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Committee on Civil Liberties, Justice and Home Affairs

2012/0011(COD)

4.3.2013

AMENDMENTS (3)

886 - 1188

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 individual 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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PE506.146v01-00

EN

United in diversity

EN

Amendment 886
Alexander Alvaro, Nadja Hirsch

Proposal for a regulation
Article 6 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) processing is necessary for the purposes of ensuring the ability of a network or an information system to resist accidental events or unlawful or malicious actions that compromise the availability, authenticity, integrity or confidentiality of stored or transmitted data and the security of the related services offered by or accessible via these networks and systems;

Or. en

Justification

Data security must be considered as an essential element of data protection. Therefore the processing of data shall be considered lawful where it is necessary for the purpose of data security.

Amendment 887
Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation
Article 6 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) processing is limited to pseudonymous data and the recipient of the service is given a right to object pursuant to Article 19(3);

Or. en

Amendment 888

Louis Michel

Proposal for a regulation

Article 6 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) processing is necessary in order to ensure availability, reliability, confidentiality and security of the information and communications systems, in particular where this is necessary to discharge the controller's obligations under law, contract or under internal policies, aimed at complying with such obligations;

Or. en

Amendment 889

Anna Hedh, Marita Ulvskog

Proposal for a regulation

Article 6 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) processings is necessary due to national practises for the social partners concerning collective agreements;

Or. en

Amendment 890

Axel Voss, Seán Kelly, Wim van de Camp, Véronique Mathieu Houillon, Monika Hohlmeier, Hubert Pirker, Lara Comi, Renate Sommer, Salvatore Iacolino

Proposal for a regulation

Article 6 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) the data are collected from public

registers lists or documents accessible by everyone;

Or. en

Justification

Taken from IMCO-Opinion.

Amendment 891

Timothy Kirkhope

on behalf of the ECR Group

Proposal for a regulation

Article 6 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) processing is necessary in the interest of public safety, the welfare, safety, or health of an individual in line with fundamental rights and freedom;

Or. en

Amendment 892

Monika Hohlmeier

Proposal for a regulation

Article 6 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) the processing of data to the extent strictly necessary for the purposes of ensuring network and information security, i.e. the ability of a network or an information system to resist, at a given level of confidence, accidental events or unlawful or malicious actions that compromise the availability, authenticity, integrity and confidentiality of stored or transmitted data, and the security of the

related services offered by, or accessible via, these networks and systems;

Or. en

Justification

Information security needs processing of some information in order to protect the personal data. According to the definition all data should be considered personal, it is necessary to classify information security as a legitimate interest that justifies processing of some data and applies horizontally across the Regulation. Information security is one of the cornerstones of the obligations of the data controller (Articles 30, 31) and is recognized also as a legitimate interest in recital 39.

Amendment 893

Jacek Protasiewicz, Rafał Trzaskowski, Arkadiusz Tomasz Bratkowski

Proposal for a regulation

Article 6 – paragraph 1 – point f a (new)

Text proposed by the Commission

Amendment

(fa) processing is necessary 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 organization 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, as well as for the purpose of entering, updating, improving, and modifying employees' data processing systems, including technical security systems designed to protect employees' data against unauthorized access by third parties, including transformation, viruses and malware;

Or. en

Amendment 894
Axel Voss

Proposal for a regulation
Article 6 – paragraph 1 – point f b (new)

Text proposed by the Commission

Amendment

(fb) processing is necessary for fraud detection and prevention purposes according to applicable financial regulation or established industry, or professional body, codes of practice;

Or. en

Justification

Taken from IMCO-Opinion.

Amendment 895
Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation
Article 6 – paragraph 1 – point f b (new)

Text proposed by the Commission

Amendment

(fb) the data are collected from public registers, lists or documents accessible by everyone;

Or. en

Amendment 896
Louis Michel

Proposal for a regulation
Article 6 – paragraph 1 – point f b (new)

Text proposed by the Commission

Amendment

(fb) processing is necessary for the establishment, exercise or defence of legal claims;

Or. en

Amendment 897

Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation

Article 6 – paragraph 1 – point f c (new)

Text proposed by the Commission

Amendment

(fc) processing is necessary for the purpose of pseudonymisation or anonymisation of personal data;

Or. en

Amendment 898

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

Proposal for a regulation

Article 6 – paragraph 1 – point f c (new)

Text proposed by the Commission

Amendment

(fc) processing is limited to pseudonymised data, where the data subject is adequately protected and the recipient of the service is given a right to object pursuant to Article 19(3);

Or. en

Amendment 899

Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation
Article 6 – paragraph 1 – point f d (new)

Text proposed by the Commission

Amendment

(fd) processing is necessary for the purposes of ensuring the ability of a network or an information system to resist accidental events or unlawful or malicious actions that compromise the availability, authenticity, integrity or confidentiality of stored or transmitted data and the security of the related services offered by or accessible via these networks and systems;

Or. en

Amendment 900

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

Proposal for a regulation
Article 6 – paragraph 1 – point f d (new)

Text proposed by the Commission

Amendment

(fd) processing is necessary for the purpose of anonymisation or pseudonymisation of personal data;

Or. en

Amendment 901

Axel Voss

Proposal for a regulation
Article 6 – paragraph 1 – point f e (new)

Text proposed by the Commission

Amendment

(fe) processing is necessary for legitimate internal purposes of groups of

undertakings and where the interests of the data subjects concern are sufficiently addressed by internal data protection provisions or equivalent code of conducts as referred to Article 38c;

Or. en

Amendment 902
Sophia in 't Veld

Proposal for a regulation
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The European Data Protection Board shall be entrusted with the task of further specifying when processing is justified for the purpose of the legitimate interests pursued by a controller as referred to in paragraph 1, and when the legitimate interest of the controller is overridden by the interests or fundamental rights and freedoms of the data subject.

Or. en

Amendment 903
Jan Philipp Albrecht

Proposal for a regulation
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. If none of the legal grounds for the processing of personal data referred to in paragraph 1 apply, processing of personal data shall be lawful if and to the extent that it is necessary for the purposes of the legitimate interests pursued by the controller, except where such interests are overridden by the interests or

fundamental rights and freedoms of the data subject which require the protection of personal data. The data controller shall in that case inform the data subject about the data processing explicitly and separately in accordance with Article 14(1). The controller shall also publish the reasons for believing that its interests override the interests or fundamental rights and freedoms of the data subject. This paragraph shall not apply to processing carried out by public authorities in the performance of their tasks.

Or. en

Justification

Replaces AM 100 from the rapporteur by clarifying that the information about data processing based on legitimate interest shall be done together with the general information to the data subject to avoid, for both the controller and the data subject, the burden of multiple, separate messages

Amendment 904

Alexander Alvaro, Nadja Hirsch

Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Processing of pseudonymized data shall be lawful.

Or. en

Justification

Lawfulness requirements further specified in order to promote the processing of pseudonymized data.

Amendment 905
Dimitrios Droutsas

Proposal for a regulation
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Only if none of the legal grounds for the processing of personal data referred to in paragraph 1 apply, processing of personal data for specific purposes can be based on the legitimate interests of the controller. The data controller shall in that case inform the data subject about the data processing explicitly and separately. The controller shall publish the reasons for believing that its interests override the interests or fundamental rights and freedoms of the data subject. This paragraph shall not apply to processing carried out by public authorities in the performance of their tasks.

Or. en

Amendment 906
Josef Weidenholzer, Birgit Sippel

Proposal for a regulation
Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The predominant legitimate interests which are overriding the interests of data subjects as referred to in point (f) of paragraph 1 are generally:

(a) the protection of fundamental rights of the controller;

(b) the protection of fundamental rights of third parties, if the controller has a legal obligation to protect their rights;

(c) establishment, exercise or defence of legal rights;

(d) exercise of the freedom of expression within the limits of Article 80;

(e) historical, statistical or scientific research within the limits of Article 83.

Or. en

Justification

List of processing operations overriding the interests of data subjects under the current laws in Member States.

Amendment 907

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The legitimate interests of the controller as referred to in paragraph 1 point (f) may override the interests or fundamental rights and freedoms of the data subject, only if:

(a) processing of personal data takes place as part of the exercise of the right to freedom of expression, the media and the arts, within the limits of Union or national law;

(b) processing of personal data is necessary for and proportionate to the enforcement of the legal claims of the data controller or of third parties on behalf of whom the data controller is acting in relation to a specific identified data subject, or for preventing or limiting damage by the data subject to the controller, given that these legal claims are not manifestly unreasonable;

(c) processing of personal data takes place

in the context of professional business-to-business relationships and the data were collected from the data subject for that purpose and the processing shall be limited to the business-to-business relationship in which the data were originally collected;

(d) processing of personal data is necessary for registered non-profit associations, foundations and charities, recognised as acting in the public interest under Union or national law, for the sole purpose of collecting donations.

Or. en

Amendment 908
Jan Philipp Albrecht

Proposal for a regulation
Article 6 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The legitimate interests of the controller as referred to in paragraph 1a override the interests or fundamental rights and freedoms of the data subject, as a rule and for example, if:

(a) processing of personal data takes place as part of the exercise of the right to freedom of expression, the media and the arts, within the limits of Union or national law;

(b) processing of personal data is necessary for the enforcement of the legal claims of the data controller or of third parties on behalf of whom the data controller is acting in relation to a specific identified data subject, or for preventing or limiting damage by the data subject to the controller;

(c) the data subject has provided personal data to the data controller on the legal

ground referred to in point (b) of paragraph 1, and the personal data are used for direct marketing for its own and similar products and services and are not transferred, and the data controller is clearly identified to the data subject;

(d) processing of personal data takes place in the context of professional business-to-business relationships and the data were collected from the data subject for that purpose;

(e) processing of personal data is necessary for registered non-profit associations, foundations and charities, recognised as acting in the public interest under Union or national law, for the sole purpose of collecting donations.

Or. en

Justification

Replaces the introductory part of AM 101 by the rapporteur by clarifying that the list is not exhaustive through adding “for example”.

