2

Text proposed by the Commission

2. Churches and religious associations which apply comprehensive rules in accordance with paragraph 1 shall provide for the establishment of an independent supervisory authority in accordance with Chapter VI of this Regulation.

Amendment

2. Churches and religious associations which apply comprehensive rules in accordance with paragraph 1 shall provide for the establishment of an independent supervisory authority in accordance with Chapter VI of this Regulation ***or alternatively obtain the certification necessary for the procedures required under Article 39.***

Or. es

Amendment 3107
Dimitrios Droutsas

Proposal for a regulation
Article 85 a (new)

Text proposed by the Commission

Amendment

Article 85a

General provision on Fundamental Rights

The provisions of this Regulation shall guarantee the consistent application of the Charter of Fundamental Rights of the European Union and fundamental legal principles as enshrined in Article 6 of the Treaty on European Union.

Or. en

Amendment 3108
Alexander Alvaro

Proposal for a regulation
Chapter 10 – title

Text proposed by the Commission

Amendment

DELEGATED ACTS *AND*
IMPLEMENTING ACTS

DELEGATED ACTS

Justification

Horizontal amendment replacing all implementing acts with delegated acts in order to guarantee the full involvement of the European Parliament in the decision making process.

Amendment 3109**Nils Torvalds****Proposal for a regulation****Article 86***Text proposed by the Commission**Amendment*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article. ***deleted***

2. The delegation of power referred to in Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6), Article 81(3), Article 82(3) and Article 83(3) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

3. The delegation of power referred to in Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6), Article 81(3), Article 82(3) and Article 83(3) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day

following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6), Article 81(3), Article 82(3) and Article 83(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Or. en

Amendment 3110
Stanimir Ilchev

Proposal for a regulation
Article 86 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Article 6(5), Article 8(3), Article 9(3), Article 12(5), **Article 14(7)**, Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), **Article 28(5)**,

Amendment

2. The delegation of power referred to in Article 6(5), Article 8(3), Article 9(3), Article 12(5), **Article 14(9)**, Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 30(3),

Article 30(3), Article 31(5), Article 32(5), Article 336), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6), Article 81(3), Article 82(3) and Article 83(3) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

Article 31(5), Article 32(5), Article 336), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6), Article 81(3), Article 82(3) and Article 83(3) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

Or. de

Amendment 3111
Marie-Christine Vergiat

Proposal for a regulation
Article 86 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 336), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6), **Article 81(3), Article 82(3)** and Article 83(3) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

Amendment

2. The delegation of power referred to in Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 336), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6) and Article 83(3) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

Or. fr

Justification

Amendment linked to the amendments to Articles 81(3) and 82(3).

Amendment 3112
Dimitrios Droutsas

Proposal for a regulation
Article 86 – paragraph 2

Text proposed by the Commission

2. The delegation of power referred to in *Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6), Article 81(3), Article 82(3) and Article 83(3)* shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

Amendment

2. The delegation of power referred to in *[Articles XXX]* shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation.

Or. en

Amendment 3113

Stanimir Ilchev

Proposal for a regulation

Article 86 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in Article 6(5), Article 8(3), Article 9(3), Article 12(5), **Article 14(7)**, Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), **Article 28(5)**, Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6), Article 81(3), Article 82(3) and Article 83(3) may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in Article 6(5), Article 8(3), Article 9(3), Article 12(5), **Article 14(9)**, Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6), Article 81(3), Article 82(3) and Article 83(3) shall be conferred on the Commission for an indeterminate period of time from the date of entry into force of this Regulation. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 3114
Dimitrios Droutsas

Proposal for a regulation
Article 86 – paragraph 3

Text proposed by the Commission

3. The delegation of power referred to in *Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6), Article 81(3), Article 82(3) and Article 83(3)* may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment

3. The delegation of power referred to in *[Articles XXX]* may be revoked at any time by the European Parliament or by the Council. A decision of revocation shall put an end to the delegation of power specified in that decision. It shall take effect the day following the publication of the decision in the Official Journal of the European Union or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

Amendment 3115
Alexander Alvaro

Proposal for a regulation
Article 86 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to *Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 17(9), Article 20(6), Article 22(4),*

Amendment

5. A delegated act adopted pursuant to *[Articles XXX]* shall enter into force only if no objection has been expressed either by the European Parliament or the Council

Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6), Article 81(3), Article 82(3) and Article 83(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **two** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **two** months at the initiative of the European Parliament or the Council.

within a period of **twelve** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by **six** months at the initiative of the European Parliament or the Council.