Amendment 909 Dimitrios Droutsas

Proposal for a regulation Article 6 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The following interests of the controller are presumed to be legitimate:

(a) processing of personal data is necessary for the prevention or limitation of damages suffered by the controller, or, in exceptional cases, by a third party;

(b) the data subject has provided the personal data to the data controller on the legal ground referred to in point (b) of paragraph 1, the personal data are used for direct marketing for its own similar

products and services and are not transferred, and the data controller is clearly identified towards the data subject.

Or. en

Amendment 910
Josef Weidenholzer, Birgit Sippel

Proposal for a regulation
Article 6 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. Predominant legitimate interests which are overriding the interests of data subjects as referred to in point (f) of paragraph 1 are generally not:

(a) the assessment of creditworthiness;

(b) direct marketing;

(c) processing for the sole purpose of additional financial gain within a contractual relationship;

(d) processing that cannot be reasonably expected by the data subject or is significantly disadvantageous.

Or. en

Justification

Demonstrative list of processing operations which do not constitute "predominant legitimate interests" but may be allowed by other grounds (e.g. consent or contracts).

Amendment 911
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Article 6 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The interests or fundamental rights and freedoms of the data subject as referred to in paragraph 1 point (f) override the legitimate interest of the controller, as a rule, if:

(a) the processing may cause a serious risk of damage to the data subject;

(b) special categories of data as referred to in paragraph 1 of article 9, location data, or biometric data are processed;

(c) personal data are processed in the context of profiling;

(d) personal data is made accessible for a large number of persons or large amounts of personal data about the data subject are processed, aligned or combined with other data;

(e) the processing of personal data may adversely affect the data subject, in particular because it can lead to defamation or discrimination; or

(f) the data subject is a child.

Or. en

**Amendment 912
Cornelia Ernst**

**Proposal for a regulation
Article 6 – paragraph 1 c (new)**

Text proposed by the Commission

Amendment

1c. Where the controller or his representative intends to process personal data on the basis of point f of Article 6(1), he shall notify the supervisory authority referred to in Chapter VI before carrying out any such processing operation.

Amendment 913
Jan Philipp Albrecht

Proposal for a regulation
Article 6 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. The interests or fundamental rights and freedoms of the data subject as referred to in paragraph 1a override the legitimate interest of the controller, as a rule and for example, if:

(a) the processing causes a serious risk of damage to the data subject;

(b) special categories of data as referred to Article 9(1), location data, or biometric data are processed;

(c) the data subject can reasonably expect, on the basis of the context of the processing, that his or her personal data will only be processed for a specific purpose or treated confidentially, unless the data subject concerned has been informed specifically and separately about the use of his or her personal data for purposes other than the performance of the service;

(d) personal data are processed in the context of profiling;

(e) personal data is made accessible for a large number of persons or large amounts of personal data about the data subject are processed or combined with other data;

(f) the processing of personal data may adversely affect the data subject, in particular because it can lead to defamation or discrimination; or

(g) the data subject is a child.

Justification

Replaces the introductory part of AM 102 by the rapporteur by clarifying that the list is not exhaustive through adding “for example”.

Amendment 914
Dimitrios Droutsas

Proposal for a regulation
Article 6 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Any legitimate interests pursued by the controller, must be balanced against the interests or fundamental rights and freedoms of the data subject. This fundamental rights and interests are presumed to override the legitimate interest of the controller, if:

(a) the processing causes a serious risk of damage to the data subject;

(b) the processing leads to a serious risk of infringement of any of the fundamental rights of the data subjects involved, as laid down in the Charter of Fundamental Rights of the European Union;

(c) the processing involves location data or biometric data;

(d) the processing entails the processing of personal data that are the result of profiling of the data subject;

(e) there is a significant risk of processing of personal data without legal ground, in particular if personal data is made accessible for a large number of persons or if large amounts of personal data about the data subject are processed or combined with other data; or

(f) the data subject is a child.

Amendment 915
Dimitrios Droutsas

Proposal for a regulation
Article 6 – paragraph 1 d (new)

Text proposed by the Commission

Amendment

1d. Processing is necessary due to national practices for the social partners concerning collective agreements.

Amendment 916
Alexander Alvaro, Nadja Hirsch

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. Processing of personal data which is necessary for the purposes of historical, statistical or scientific research shall be lawful subject to the conditions and safeguards referred to in Article 83.

deleted

Justification

Moved to 6.1 c). Article is amended in accordance with respect to context and risk principles pursuant to Articles 5a (new) and 5b (new).

Amendment 917
Josef Weidenholzer

Proposal for a regulation
Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. Processing of personal data which is necessary for the purposes of historical, statistical or scientific research shall be lawful subject to the conditions and safeguards referred to in Article 83.

deleted

Or. en

Justification

Moved to Article 6 – paragraph 1a– point (e) (new)

Amendment 918

Louis Michel

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. Processing of personal data which is necessary for the purposes of historical, statistical or scientific research shall be lawful subject to the conditions and safeguards referred to in Article 83.

deleted

Or. en

Amendment 919

Jens Rohde, Adina-Ioana Vălean

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

Amendment

2. Processing of personal data which is necessary for the purposes of historical, statistical or scientific research shall be lawful subject to the conditions and

2. **Subsequent** processing of personal data which is necessary for the purposes of historical, statistical or scientific research shall be lawful subject to the conditions

safeguards referred to in Article 83.

and safeguards referred to in Article 83.

Or. en

Amendment 920

Anna Hedh, Marita Ulvskog, Christel Schaldemose

Proposal for a regulation

Article 6 – paragraph 2

Text proposed by the Commission

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

Amendment

2. Processing of personal data which is necessary for historical, statistical or scientific ***purposes*** shall be lawful subject to the conditions and safeguards referred to in Article 83.

Or. en

Amendment 921

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

Proposal for a regulation

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Processing of pseudonymised data to safeguard the legitimate interests pursued by a controller shall be lawful, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child. This shall not apply to processing carried out by public authorities in the performance of their tasks.

Or. en

Justification

Taken from ITRE-Opinion.

Amendment 922

Sabine Verheyen, Axel Voss, Anna Maria Corazza Bildt, Monika Hohlmeier

Proposal for a regulation

Article 6 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Processing of pseudonymised data to safeguard the legitimate interests pursued by a controller shall be lawful, except where such interests are overridden by the interests or fundamental rights and freedoms of the data subject which require protection of personal data, in particular where the data subject is a child. This shall not apply to processing carried out by public authorities in the performance of their tasks.

Or. en

Amendment 923

Alexander Alvaro, Nadja Hirsch

Proposal for a regulation

Article 6 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

3. The basis ***of*** the processing referred to in ***points (c) and*** (e) of paragraph 1 must be provided for in:

3. The ***legal*** basis ***for*** the processing referred to in ***point*** (e) of paragraph 1 must be provided for in:

Or. en

Justification

Technical adjustment due to the horizontal amendment of point (c) in accordance with the respect to context principle referred to in Article 5a (new).

Amendment 924
Josef Weidenholzer

Proposal for a regulation
Article 6 – paragraph 3 – subparagraph 1 – introductory part

Text proposed by the Commission

Amendment

3. The basis of the processing referred to in points (c) and (e) of paragraph 1 must be provided for in:

3. The basis of the processing referred to in points (c) and (e) of paragraph 1 **and point (g) of Article 9(2)**, must be provided for in:

Or. en

Amendment 925
Birgit Sippel, Josef Weidenholzer, Evelyn Regner

Proposal for a regulation
Article 6 – paragraph 3 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) the law of the Member State to which the controller is subject.

(b) the law of the Member State, **including collective employment agreements**, to which the controller is subject.

Or. de

Amendment 926
Lidia Joanna Geringer de Oedenberg

Proposal for a regulation
Article 6 – paragraph 3 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) In the case referred to in paragraph 1(f), the data controller should clearly and separately notify the data subject of such processing. Upon an express request from the data subject, the data controller should also justify the reasons why he decided that the legitimate interest pursued outweighs the overriding

*interest of protecting the data subject's
fundamental rights and freedoms.*

Or. pl

Amendment 927

Axel Voss

Proposal for a regulation

Article 6 – paragraph 3 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

*(ba) international conventions to which
the Union or a Member State is a party.*

Or. en

Justification

Taken from ITRE-Opinion. A public interest can also be expressed in international conventions, even in the absence of specific national or EU laws. Such conventions would still need to respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued. Moreover, any processing of personal data on this basis would obviously have to comply with all other aspects of the Regulation as well.

Amendment 928

Wim van de Camp

Proposal for a regulation

Article 6 – paragraph 3 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

*(ba) international conventions to which
the EU or a Member State is a party.*

Or. en

Justification

A public interest can also be expressed in international conventions, even in the absence of

specific national or EU laws. Such conventions would still need to respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued. Moreover, any processing of personal data on this basis would obviously have to comply with all other aspects of the Regulation as well.

Amendment 929
Dimitrios Droutsas

Proposal for a regulation
Article 6 – paragraph 3 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) collective agreements in the employment context.

Or. en

Amendment 930
Sarah Ludford

Proposal for a regulation
Article 6 – paragraph 3 – subparagraph 1 – point b a (new)

Text proposed by the Commission

Amendment

(ba) internationally recognised regulations, rules, guidance, standards and/or industry codes of practice relevant to the business of the controller.

Or. en

Justification

Regulated sectors are required to process personal data to comply with various laws, regulations and guidance specifically relevant to that industry.

Amendment 931
Monika Hohlmeier, Axel Voss

Proposal for a regulation

Article 6 – paragraph 3 – subparagraph 1 a (new)

Text proposed by the Commission

Amendment

These provisions may regulate details of the lawfulness of processing, particularly as regards data controllers, the purpose of processing and purpose limitation, the nature of the data and the data subjects, processing measures and procedures, recipients, and the duration of storage.

Or. de

Justification

Covers rules on the processing of personal data setting out specifically who is the controller, for what purpose, of what data on which data subjects, in what form the data is processed, to whom it is transmitted and how long it may be stored.