Or. en

Justification

Amendment guaranteeing that the Council and the European Parliament have sufficient time to approve the delegated act. If the European Parliament and the Council want to approve the delegated act sooner, they can do so by informing the Commission that they will not object to the delegated act.

Amendment 3116 **Stanimir Ilchev**

Proposal for a regulation **Article 86 – paragraph 5**

Text proposed by the Commission

5. A delegated act adopted pursuant to Article 6(5), Article 8(3), Article 9(3), Article 12(5), **Article 14(7)**, Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), **Article 28(5)**, Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6), Article 81(3), Article 82(3) and Article 83(3) shall enter into force only if no objection has been

Amendment

5. A delegated act adopted pursuant to Article 6(5), Article 8(3), Article 9(3), Article 12(5), **Article 14(9)**, Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6), Article 81(3), Article 82(3) and Article 83(3) shall enter into force only if no objection has been expressed either

expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Or. de

Amendment 3117
Stanimir Ilchev

Proposal for a regulation
Article 86 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Article 6(5), Article 8(3), Article 9(3), Article 12(5), **Article 14(7)**, Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), **Article 28(5)**, Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6), Article 81(3), Article 82(3) and Article 83(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Amendment

5. A delegated act adopted pursuant to Article 6(5), Article 8(3), Article 9(3), Article 12(5), **Article 14(9)**, Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6), Article 81(3), Article 82(3) and Article 83(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Or. de

Amendment 3118
Dimitrios Droutsas

Proposal for a regulation
Article 86 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to *Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11), Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6), Article 81(3), Article 82(3) and Article 83(3)* shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **two** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Amendment

5. A delegated act adopted pursuant to **[Articles XXX]** shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of **four** months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Or. en

Amendment 3119
Marie-Christine Vergiat

Proposal for a regulation
Article 86 – paragraph 5

Text proposed by the Commission

5. A delegated act adopted pursuant to Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11),

Amendment

5. A delegated act adopted pursuant to Article 6(5), Article 8(3), Article 9(3), Article 12(5), Article 14(7), Article 15(3), Article 17(9), Article 20(6), Article 22(4), Article 23(3), Article 26(5), Article 28(5), Article 30(3), Article 31(5), Article 32(5), Article 33(6), Article 34(8), Article 35(11),

Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6), **Article 81(3)**, **Article 82(3)** and Article 83(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Article 37(2), Article 39(2), Article 43(3), Article 44(7), Article 79(6) and Article 83(3) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or the Council.

Or. fr

Justification

Amendment linked to the amendments to Articles 81(3) and 82(3).

Amendment 3120

Rui Tavares

Proposal for a regulation

Article 86 – paragraph 5 a (new)

Text proposed by the Commission

Amendment

5a. The Commission shall adopt the delegated act under Article 11(2a) not later than one year after the entry into force of the regulation. The Commission may extend the deadline by 6 months.

Or. en

Amendment 3121

Alexander Alvaro

Proposal for a regulation

Article 87

Text proposed by the Commission

Amendment

Article 87

deleted

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

Or. en

Justification

Horizontal amendment replacing all implementing acts with delegated acts in order to guarantee the full involvement of the European Parliament in the decision making process.

Amendment 3122
Dimitrios Droutsas

Proposal for a regulation
Article 87 – paragraph 3

Text proposed by the Commission

Amendment

3. Where reference is made to this paragraph, Article 8 of Regulation (EU) No 182/2011, in conjunction with Article 5 thereof, shall apply.

deleted

Or. en

Amendment 3123
Monika Hohlmeier

Proposal for a regulation
Article 88 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The repeal of Directive 95/46/EC shall be without prejudice to data processing being performed in accordance with the requirements of Directive 95/46/EC at the time of entry into force of this regulation.

Or. de

Justification

This will permit existing data processing procedures to continue.

Amendment 3124
Monika Hohlmeier

Proposal for a regulation
Article 89 – paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation shall ***not impose additional obligations on natural or legal persons*** in relation to the processing of personal data in connection with the provision of publicly available electronic communications services in public communication networks in the Union ***in relation to matters for which they are subject to specific obligations with the same objective set out in Directive 2002/58/EC.***

1. This Regulation shall ***be without prejudice to legal provisions of the Member States which they have adopted to transpose Directive 2002/85/EC*** in relation to the processing of personal data in connection with the provision of publicly available electronic communications services in public communication networks in the Union.

Or. de

Amendment 3125
Bernd Lange

Proposal for a regulation
Article 89 – paragraph 1

Text proposed by the Commission

Amendment

1. This Regulation shall not ***impose additional obligations on natural or legal persons in relation to the processing of personal data in connection with the provision of publicly available electronic communications services in public communication networks in the Union in relation to matters for which they are subject to specific obligations with the same objective set out in*** Directive 2002/58/EC.

1. This Regulation shall not ***apply, insofar as the*** Directive 2002/58/EC ***provides for data processing.***

Or. en

Amendment 3126
Alexander Alvaro

Proposal for a regulation
Article 89 – paragraph 2

Text proposed by the Commission

Amendment

2. ***Article 1(2)*** of Directive 2002/58/EC shall be deleted.

2. ***Articles 1(2), 4 and 15*** of Directive 2002/58/EC shall be deleted.

Or. en

Justification

Where necessary, the Regulation covers the necessary legal base. Where legislation would be duplicated it is sensible to avoid this by deleting the paragraphs in question.

Amendment 3127
Axel Voss

Proposal for a regulation
Article 89 – paragraph 2

Text proposed by the Commission

Amendment

2. Article 1(2) of Directive 2002/58/EC

2. Article 1(2), ***Article 2(b) and (c), Article 4(3), (4) and (5) and Articles 6 and 9*** of

shall be deleted.

Directive 2002/58/EC shall be deleted.

Or. en

Justification

In their recent Opinion on Geolocation Services in Smart Mobile Devices, the Article 29 Working Party acknowledges the relevant and primary legal framework for regulating location data should be the Directive 95/46EC. Since the GDPR now includes “location data” as defined in Article 4 (1), deleting Article 2(c) and 9 of Directive 2002/58/EC ensures legal certainty.

Amendment 3128
Monika Hohlmeier

Proposal for a regulation
Article 89 – paragraph 2

Text proposed by the Commission

2. Article 1(2) of Directive 2002/58/EC shall be deleted.

Amendment

2. The Commission shall adopt by the date referred to in Article 91(2) and without delay a proposal for revision of the legal framework for the processing of personal data and the protection of privacy in electronic communications, in order to align the law with this regulation and ensure consistent and uniform legal provisions on the fundamental right to protection of personal data in the European Union.

Or. de

Justification

Transitional provision.

Amendment 3129
Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation
Article 89 – paragraph 2

Text proposed by the Commission

2. Article 1(2) of Directive 2002/58/EC shall be deleted.

Amendment

2. Article 1(2), **Article 2(b) and (c), Article 4(3), (4) and (5) and Articles 6 and 9** of Directive 2002/58/EC shall be deleted.

Or. en

Amendment 3130
Dimitrios Droutsas

Proposal for a regulation
Article 89 a (new)

Text proposed by the Commission

Amendment

Article 89a

***Data processing by EU Institutions,
bodies, offices and agencies***

The Commission shall present by the date specified in Article 91(2) at the latest and, without delay a proposal for the revision of the legal framework applicable to the processing of personal data by the Union institutions, bodies, offices and agencies, to bring them in line with this Regulation with a view to ensuring consistent and homogeneous legal rules relating to the fundamental right to the protection of personal data in the European Union.

Or. en

Amendment 3131
Monika Hohlmeier

Proposal for a regulation
Article 91 – paragraph 2 – subparagraph 1

Text proposed by the Commission

It shall apply from [two years from the date referred to in paragraph 1].

Amendment

It shall apply from [two years from the date referred to in paragraph 1]. **Without**

prejudice to the requirements arising from Chapters I to IV, data processing which has been performed until this time in accordance with the requirements of Directive 95/46/EC may continue for a maximum of [five years after the date referred to in paragraph 1].

Or. de

Justification

The text inserted by this amendment permits data processing procedures to remain in operation for a further three years after the entry into force of this regulation, provided that they were established in accordance with the requirements of European law which were previously in force, in order to protect legitimate expectations, as the rule of law requires.