Amendment 932

Wim van de Camp

Proposal for a regulation

Article 6 – paragraph 3 – subparagraph 2

Text proposed by the Commission

Amendment

The law of the Member State must meet an objective of public interest or must be necessary to protect the rights and freedoms of others, respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued.

The international conventions, EU law or the law of the Member State must meet an objective of public interest or must be necessary to protect the rights and freedoms of others, respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued.

Or. en

Justification

A public interest can also be expressed in international conventions, even in the absence of specific national or EU laws. Such conventions would still need to respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued.

Moreover, any processing of personal data on this basis would obviously have to comply with all other aspects of the Regulation as well.

Amendment 933

Jens Rohde, Adina-Ioana Vălean

Proposal for a regulation

Article 6 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The law of the Member State must meet an objective of public interest or must be necessary to protect the rights and freedoms of others, respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued.

Amendment

The law of the Member State must meet an objective of public interest or must be necessary to protect the rights and freedoms of others. ***The law of the Member State must also*** respect the essence of the right to the protection of personal data ***this regulation and international treaties that the Member State has decided to follow. Finally the Member State is obliged to evaluate and decide if national legislation is*** and be proportionate to the legitimate aim pursued ***or if a legitimate aim could be achieved using less privacy invasive solutions.***

Or. en

Amendment 934

Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio

Proposal for a regulation

Article 6 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The law of the Member State must meet an objective of public interest or must be necessary to protect the rights and freedoms of others, respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued.

Amendment

Union law and the law of the Member State must meet an objective of public interest or must be necessary to protect the rights and freedoms of others, respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued.

Justification

The last subparagraph of paragraph 3 contains a series of requirements which must be legally met by Member States' by establishing the legal bases for data processing, pursuant to points (c) and (e) of paragraph 1. We consider that these requirements, which are fairly straightforward, should be met with not only by Member States but also by the Union.

Amendment 935
Monika Hohlmeier

Proposal for a regulation
Article 6 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The *law* of the Member State must meet an objective of public interest or must be necessary to protect the rights and freedoms of others, respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued.

Amendment

The *laws of the Union and* of the Member State must meet an objective of public interest or must be necessary to protect the rights and freedoms of others, respect the essence of *fundamental rights and freedoms, in particular* the right to the protection of personal data and be proportionate to the legitimate aim pursued.

Justification

EU laws must also meet these requirements. In accordance with Article 1(2) they should respect the essence of fundamental rights and freedoms, in particular the right to the protection of personal data.

Amendment 936
Alexander Alvaro, Nadja Hirsch

Proposal for a regulation
Article 6 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The law of the Member State must meet an objective of public interest or must be necessary to protect the rights and freedoms of others, respect the essence of the right to the protection of personal data and be ***proportionate*** to the legitimate aim pursued.

Amendment

In these provisions the lawfulness of the processing can be further specified, particularly in relation to the controller, to the purpose of the processing and the limitation of such purpose, to the nature of the data and to the data subjects, to the processing operations and the processing procedures, and to the recipients of personal data as well as to the duration of storage. The provisions of Union law and of the law of the Member State must be necessary to protect the rights and freedoms of others, ***must*** respect the essence of ***fundamental rights and fundamental freedoms, in particular of*** the right to the protection of personal data and be ***appropriate*** to the legitimate aim pursued ***by the processing***.

Or. en

Amendment 937
Josef Weidenholzer

Proposal for a regulation
Article 6 – paragraph 3 – subparagraph 2

Text proposed by the Commission

The law of the Member State must meet an objective of public interest or must be necessary to protect the rights and freedoms of others, ***respect the essence of the right*** to the ***protection of personal data*** and be ***proportionate to the legitimate aim pursued***.

Amendment

Such laws shall provide for suitable measures to safeguard the data subject's legitimate interests, must meet an objective of public interest or must be necessary to protect the rights and freedoms of others, ***be proportionate*** to the ***legitimate aim pursued and necessary in a democratic society***.

Or. en

Justification

Laws of the European Union should equally meet such minimal standards. The additional reference to what is necessary in a democratic society is introducing a well-established minimal standard. Suitable measures should be implemented in relation to non-sensitive data, as well as sensitive data, therefore this addition is moved from point (g) of Article 9(2).

Amendment 938

Alexander Alvaro, Nadja Hirsch

Proposal for a regulation

Article 6 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In case of processing based on point (f) of paragraph 1, the controller shall inform the data subject about this explicitly as well as the data subject's right to object pursuant to Article 19(2).

Or. en

Justification

Transparency and information requirements need to be strengthened.

Amendment 939

Louis Michel

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. Where the purpose of further processing is not compatible with the one for which the personal data have been collected, the processing must have a legal basis at least in one of the grounds referred to in points (a) to (e) of paragraph 1. This shall in particular apply to any change of terms and general

deleted

conditions of a contract.

Or. en

Amendment 940
Dimitrios Droutsas

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. Where the purpose of further processing is not compatible with the one for which the personal data have been collected, the processing must have a legal basis at least in one of the grounds referred to in points (a) to (e) of paragraph 1. This shall in particular apply to any change of terms and general conditions of a contract. **deleted**

Or. en

Justification

Paragraph 4 should be deleted, because for a change of purpose, one of the legal grounds in paragraph 1 needs to apply anyway. Directive 95/46/EC also does not allow for a change of purpose, so the level of protection should be kept here.

Amendment 941
Josef Weidenholzer

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. Where the purpose of further processing is not compatible with the one for which the personal data have been collected, the processing must have a legal basis at least in one of the grounds **deleted**

referred to in points (a) to (e) of paragraph 1. This shall in particular apply to any change of terms and general conditions of a contract.

Or. en

Justification

The proposed paragraph can reasonably be interpreted as eroding the principle of purpose based processing. Directive 95/46/EG does not allow for such change of purpose.

Amendment 942

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. Where the purpose of further processing is not compatible with the one for which the personal data have been collected, the processing must have a legal basis at least in one of the grounds referred to in points (a) to (e) of paragraph 1. This shall in particular apply to any change of terms and general conditions of a contract.

deleted

Or. en

Amendment 943

Wim van de Camp

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

Amendment

4. Where the purpose of further processing is not compatible with the one for which the personal data have been

4. Personal data have may not be processed further if the intended purpose for which the personal data will be

collected, *the processing must have a legal basis at least in one of the grounds referred to in points (a) to (e) of paragraph 1. This shall in particular apply to any change of terms and general conditions of a contract.*

processed is incompatible with the one for which the personal data have been collected.

The data controller must assess the compatibility of the purposes in taking into account:

(a) the affiliation between the intended and original processing purposes;

(b) the nature of the data concerned;

(c) the consequences of the intended processing for the data subjects or third parties;

(d) the ways and means used for the original collection of the data;

(e) any adequate safeguards the data controller has provided.

Or. en

Justification

The concept of compatibility of further processing needs to be fine-tuned in order to provide data controllers with a minimum level of support and guidance when assessing the compatibility of original and intended purposes of data processing.

Amendment 944

Alexander Alvaro, Nadja Hirsch

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

4. Where the purpose of further processing is not compatible with the one for which the personal data have been collected, the processing must have a legal basis at least in one of the grounds referred to in points (a) to (e) of paragraph 1. This shall in particular apply to any change of terms and

Amendment

4. Where the purpose of further processing is not compatible with the one for which the personal data have been collected, the processing must have a legal basis at least in one of the grounds referred to in points (a) to **(fa)** of paragraph 1. This shall in particular apply to any change of terms and

general conditions of a contract.

general conditions of a contract.

Or. en

Justification

Technical adjustment due to the addition of point (fa) (new).

Amendment 945

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

**Proposal for a regulation
Article 6 – paragraph 4**

Text proposed by the Commission

4. Where the purpose of further processing is not compatible with the one for which the personal data have been collected, the processing must have a legal basis at least in one of the grounds referred to in **points (a) to (e) of** paragraph 1. This shall in particular apply to any change of terms and general conditions of a contract.

Amendment

4. Where the purpose of further processing is not compatible with the one for which the personal data have been collected, the processing must have a legal basis at least in one of the grounds referred to in paragraph 1. This shall in particular apply to any change of terms and general conditions of a contract.

Or. en

Justification

Taken from ITRE and IMCO Opinion.

Amendment 946

Carmen Romero López

**Proposal for a regulation
Article 6 – paragraph 4**

Text proposed by the Commission

4. Where the purpose of further processing is **not compatible with** the one for which the personal data have been collected, the

Amendment

4. Where the purpose of further processing is **different from** the one for which the personal data have been collected, the

processing must have a legal basis at least in one of the grounds referred to in points (a) to (e) of paragraph 1. This shall in particular apply to any change of terms and general conditions of a contract.

processing must have a legal basis at least in one of the grounds referred to in points (a) to (e) of paragraph 1. This shall in particular apply to any change of terms and general conditions of a contract.

Or. es

Amendment 947

Ewald Stadler

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

4. Where the purpose of further processing is not compatible with the one for which the personal data have been collected, the processing must have a legal basis at least in one of the grounds referred to in points (a) to **(e)** of paragraph 1. This shall in particular apply to any change of terms and general conditions of a contract.

Amendment

4. Where the purpose of further processing is not compatible with the one for which the personal data have been collected, the processing must have a legal basis at least in one of the grounds referred to in points (a) to **(f)** of paragraph 1. This shall in particular apply to any change of terms and general conditions of a contract.

Or. de

Amendment 948

Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation

Article 6 – paragraph 4

Text proposed by the Commission

4. Where the purpose of further processing is not compatible with the one for which the personal data have been collected, the processing must have a legal basis at least in one of the grounds referred to in points (a) to **(e)** of paragraph 1. This shall in particular apply to any change of terms and general conditions of a contract.

Amendment

4. Where the purpose of further processing is not compatible with the one for which the personal data have been collected, the processing must have a legal basis at least in one of the grounds referred to in points (a) to **(f)** of paragraph 1. This shall in particular apply to any change of terms and general conditions of a contract.

Amendment 949
Jan Mulder

Proposal for a regulation
Article 6 – paragraph 4

Text proposed by the Commission

4. *Where the purpose of further processing is not compatible* with the one for which the personal data have been collected, *the processing must have a legal basis at least in one of the grounds referred to in points (a) to (e) of paragraph 1. This shall in particular apply to any change of terms and general conditions of a contract.*

Amendment

4. *Personal data may not be processed further if the intended purpose for which the personal data will be processed is incompatible* with the one for which the personal data have been collected. *The data controller must assess the compatibility of the purposes in taking into account:*

(a) the affiliation between the intended and original processing purposes;

(b) the nature of the data concerned;

(c) the consequences of the intended processing for the data subjects or third parties;

(d) the ways and means used for the original collection of the data;

(e) any adequate safeguards the data controller has provided.

Amendment 950
Jan Mulder

Proposal for a regulation
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Further processing of personal data for historical, statistical and scientific

purposes shall not be considered as incompatible when the data controller has provided all necessary precautions to ensure that the personal data can only be further processed for these specific purposes.

Or. en

Amendment 951
Wim van de Camp

Proposal for a regulation
Article 6 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Further processing of personal data for historical, statistical and scientific purposes shall not be considered as incompatible when the data controller has provided all necessary precautions to ensure that the personal data can only be further processed for these specific purposes.

Or. en

Amendment 952
Wim van de Camp

Proposal for a regulation
Article 6 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Further processing of personal data is prohibited if the processing is not compatible with any legal, professional or other binding obligation of secrecy.

Or. en

Justification

The concept of compatibility of further processing needs to be fine-tuned in order to provide data controllers with a minimum level of support and guidance when assessing the compatibility of original and intended purposes of data processing.

Amendment 953

Jan Mulder

Proposal for a regulation

Article 6 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

4b. Further processing of personal data is prohibited if the processing is not compatible with any legal, professional or other binding obligation of secrecy.

Or. en

Amendment 954

Wim van de Camp

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the conditions referred to in point (f) of paragraph 1 for various sectors and data processing situations, including as regards the processing of personal data related to a child. ***deleted***

Or. en

Justification

The concept of compatibility of further processing needs to be fine-tuned in order to provide data controllers with a minimum level of support and guidance when assessing the

compatibility of original and intended purposes of data processing.

Amendment 955
Cornelia Ernst

Proposal for a regulation
Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the conditions referred to in point (f) of paragraph 1 for various sectors and data processing situations, including as regards the processing of personal data related to a child. **deleted**

Or. en

Amendment 956
Sari Essayah

Proposal for a regulation
Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the conditions referred to in point (f) of paragraph 1 for various sectors and data processing situations, including as regards the processing of personal data related to a child. **deleted**

Or. en

Justification

Provisions on lawfulness of processing form the core of the rules on data protection. As

provisions on delegated acts must be limited only to non-essential elements of the Regulation paragraph 5 should be deleted.

Amendment 957

Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the conditions referred to in point (f) of paragraph 1 for various sectors and data processing situations, including as regards the processing of personal data related to a child. **deleted**

Or. es

Justification

Paragraph 5 is excessive as it affects fundamental aspects of the regulation. These elements should be addressed by the regulation itself.

Amendment 958

Alexander Alvaro, Nadja Hirsch

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the conditions referred to in point (f) of paragraph 1 for various sectors and data processing situations, including as regards the processing of personal data related to a child. **deleted**

Justification

Article 6 is specific and no further specifications by means of delegated acts are necessary.

Amendment 959

Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the conditions referred to in point (f) of paragraph 1 for various sectors and data processing situations, including as regards the processing of personal data related to a child. **deleted**

Or. en

Amendment 960

Timothy Kirkhope

on behalf of the ECR Group

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the conditions referred to in point (f) of paragraph 1 for various sectors and data processing situations, including as regards the processing of personal data related to a child. **deleted**

Amendment 961
Dimitrios Droutsas

Proposal for a regulation
Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the conditions referred to in point (f) of paragraph 1 for various sectors and data processing situations, including as regards the processing of personal data related to a child. **deleted**

Or. en

Justification

The amendments give clearer guidance and provide legal certainty for data processing based on the legitimate interest of the data controller. Paragraph 4 should be deleted, because for a change of purpose, one of the legal grounds in paragraph 1 needs to apply anyway. Directive 95/46/EC also does not allow for a change of purpose, so the level of protection should be kept here.

Amendment 962
Josef Weidenholzer

Proposal for a regulation
Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the conditions referred to in point (f) of paragraph 1 for various sectors and data processing situations, including as regards the processing of **deleted**

personal data related to a child.

Or. en

Justification

Obsolete because of Articles 6(1)(f), 6(1a) and 6(1b).

Amendment 963

Louis Michel

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the conditions referred to in point (f) of paragraph 1 for various sectors and data processing situations, including as regards the processing of personal data related to a child. *deleted*

Or. en

Amendment 964

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

Proposal for a regulation

Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the conditions referred to in point (f) of paragraph 1 for various sectors and data processing situations, including as regards the processing of *deleted*

personal data related to a child.

Or. en

Amendment 965
Jan Mulder

Proposal for a regulation
Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the conditions referred to in point (f) of paragraph 1 for various sectors and data processing situations, including as regards the processing of personal data related to a child. **deleted**

Or. en

Amendment 966
Sabine Verheyen, Axel Voss, Monika Hohlmeier

Proposal for a regulation
Article 6 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the conditions referred to in point (f) of paragraph 1 for various sectors and data processing situations, including as regards the processing of personal data related to a child. **deleted**

Or. en

Amendment 967

Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. The controller shall bear the burden of proof for the data *subject's* consent to the processing of their personal data for specified purposes.

Amendment

1. The controller shall bear the burden of proof for the data *subject having been duly informed in advance or in time to give their* consent to the processing of their personal data for specified purposes.

Or. es

Amendment 968

Alexander Alvaro, Nadja Hirsch

Proposal for a regulation

Article 7 – paragraph 1

Text proposed by the Commission

1. The controller shall bear the burden of proof for the data subject's consent to the processing of their personal data *for specified purposes*.

Amendment

1. *Where data is processed pursuant to Article 6 paragraph 1(a)* the controller shall bear the burden of proof for the data subject's consent to the processing of their personal data.

Or. en

Justification

Further specification to align this Article with Article 6.

Amendment 969

Louis Michel

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. If the data subject's consent is to be given in the context of a written declaration which also concerns another matter, the requirement to give consent must be presented distinguishable in its appearance from this other matter.

deleted

Or. en

Amendment 970

Axel Voss

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. If the data subject's consent is to be given in the context of a written declaration which also concerns another matter, the requirement to give consent must be presented distinguishable in its appearance from this other matter.

2. If the data subject's consent is to be given in the context of a written **or an electronic** declaration which also concerns another matter, the requirement to give consent must be presented distinguishable in its appearance from this other matter.

Or. en

Amendment 971

Timothy Kirkhope

on behalf of the ECR Group

Proposal for a regulation Article 7 – paragraph 2

Text proposed by the Commission

Amendment

2. If the data subject's consent is to be given in the context of a written declaration which **also concerns another** matter, the requirement to give consent must be presented distinguishable in its appearance from this other matter.

2. If the data subject's consent is to be given in the context of a written declaration which **concerns an entirely new, separate or unrelated** matter, the requirement to give consent must be presented distinguishable in its appearance from this

other matter.

Or. en

Amendment 972

Josef Weidenholzer, Birgit Sippel

Proposal for a regulation

Article 7 – paragraph 2

Text proposed by the Commission

2. If the data subject's consent is ***to be given in the context of a written declaration which also concerns another matter, the requirement to give consent must be presented distinguishable in its appearance from this other matter.***

Amendment

2. If the data subject's consent is ***given through consent to a written declaration by the controller such declarations must:***

(a) use as plain, short and transparent language as reasonably possible and be well-structured;

(b) not contain clauses that cannot be reasonably expected or are significantly disadvantageous; and

(c) be interpreted in favour of the data subject if unclear or contradictory.

Clauses which are partly in violation of this regulation are fully void.

Or. en

Justification

Currently no guidance in how such policies should be written in order to be a proper basis for an “informed” consent. Data subjects are often confronted with exceptionally vague, lengthy or complicated policies which deter data subjects from reading and understanding them. The amendment is introducing the well-established principles concerning unfair terms in consumer contracts to address this issue. This also allows referring to long standing case law when interpreting the Regulation.

Amendment 973

Lidia Joanna Geringer de Oedenberg

Proposal for a regulation
Article 7 – paragraph 2

Text proposed by the Commission

2. If the data subject's consent is to be given in the context of a written declaration which also concerns another matter, the requirement to give consent must be presented distinguishable in its appearance from this other matter.

Amendment

2. If the data subject's consent is to be given in the context of a written declaration which also concerns another matter, the requirement to give consent must be presented distinguishable in its appearance from this other matter. ***The permission of the data subject may be sought electronically, particularly in the context of information society services.***

Or. pl

Amendment 974
Jan Philipp Albrecht

Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. If data is collected for processing after consent has been given solely by automated means in accordance with paragraph 2a and the pseudonyms are later unlawfully associated with other personal identifiers that do permit the direct identification of a data subject pursuant to Article 4(1), then this constitutes a personal data breach likely to adversely affect the protection of the privacy of the data subject. The breach notifications must be communicated in accordance with the procedures in Articles 31 and 32.

Or. en

Justification

It is possible to re-identify pseudonyms when the data subject interacts with a service by

entering other personal data, or by e.g. opening an e-mail that contains an embedded image (web bug), whereby the email address is associated with already collected pseudonymous data. If consent has been acquired solely by automated means under the pseudonymous data alleviation of Article 7(2)(a) then this practice is unlawful and should constitute a personal data breach.

Amendment 975
Birgit Sippel, Josef Weidenholzer

Proposal for a regulation
Article 7 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The consent shall be reaffirmed after two years, failing which it shall expire.

Or. en

Amendment 976
Alexander Alvaro, Nadja Hirsch

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

Amendment

3. The data subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

3. Without prejudice to the data subject's existing contractual obligations, the data subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal. It is lawful that the withdrawal of consent might result in the termination of the relationship with the controller.

Or. en

Justification

It has to be clarified that the withdrawal of consent does not affect other contractual

obligations of the data subject. Furthermore, it might lead to the termination of the contract where the upholding otherwise would be deemed impossible.

Amendment 977

Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

3. The data subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

Amendment

3. ***Without prejudice to the data subject's existing contractual obligations***, the data subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal. ***It is lawful that the withdrawal of consent might result in the termination of the relationship with the controller.***

Or. en

Amendment 978

Louis Michel

Proposal for a regulation

Article 7 – paragraph 3

Text proposed by the Commission

3. The data subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

Amendment

3. The data subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal ***nor shall it affect the lawfulness of processing of data based on other grounds referred to in Article 6(1).***

Or. en

Amendment 979
Carmen Romero López

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. The data subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

Amendment

3. The data subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal. ***The option of withdrawing consent shall be made as easily accessible and shall involve the same level of practical difficulty attached to the granting of consent.***

Or. es

Justification

The aim is to make clear that individuals should be able to withdraw their consent under the same conditions afforded them when granting it, without any additional effort or time being involved.

Amendment 980
Ewald Stadler

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. The data subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

Amendment

3. The data subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal. ***In accordance with the principle of good faith, withdrawal of consent shall not be permitted when the consent is required for the completion of a contract.***

Or. de

Amendment 981
Sarah Ludford

Proposal for a regulation
Article 7 – paragraph 3

Text proposed by the Commission

3. The data subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal.

Amendment

3. The data subject shall have the right to withdraw his or her consent at any time. The withdrawal of consent shall not affect the lawfulness of processing based on consent before its withdrawal, *or legitimate processing post consent such as record retention or health, historical, statistical or scientific research.*

Or. en

Justification

This is to cover situations where there is a legitimate reason for retention.

Amendment 982
Jacek Protasiewicz, Rafał Trzaskowski, Arkadiusz Tomasz Bratkowski

Proposal for a regulation
Article 7 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. In the event that the data subject withdraws consent, the controller may refuse to provide further services if the processing of the data is vital for the provision of the service or ensuring the appropriate level of services.

Or. en

Amendment 983
Nils Torvalds

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. Consent shall not provide a legal basis for the processing, where there is a significant imbalance between the position of the data subject and the controller. *deleted*

Or. en

Amendment 984

Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. Consent shall not provide a legal basis for the processing, where there is a significant imbalance between the position of the data subject and the controller. *deleted*

Or. es

Amendment 985

Alexander Alvaro, Nadja Hirsch

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. Consent shall not provide a legal basis for the processing, where there is a significant imbalance between the position of the data subject and the controller. *deleted*

Justification

Article 7(4) allows a very broad interpretation and questions the practical possibility of obtaining valid consent. Article 4 paragraph 8 already defines that the data subject's consent must be freely given. Consequently, the balance requirement is not necessary.

Amendment 986

Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation

Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. Consent shall not provide a legal basis for the processing, where there is a significant imbalance between the position of the data subject and the controller. ***deleted***

Amendment 987

Timothy Kirkhope

on behalf of the ECR Group

Proposal for a regulation

Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. Consent shall not provide a legal basis for the processing, where there is a significant imbalance between the position of the data subject and the controller. ***deleted***

Amendment 988

Axel Voss, Wim van de Camp, Hubert Pirker, Véronique Mathieu Houillon, Salvatore Iacolino, Lara Comi

Proposal for a regulation

Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. Consent shall not provide a legal basis for the processing, where there is a significant imbalance between the position of the data subject and the controller. **deleted**

Or. en

Amendment 989

Sari Essayah

Proposal for a regulation

Article 7 – paragraph 4

Text proposed by the Commission

Amendment

4. Consent shall not provide a legal basis for the processing, where there is a significant imbalance between the position of the data subject and the controller.

4. Consent shall not provide a legal basis for the processing, where there is a significant imbalance between the position of the data subject and the controller. ***This does not apply to public authorities or employer's opportunities to process personal data on the basis of the consent of the citizen or the employee.***

Or. en

Justification

There is an inherent imbalance in powers in the relationship between public authorities and citizens based on the size as well as the nature of tasks carried out by public authorities. It is in the interest of the data subject that processing based on consent is applicable also to public authorities as consent requires active participation from the citizen and renders the processor a possibility to give information to the subject.

Amendment 990
Jan Mulder

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. Consent shall not provide a legal basis for the processing, where there is a significant imbalance between the position of the data subject and the controller.

Amendment

4. Consent shall not ***as a rule*** provide a legal basis for the processing ***of personal data in case*** where there is a significant imbalance ***in terms of dependence*** between the position of the data subject and the controller.

Or. en

Justification

Clear imbalance is too vague and dependence better reflects the intended purpose of this paragraph.

Amendment 991
Louis Michel, Philippe De Backer

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. Consent shall not provide a legal basis for the processing, where there is a significant imbalance between the position of the data subject and the controller.

Amendment

4. Consent shall not provide a legal basis for the processing, where there is a significant imbalance between the position of the data subject and the controller.
There shall be no significant imbalance when the data are processed in the context of employment or contracts protecting against risk.

Or. en

Amendment 992
Jan Philipp Albrecht

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. Consent shall not provide a legal basis for the processing, where there is a significant imbalance between the position of the data subject and the controller.

Amendment

4. **As a rule**, consent shall not provide a legal basis for the processing, where there is a significant imbalance between the position of the data subject and the controller.

Or. en

Justification

Even in situations listed in the relevant Recital 34, such as employment relations, there can be situations where the data subject should be able to exercise its right to have personal data processed based on freely given explicit consent.

Amendment 993

Jacek Protasiewicz, Rafał Trzaskowski, Arkadiusz Tomasz Bratkowski

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. Consent shall not provide a legal basis for the processing, **where there is** a significant imbalance between the position of the data subject **and the controller**.

Amendment

4. Consent shall not provide a legal basis for the processing **if, due to** a significant imbalance between the position of the **controller and the** data subject, **it has not been given freely, in accordance with Article 4(8)**.

Or. en

Amendment 994

Sarah Ludford, Charles Tannock

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. Consent shall not provide a legal basis for the processing, where there is a significant imbalance between the position of the data subject and the controller.

Amendment

4. Consent shall not provide a legal basis for the processing, where there is a significant imbalance ***or coercive relationship*** between the position of the data subject and the controller. ***The patient-healthcare provider relationship is not considered a significantly imbalanced or coercive relationship.***

Or. en

Justification

Self-explanatory.

Amendment 995
Sonia Alfano, Gianni Vattimo

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. Consent shall not provide a legal basis for the processing, where there is a significant imbalance between the position of the data subject and the controller.

Amendment

4. Consent shall not provide a legal basis for the processing, where there is a significant imbalance between the position of the data subject and the controller, ***or where the processing of data for a purpose is disproportionate in relation to the obtained consent.***

Or. en

Amendment 996
Ewald Stadler

Proposal for a regulation
Article 7 – paragraph 4

Text proposed by the Commission

4. Consent shall not provide a legal basis for the processing, where there is a significant imbalance between the position of the data subject and the controller.

Amendment

4. Consent shall not provide a legal basis for the processing, where there is a significant imbalance between the position of the data subject and the controller. ***In this connection the interests of the data subjects shall be taken into account.***

Or. de

Amendment 997

Cornelia Ernst

Proposal for a regulation

Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Consent loses its legal effect as a basis for processing as soon as the processing of personal data is no longer necessary for carrying out the purpose for which they were originally collected. Where the conclusion of the intended purpose can not be clearly determined, the controller shall at least once a year provide the data subject with the information pursuant to Article 14 and request a confirmation of the original consent from the data subject. If the data subject does not reply positively, the original consent should be considered to have lost its legal effect at the end of the second calendar year after the first processing.

Or. en

Amendment 998

Claude Moraes, Glenis Willmott

Proposal for a regulation

Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. For the purpose of scientific research activities (including public health, medical and social science) consent should comply with the relevant provisions in Directive 2001/20/EC.

Or. en

Justification

To ensure legal clarity on which framework applies in priority for consent in the context of clinical trials. Once the Clinical Trials Regulation comes into force, the relevant provisions (currently under Chapter 5) should be adhered to with regards to obtaining informed consent.

Amendment 999

Alexander Alvaro, Nadja Hirsch

Proposal for a regulation

Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The required form of consent shall reflect the principles laid down in Articles 5a, 5b and 5c as well as the result of the data protection risk analysis referred to in Article 33.

Or. en

Amendment 1000

Manfred Weber

Proposal for a regulation

Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Consent shall be purpose-limited and shall lose its validity when the purpose ceases to exist; consent shall also be

invalid when the data subject gives his or her consent in a general and abstract way to unspecified and unpredictable forms of data processing.

Or. de

Justification

Seeks to ensure that data subjects are not forced into signing a 'blank cheque' giving their consent without time limit to an unspecified number of forms of data processing, which may include transmission to, and processing by, third parties.

Amendment 1001
Dimitrios Droutsas

Proposal for a regulation
Article 7 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The Commission shall be empowered to adopt, after requesting an opinion from the European Data Protection Board, delegated acts in accordance with Article 86 for the purpose of further specifying the requirements and conditions for technical standards referred to in paragraph 2a, and for declaring that a technical standard is in line with this Regulation and has general validity within the Union.

Or. en

Amendment 1002
Monika Hohlmeier

Proposal for a regulation
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

The Member States' rules governing the validity of declarations of intent and contracts shall be unaffected.

Or. de

Amendment 1003
Josef Weidenholzer, Birgit Sippel

Proposal for a regulation
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Service providers shall not make their offer dependent to the consent for data processing that is not necessary for the service provided.

Or. en

Justification

Use of a service may not be dependent to the consent to unrestricted data processing.

Amendment 1004
Françoise Castex, Sylvie Guillaume

Proposal for a regulation
Article 7 a (new)

Text proposed by the Commission

Amendment

Article 7a

Consent should only be obtainable for processing which is lawful and, therefore, not disproportionate to its purpose.

Consent shall not constitute a valid legal basis when it is intended to enable the controller to scan the list of contacts of the person concerned for the purpose of collecting the personal data of third persons.

Or. fr

Justification

Many online services make use of consumers' lists of contacts. The rules stipulate that if the consumer whose list has been scanned has given his or her consent no breach has occurred. However, the consumer holds data about other consumers (email addresses, addresses, telephone numbers) and this data then finds its way into databases without the latter's consent.

Amendment 1005

Timothy Kirkhope

on behalf of the ECR Group

Proposal for a regulation

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. For the purposes of this Regulation, in relation to the offering of information society services directly to a child, the processing of personal data of a child below the age of 13 years shall only be lawful if and to the extent that consent is given or authorised by the child's parent or custodian. The controller shall make reasonable efforts to obtain verifiable consent, taking into consideration available technology.

deleted

Or. en

Amendment 1006

Csaba Sógor

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. For the purposes of this Regulation, in relation to the offering of information society services directly to a child, the processing of personal data of a child below the age of **13** years shall only be lawful if and to the extent that consent is given or authorised by the child's parent or **custodian**. The controller shall make reasonable efforts to obtain verifiable consent, taking into consideration available technology.

Amendment

1. For the purposes of this Regulation, in relation to the offering of information society **goods and** services directly to a child, the processing of personal data of a child below the age of **14** years shall only be lawful if and to the extent that consent is given or authorised by the child's parent or **legal representative**. The controller shall make reasonable efforts to obtain verifiable consent, taking into consideration available technology. ***The methods to obtain verifiable consent shall not lead to the further processing of personal data which would otherwise not be necessary.***

Or. hu

Amendment 1007
Alexander Alvaro, Nadja Hirsch

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. For the purposes of this Regulation, in relation to the offering of **information society** services directly to a child, the processing of personal data of a child **below the age of 13 years** shall only be lawful if and to the extent that consent is given or authorised by the child's parent or **custodian**. The controller shall make reasonable efforts to obtain verifiable consent, taking into consideration available technology.

Amendment

1. For the purposes of this Regulation, in relation to the offering of **goods or** services directly to a child, the processing of personal data of a child shall only be lawful if and to the extent that consent is given or authorised by the child's parent or **legal representative**. The controller shall make reasonable efforts to obtain verifiable consent, taking into consideration available technology.

Or. en

Amendment 1008
Manfred Weber

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. For the purposes of this Regulation, in relation to the offering of information society services directly to a child, the processing of personal data of a child below the age of **13 years** shall only be lawful if and to the extent that consent is given or authorised by the child's parent or custodian. The controller shall make reasonable efforts to obtain verifiable consent, taking into consideration available technology.

Amendment

1. For the purposes of this Regulation, in relation to the offering of information society services directly to a child, the processing of personal data of a child below the age of **15 years** shall only be lawful if and to the extent that consent is given or authorised by the child's parent or custodian. The controller shall make reasonable efforts to obtain verifiable consent, taking into consideration available technology.

Or. de

Amendment 1009
Birgit Sippel, Petra Kammerevert, Josef Weidenholzer

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. For the purposes of this Regulation, in relation to the offering of information society services directly to a child, the processing of personal data of a child below the age of **13 years** shall only be lawful if and to the extent that consent is given or authorised by the child's parent or **custodian**. The controller shall make reasonable efforts to obtain verifiable consent, taking into consideration available technology.

Amendment

1. For the purposes of this Regulation, in relation to the offering of information society services directly to a child, the processing of personal data of a child below the age of **16 years** shall only be lawful if and to the extent that consent is given or authorised by the child's parent or **legal representative**. The controller shall make reasonable efforts to obtain verifiable consent, taking into consideration available technology. ***The methods to obtain verifiable consent shall not lead to the further processing of personal data which would otherwise not be necessary.***

Or. en

Amendment 1010
Dimitrios Droutsas

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. For the purposes of this Regulation, in relation to the offering of **information society** services directly to a child, the processing of personal data of a child below the age of 13 years shall only be lawful if and to the extent that consent is given or authorised by the child's parent or **custodian**. The controller shall make reasonable efforts to obtain verifiable consent, taking into consideration available technology.

Amendment

1. For the purposes of this Regulation, in relation to the offering of **goods or** services directly to a child, the processing of personal data of a child below the age of 13 years shall only be lawful if and to the extent that consent is given or authorised by the child's parent or **legal guardian**. The controller shall make reasonable efforts to obtain verifiable consent, taking into consideration available technology. ***The methods to obtain verifiable consent shall not lead to the further processing of personal data which would otherwise not be necessary.***

Or. en

Amendment 1011
Jacek Protasiewicz, Rafał Trzaskowski, Arkadiusz Tomasz Bratkowski

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. For the purposes of this Regulation, in relation to the offering of **information society** services directly to a child, the processing of personal data of a child below the age of 13 years shall only be lawful if and to the extent that consent is given or authorised by the child's parent or custodian. The controller shall make reasonable efforts to obtain verifiable consent, taking into consideration available technology.

Amendment

1. For the purposes of this Regulation, in relation to the offering of services directly to a child, the processing of personal data of a child below the age of 13 years shall only be lawful if and to the extent that consent is given or authorised by the child's parent or custodian. The controller shall make reasonable efforts to obtain verifiable consent, taking into consideration available technology.

Amendment 1012
Jean-Pierre Audy, Seán Kelly

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. For the purposes of this Regulation, in relation to the offering of information society services directly to a child, the processing of personal data of a child below the age of **13 years** shall only be lawful if and to the extent that consent is given or authorised by the child's parent or custodian. The controller shall make reasonable efforts to obtain verifiable consent, taking into consideration available technology.

Amendment

1. For the purposes of this Regulation, in relation to the offering of information society services directly to a child, the processing of personal data of a child below the age of **15 years** shall only be lawful if and to the extent that consent is given or authorised by the child's parent or custodian. The controller shall make reasonable efforts to obtain verifiable consent, taking into consideration available technology.

Or. fr

Amendment 1013
Sabine Verheyen, Axel Voss, Kinga Gál, Monika Hohlmeier

Proposal for a regulation
Article 8 – paragraph 1

Text proposed by the Commission

1. For the purposes of this Regulation, in relation to the offering of information society services directly to a child, the processing of personal data of a child below the age of 13 years shall only be lawful if and to the extent that consent is given or authorised by the child's parent or custodian. The controller shall make reasonable efforts to obtain verifiable consent, taking into consideration available technology.

Amendment

1. For the purposes of this Regulation, in relation to the offering of information society services directly to a child, the processing of personal data of a child below the age of 13 years shall only be lawful if and to the extent that consent is given or authorised by the child's parent or custodian, ***without prejudice of Article 6(1)***. The controller shall make reasonable efforts to ***provide notice and obtain meaningful***, verifiable consent (***e.g. by obtaining the consent from the email***

address of the parent or the custodian),
taking into consideration available
technology.

Or. en

Amendment 1014
Axel Voss

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. For the purposes of this Regulation, in relation to the offering of information society services directly to a child, the processing of personal data of a child below the age of 18 years shall only be lawful if and to the extent that consent is given or authorised by the child's parent or custodian, using the parent or custodian's email address. The controller shall make reasonable efforts to obtain verifiable consent, taking into consideration available technology.

Or. en

Amendment 1015
Sabine Verheyen, Axel Voss, Kinga Gál, Anna Maria Corazza Bildt, Mariya Gabriel,
Monika Hohlmeier

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The information provided in order to express the consent should be given in a clear and age-appropriate language, in a way that would be easy to understand for the child above the age of 13 years.

Amendment 1016
Marian Harkin, Seán Kelly

Proposal for a regulation
Article 8 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where an information society service makes social networking facilities available to children it shall take explicit measures to protect their welfare, including by ensuring, in so far as possible, that they are aware of the identities of those with whom they are communicating.

Or. en

Amendment 1017
Axel Voss

Proposal for a regulation
Article 8 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The methods to obtain meaningful consent shall not lead to additional processing of personal data of the child concerned.

Or. en

Amendment 1018
Sabine Verheyen, Axel Voss, Kinga Gál, Anna Maria Corazza Bildt, Monika Hohlmeier

Proposal for a regulation
Article 8 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

1b. The methods to obtain meaningful consent shall not lead to additional processing of personal data of the child concerned.

Or. en

Amendment 1019

Axel Voss

Proposal for a regulation

Article 8 – paragraph 1 c (new)

Text proposed by the Commission

Amendment

1c. Where services referred to in paragraph 1 are particularly appropriate and suitable for a child and have been notified and are controlled by the relevant national authorities, the requirements referred to in paragraph 1 do not apply.

Or. en

Amendment 1020

Timothy Kirkhope

on behalf of the ECR Group

Proposal for a regulation

Article 8 – paragraph 2

Text proposed by the Commission

Amendment

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

deleted

Or. en

Amendment 1021

Birgit Sippel, Petra Kammerevert, Josef Weidenholzer

Proposal for a regulation

Article 8 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Paragraph 1 shall not apply where the information society services offered directly to a child are solely preventive or counselling services for young people in difficult situations.

Or. en

Justification

Certain services of the information society offered to children rely on the fact that children can use them without their parents' consent. This is for example the case with online-chats for victims of sexual abuse. Without a possible derogation for these cases, some counselling services targeting children seeking for help in situations where their parents or legal representative might be closely linked to the problem of the child would not be available any more. See also wording of the amendment to recital 29a (new).

Amendment 1022

Axel Voss

Proposal for a regulation

Article 8 – 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 methods to obtain verifiable consent referred to in paragraph 1. In doing so, the Commission shall consider specific measures for micro, small and medium-sized enterprises. ***deleted***

Amendment 1023

Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio

Proposal for a regulation

Article 8 – 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 methods to obtain verifiable consent referred to in paragraph 1. In doing so, the Commission shall consider specific measures for micro, small and medium-sized enterprises. **deleted**

Or. es

Amendment 1024

Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation

Article 8 – 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 methods to obtain verifiable consent referred to in paragraph 1. In doing so, the Commission shall consider specific measures for micro, small and medium-sized enterprises. **deleted**

Or. en

Amendment 1025
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a regulation
Article 8 – 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 methods to obtain verifiable consent referred to in paragraph 1. In doing so, the Commission shall consider specific measures for micro, small and medium-sized enterprises. *deleted*

Or. en

Amendment 1026
Sabine Verheyen, Axel Voss, Anna Maria Corazza Bildt, Monika Hohlmeier

Proposal for a regulation
Article 8 – 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 methods to obtain verifiable consent referred to in paragraph 1. In doing so, the Commission shall consider specific measures for micro, small and medium-sized enterprises. *deleted*

Or. en

Amendment 1027
Alexander Alvaro, Nadja Hirsch

Proposal for a regulation
Article 8 – 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** methods to obtain verifiable consent referred to in paragraph 1. **In doing so, the Commission shall consider specific measures for micro, small and medium-sized enterprises.**

Amendment

3. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of **laying down standard forms for specific** methods to obtain verifiable consent referred to in paragraph 1.

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 1028
Josef Weidenholzer

Proposal for a regulation
Article 8 – 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 methods to obtain verifiable consent referred to in paragraph 1. **In doing so, the Commission shall consider specific measures for micro, small and medium-sized enterprises.**

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 methods to obtain verifiable consent referred to in paragraph 1.

Or. en

Amendment 1029
Dimitrios Droutsas

Proposal for a regulation
Article 8 – 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 methods to obtain verifiable consent referred to in paragraph 1. In doing so, the Commission shall consider specific measures for micro, small and medium-sized enterprises.

Amendment

3. The Commission shall, ***after requesting an opinion from the European Data Protection Board***, be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and requirements for the methods to obtain verifiable consent referred to in paragraph. In doing so, the Commission shall consider specific measures for micro, small and medium-sized enterprises.

Or. en

Amendment 1030
Claude Moraes, Glenis Willmott

Proposal for a regulation
Article 8 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Paragraphs 1, 2, and 3 shall not apply where the processing of personal data of a child concerns health data and where the Member State law in the field of health and social care prioritises the maturity and competence of an individual over physical age.

Or. en

Justification

In the context of health and social care authorisation from a child's parent or guardian should not be necessary where the child has the maturity and competence to make a decision for him or herself. In the UK a person of 12 years or more shall be presumed old enough and mature enough to exercise their right to decide who else can access their health records. In

Child Protection Cases it is not always in the interests of the data subject for their parent or guardian to have access to their data, and this needs to be reflected in the legislation.

Amendment 1031

Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission may lay down standard forms for specific methods to obtain verifiable consent referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure set out in Article 87(2).

deleted

Or. es

Amendment 1032

Alexander Alvaro, Nadja Hirsch

Proposal for a regulation

Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission may lay down standard forms for specific methods to obtain verifiable consent referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

deleted

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 1033
Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission may lay down standard forms for specific methods to obtain verifiable consent referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

deleted

Or. en

Amendment 1034
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

Amendment

4. The Commission may lay down standard forms for specific methods to obtain verifiable consent referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

deleted

Or. en

Amendment 1035
Manfred Weber

Proposal for a regulation
Article 8 – paragraph 4

Text proposed by the Commission

4. The Commission **may** lay down standard forms for specific methods to obtain verifiable consent referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure set out in Article 87(2).

Amendment

4. The Commission **shall** lay down standard forms for specific methods to obtain verifiable consent referred to in paragraph 1. Those implementing acts shall be adopted in accordance with the examination procedure set out in Article 87(2).

Or. de

Justification

The age of legal capacity in the EU is mostly 18. In exceptional cases the age of legal capacity /criminal responsibility is deemed to be 14 or 15 subject to certain conditions. Setting an age of 13 here seems arbitrary and inappropriate in the light of the need to protect children. Accordingly it seems more appropriate to raise the age limit to 15. The amendment to paragraph 4 is necessary in order to guarantee legal certainty to providers as to whether or not they have obtained consent.

Amendment 1036

Timothy Kirkhope

on behalf of the ECR Group

Proposal for a regulation

Article 8 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. Every child must be free to say what they think and to seek and receive all kinds of information, as long as it is within the law.

Or. en

Justification

UN Convention on the Rights of the Child

Amendment 1037
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a regulation
Article 8 – paragraph 4 b (new)

Text proposed by the Commission

Amendment

***4b. Every child has the right to privacy.
The law should protect the child's private,
family and home life.***

Or. en

Justification

UN Convention on the Rights of the Child

Amendment 1038
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a regulation
Article 8 – paragraph 4 c (new)

Text proposed by the Commission

Amendment

***4c. Every child has the right to reliable
information. This should be information
that children can understand. Member
State Government's must help protect
children from materials that could harm
them.***

Or. en

Justification

UN Convention on the Rights of the Child

Amendment 1039
Axel Voss

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Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. The processing of personal data, revealing race or ethnic origin, political opinions, religion or beliefs, trade-union membership, and the processing of genetic data or data concerning health or sex life or criminal convictions or related security measures shall be prohibited.

Amendment

1. The processing of personal data, revealing race or ethnic origin, political opinions, religion or beliefs, trade-union membership, and the processing of genetic data or data concerning health or sex life or criminal convictions, ***criminal offences, including offences and matters which have not lead to conviction, significant social problems,*** or related security measures shall be prohibited.

Or. en

Amendment 1040
Claude Moraes

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. The processing of personal data, revealing race or ethnic origin, political opinions, religion or beliefs, trade-union membership, and the processing of genetic data or data concerning health or sex life or criminal convictions or related security measures shall be prohibited.

Amendment

1. The processing of personal data, revealing race or ethnic origin, political opinions, religion or ***philosophical*** beliefs, ***sexual orientation,*** trade-union membership ***and activities,*** and the processing of genetic data or data concerning health or sex life or criminal convictions or related security measures shall be prohibited.

Or. en

Justification

The scope of accessing workers' personal data should include any trade union activities

Amendment 1041
Jens Rohde, Adina-Ioana Vălean

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. The processing of personal data, revealing race or ethnic origin, political opinions, religion or beliefs, trade-union membership, and the processing of genetic data or data concerning health or sex life or criminal convictions or related security measures shall be prohibited.

Amendment

1. The processing of personal data, revealing race or ethnic origin, political opinions, religion or beliefs, trade-union membership, **significant social problems** and the processing of genetic data or data concerning health or sex life or criminal convictions or related security measures shall be prohibited.

Or. en

Amendment 1042
Dimitrios Droutsas

Proposal for a regulation
Article 9 – paragraph 1

Text proposed by the Commission

1. The processing of personal data, revealing race or ethnic origin, political opinions, religion or beliefs, trade-union membership, and the processing of genetic data or data concerning health or sex life or criminal convictions or related security measures shall be prohibited.

Amendment

1. The processing of personal data, revealing race or ethnic origin, political opinions, religion or beliefs, **sexual orientation or gender identity**, trade-union membership **and activities**, and the processing of genetic **or biometric** data or data concerning health or sex life or criminal convictions or related security measures shall be prohibited.

Or. en

Amendment 1043
Louis Michel

Proposal for a regulation
Article 9 – paragraph 1

PE506.146v01-00

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Text proposed by the Commission

1. The processing of personal data, revealing race or ethnic origin, political opinions, religion or beliefs, trade-union membership, **and** the processing of genetic data or data concerning **health or sex life or criminal convictions or related security measures** shall be prohibited.

Amendment

1. The processing of personal data, revealing race or ethnic origin, political opinions, religion or beliefs, trade-union membership, the processing of genetic data or data concerning **sex life and the processing of personal data intended to reveal information concerning health** shall be prohibited.

Or. en

Amendment 1044

Birgit Sippel, Josef Weidenholzer, Evelyn Regner, Jutta Steinruck

**Proposal for a regulation
Article 9 – paragraph 1**

Text proposed by the Commission

1. The processing of personal data, revealing race or ethnic origin, political opinions, religion or beliefs, **trade-union** membership, and the processing of genetic data or data concerning health or sex life or criminal convictions or related security measures shall be prohibited.

Amendment

1. The processing of personal data, revealing race or ethnic origin, political opinions, religion or beliefs, membership **of or activity in a trade union**, and the processing of genetic data or data concerning health or sex life or criminal convictions or related security measures shall be prohibited.

Or. de

Amendment 1045

Marie-Christine Vergiat

**Proposal for a regulation
Article 9 – paragraph 1**

Text proposed by the Commission

1. The processing of personal data, revealing race or ethnic origin, political opinions, religion or beliefs, trade-union

Amendment

1. The processing of personal data, revealing race or ethnic origin, political opinions, religion or **philosophical** beliefs,

membership, and the processing of genetic data or data concerning health or sex life or criminal convictions or related security measures shall be prohibited.

sexual orientation or gender identity, trade-union membership *and activities*, and the processing of genetic *and biometric* data or data concerning health or sex life or criminal convictions or related security measures shall be prohibited.

Or. fr

Justification

Amendment linked to the amendment to Article 4.

Amendment 1046

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 9 – paragraph 1

Text proposed by the Commission

1. The processing of personal data, revealing race or ethnic origin, political opinions, religion or beliefs, trade-union membership, and the processing of genetic data or data concerning health or sex life or criminal convictions or related security measures shall be prohibited.

Amendment

1. The processing of personal data, revealing race or ethnic origin, political opinions, religion or beliefs, trade-union membership, and the processing of *financial data*, genetic data or data concerning health or sex life or criminal convictions or related security measures shall be prohibited.

Or. en

Amendment 1047

Claude Moraes, Glenis Willmott

Proposal for a regulation

Article 9 – paragraph 2 – point a

Text proposed by the Commission

(a) the data subject has given consent to the processing of those personal data, subject to the conditions laid down in Articles 7

Amendment

(a) the data subject has given consent to the processing of those personal data, subject to the conditions laid down in Articles 7

and 8, except where Union law or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject; or

and 8, except where Union law or Member State law provide that the prohibition referred to in paragraph 1 may not be lifted by the data subject. *This includes safeguards to prevent the blacklisting of workers, for example in relation to their trade union activities*; or

Or. en

Justification

Addition needed to safeguard against personal data being used against the data subject in an employment context.

Amendment 1048

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

Proposal for a regulation

Article 9 – paragraph 2 – point a a (new)

Text proposed by the Commission

Amendment

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

Or. en

Justification

It should be possible to also process special categories of personal data for the performance or entering into a contract that is wished so by the data subject.

Amendment 1049

Axel Voss

Proposal for a regulation

Article 9 – paragraph 2 – point b

Text proposed by the Commission

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller in the field of employment law in so far as it is authorised by Union law or Member State law providing for adequate safeguards; or

Amendment

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller in the field of employment law ***or collective agreements on the labour market*** in so far as it is authorised by Union law or Member State law providing for adequate safeguards; or

Or. en

Justification

Taken from ITRE-Opinion.

Amendment 1050

Jens Rohde, Adina-Ioana Vălean

Proposal for a regulation

Article 9 – paragraph 2 – point b

Text proposed by the Commission

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller in the field of employment law in so far as it is authorised by Union law or Member State law providing for adequate safeguards; or

Amendment

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller in the field of employment law in so far as it is authorised by Union law or Member State law ***or collective agreements on the labour market*** providing for adequate safeguards; or

Or. en

Amendment 1051

Dimitrios Droutsas

Proposal for a regulation

Article 9 – paragraph 2 – point b

Text proposed by the Commission

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller in the field of employment law in so far as it is authorised by Union law or Member State law providing for adequate safeguards; or

Amendment

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller in the field of employment law in so far as it is authorised by Union law or Member State law ***or collective agreements*** providing for adequate safeguards; or

Or. en

Amendment 1052

Jacek Protasiewicz, Rafał Trzaskowski, Arkadiusz Tomasz Bratkowski

Proposal for a regulation

Article 9 – paragraph 2 – point b

Text proposed by the Commission

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller in the field of employment law in so far as it is authorised by Union law or Member State law providing for adequate safeguards; or

Amendment

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller in the field of employment law in so far as it is authorised by Union law or Member State law providing for adequate safeguards ***ensuring the fundamental rights of the data subject such as right to non-discrimination***; or

Or. en

Amendment 1053

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 9 – paragraph 2 – point b

Text proposed by the Commission

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller

Amendment

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller

in the field of employment law in so far as it is authorised by Union law or Member State law *providing for adequate safeguards*; or

in the field of employment law in so far as it is authorised by Union law or Member State law *provided that it meets a clearly defined objective of public interest, respect the essence of the right to protection of personal data, be proportionate to the legitimate aim pursued and respect the fundamental rights and interests of the data subject*; or

Or. en

Amendment 1054

Birgit Sippel, Josef Weidenholzer, Jutta Steinruck, Evelyn Regner

Proposal for a regulation

Article 9 – paragraph 2 – point b

Text proposed by the Commission

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller in the field of employment law in so far as it is authorised by Union law or Member State law providing for adequate safeguards;

Amendment

(b) processing is necessary for the purposes of carrying out the obligations and exercising specific rights of the controller in the field of employment law, *including collective wage agreements*, in so far as it is authorised by Union law or Member State law providing for adequate safeguards;

Or. de

Amendment 1055

Timothy Kirkhope

on behalf of the ECR Group

Proposal for a regulation

Article 9 – paragraph 2 – point c

Text proposed by the Commission

(c) processing is necessary to protect the *vital* interests of the data subject or of another person where the data subject is physically or legally incapable of giving

Amendment

(c) processing is necessary to protect the interests of the data subject or of another person where the data subject is physically or legally incapable of giving consent; or

consent; or

Or. en

Amendment 1056
Claude Moraes

Proposal for a regulation
Article 9 – paragraph 2 – point d

Text proposed by the Commission

(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other non-profit-seeking body with a political, philosophical, religious or trade-union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the data are not disclosed outside that body without the consent of the data subjects; or

Amendment

(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other non-profit-seeking body with a political, philosophical, religious or trade-union aim ***or advocating for fundamental human rights*** and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the data are not disclosed outside that body without the consent of the data subjects; or

Or. en

Justification

Civil society organisations, such as patient organisations which advocate for the fundamental rights of patients, are often taking part in research, and may also set up patient registries, despite often limited financial resources. Initiatives by patient organisations or other civil society organisations to advance health or the rights of patients, as these are legitimate activities.

Amendment 1057
Jens Rohde, Adina-Ioana Vălean

Proposal for a regulation
Article 9 – paragraph 2 – point d

Text proposed by the Commission

(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other non-profit-seeking body with a political, philosophical, religious or trade-union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the data are not disclosed outside that body without the consent of the data subjects; or

Amendment

(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association, **organizations on the labour market** or any other non-profit-seeking body with a political, philosophical, religious or trade-union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the data are not disclosed outside that body without the consent of the data subjects; or

Or. en

Amendment 1058

Timothy Kirkhope

on behalf of the ECR Group

Proposal for a regulation

Article 9 – paragraph 2 – point d

Text proposed by the Commission

(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, **association or any other non-profit-seeking body** with a political, philosophical, religious or trade-union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the data are not disclosed outside that body without the consent of the data subjects; or

Amendment

(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation **or association** with a political, philosophical, religious or trade-union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the data are not disclosed outside that body without the consent of the data subjects; or

Or. en

Amendment 1059
Louis Michel

Proposal for a regulation
Article 9 – paragraph 2 – point d

Text proposed by the Commission

(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other non-profit-seeking body with a political, philosophical, religious or trade-union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the data are not disclosed outside that body without the consent of the data subjects; or

Amendment

(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association, **organisations active in the labour market** or any other non-profit-seeking body with a political, philosophical, religious, **sporting** or trade-union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the data are not disclosed outside that body without the consent of the data subjects; or

Or. en

Amendment 1060
Ewald Stadler

Proposal for a regulation
Article 9 – paragraph 2 – point d

Text proposed by the Commission

(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other non-profit-seeking body with a political, philosophical, religious or trade-union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the data are not disclosed **outside that body** without the consent of the data subjects;

Amendment

(d) processing is carried out in the course of its legitimate activities with appropriate safeguards by a foundation, association or any other non-profit-seeking body with a political, philosophical, religious or trade-union aim and on condition that the processing relates solely to the members or to former members of the body or to persons who have regular contact with it in connection with its purposes and that the data are not disclosed **to third parties** without the consent of the data subjects;

Amendment 1061
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Article 9 – paragraph 2 – point e

Text proposed by the Commission

(e) the processing relates to personal data which are manifestly made public by the data subject; or

Amendment

(e) the processing relates to personal data which are manifestly ***and demonstrably*** made public by the data subject; or

Or. en

Amendment 1062
Axel Voss, Seán Kelly, Wim van de Camp, Monika Hohlmeier, Lara Comi, Véronique Mathieu Houillon

Proposal for a regulation
Article 9 – paragraph 2 – point f

Text proposed by the Commission

(f) processing is necessary for the establishment, exercise or defence of legal claims; or

Amendment

(f) processing is necessary for the establishment, exercise or defence of legal claims ***or the legally justified fulfilment of claims of third parties affected***; or

Or. en

Amendment 1063
Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation
Article 9 – paragraph 2 – point f

Text proposed by the Commission

(f) processing is necessary for the ***establishment***, exercise or defence of legal

Amendment

(f) processing is necessary for the exercise or defence of legal claims ***given they are***

claims; or

not manifestly unreasonable; or

Or. en

Amendment 1064

Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio

Proposal for a regulation

Article 9 – paragraph 2 – point f

Text proposed by the Commission

Amendment

(f) processing is necessary for the establishment, exercise or defence of legal claims; o

(f) processing is necessary for the establishment, exercise or defence of legal *or administrative* claims *of any kind*; o

Or. es

Justification

Es conveniente introducir una referencia ampliatoria de manera que quede claro que este tipo de datos pueden procesarse cuando se trata de reconocer, ejercitar o defender un derecho en un procedimiento judicial o administrativo de cualquier clase. El motivo de ello es que no deberían ponerse obstáculos para el ejercicio o reconocimiento de los derechos por cauces legalmente establecidos y dotados de las garantías necesarias. Por otra parte, en algunas ocasiones nos podemos encontrar con límites difusos entre los procedimientos judiciales y administrativos, no tanto desde la perspectiva de la autoridad ante la cual se sustancian, sino desde la perspectiva de su verdadera naturaleza jurídica, debiendo por ello quedar ambos incluidos.

Amendment 1065

Wim van de Camp

Proposal for a regulation

Article 9 – paragraph 2 – point g

Text proposed by the Commission

Amendment

(g) processing is necessary for the performance of a task carried out in the public interest, on the basis of Union law, or Member State law which shall provide for suitable measures to safeguard the data

(g) processing is necessary for the performance of a task carried out in the public interest, on the basis of *international conventions to which the EU or a Member State is a party*, Union

subject's legitimate interests; or

law, or Member State law which shall provide for suitable measures to safeguard the data subject's legitimate interests; or

Or. en

Justification

A public interest can also be expressed in international conventions, even in the absence of specific national or EU laws. Such conventions would still need to respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued. Moreover, any processing of personal data on this basis would obviously have to comply with all other aspects of the Regulation as well.

Amendment 1066

Jacek Protasiewicz, Rafał Trzaskowski, Arkadiusz Tomasz Bratkowski

Proposal for a regulation

Article 9 – paragraph 2 – point g

Text proposed by the Commission

(g) processing is necessary for the performance of a task carried out in the public interest, on the basis of Union law, or Member State law which shall provide for suitable measures to safeguard the data subject's legitimate interests; or

Amendment

(g) processing is necessary for the performance of a task carried out in the public interest, on the basis of Union law, or Member State law which shall provide for suitable measures to safeguard the data subject's legitimate interests **and fundamental rights**; or

Or. en

Amendment 1067

Louis Michel

Proposal for a regulation

Article 9 – paragraph 2 – point g

Text proposed by the Commission

(g) processing is necessary for the performance of a task carried out in the public interest, on the basis of Union law,

Amendment

(g) processing is necessary for the performance of a task carried out in the public