Amendment 3132

Louis Michel, Philippe De Backer

Proposal for a regulation

Article 91 – paragraph 2 – subparagraph 1

Text proposed by the Commission

It shall apply from [two years from the date referred to in paragraph 1].

Amendment

It shall apply from [two years from the date referred to in paragraph 1] ***without prejudice to the use of personal data lawfully processed before that date.***

Or. en

Amendment 3133

Louis Michel, Philippe De Backer

Proposal for a regulation

Annex 1 (new)

Text proposed by the Commission


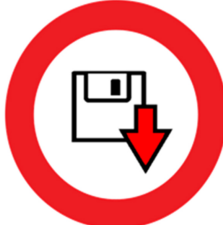




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Amendment

See Annex 1 below

Annex X - Presentation of the particulars referred to in Article 13a (new)

1. Having regard to the proportions referred to in point 6, particulars shall be provided as follows:

ICON	ESSENTIAL INFORMATION	FULFILLED
	No personal data are collected beyond the minimum necessary for each specific purpose of the processing	
	No personal data are retained beyond the minimum necessary for each specific purpose of the processing	
	No personal data are processed for purposes other than the purposes for which they were collected	
	No personal data are disseminated to non-public third parties for purposes other than the purposes for which they were collected	
	No personal data are sold	
	No personal data are retained in unencrypted form	

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2) The following words in the rows in the second column of the table in point 1, entitled "ESSENTIAL INFORMATION", shall be formatted as bold:

- a) the word "collected" in the first row of the second column;
- b) the word "retained" in the second row of the second column;
- c) the word "processed" in the third row of the second column;
- d) the word "disseminated" in the fourth row of the second column;
- e) the word "sold" in the fifth row of the second column;
- f) the word "unencrypted" in the sixth row of the second column.

3) Having regard to the proportions referred to in point 6, the rows in the third column of the table in point 1, entitled "FULFILLED", shall be completed with one of the following two graphical forms in accordance with the conditions laid down under point 4:

a)



b)



4)

a) If no personal data are collected beyond the minimum necessary for each specific purpose of the processing, the first row of the third column of the table in point 1 shall entail the graphical form referred to in point 3a.

b) If personal data are collected beyond the minimum necessary for each specific purpose of the processing, the first row of the third column of the table in point 1 shall entail the graphical form referred to in point 3b.

c) If no personal data are retained beyond the minimum necessary for each specific purpose of the processing, the second row of the third column of the table in point 1 shall entail the graphical form referred to in point 3a.

d) If personal data are retained beyond the minimum necessary for each specific purpose of the processing, the second row of the third column of the table in point 1 shall entail the

graphical form referred to in point 3b.

e) If no personal data are processed for purposes other than the purposes for which they were collected, the third row of the third column of the table in point 1 shall entail the graphical form referred to in point 3a.

f) If personal data are processed for purposes other than the purposes for which they were collected, the third row of the third column of the table in point 1 shall entail the graphical form referred to in point 3b.

g) If no personal data are disseminated to non-public third parties for purposes other than the purposes for which they were collected, the fourth row of the third column of the table in point 1 shall entail the graphical form referred to in point 3a.

h) If personal data are disseminated to non-public third parties for purposes other than the purposes for which they were collected, the fourth row of the third column of the table in point 1 shall entail the graphical form referred to in point 3b.

i) If no personal data are sold, the fifth row of the third column of the table in point 1 shall entail the graphical form referred to in point 3a.

j) If personal data are sold, the fifth row of the third column of the table in point 1 shall entail the graphical form referred to in point 3b.

k) If no personal data are retained in unencrypted form, the sixth row of the third column of the table in point 1 shall entail the graphical form referred to in point 3a.

l) If personal data are retained in unencrypted form, the sixth row of the third column of the table in point 1 shall entail the graphical form referred to in point 3b.

5) The reference colours of the graphical forms in point 1 in Pantone are Black Pantone No 7547 and Red Pantone No 485. The reference colour of the graphical form in point 3a in Pantone is Green Pantone No 370. The reference colour of the graphical form in point 3b in Pantone is Red Pantone No 485.

6) The proportions given in the following graduated drawing shall be respected, even where the table is reduced or enlarged:

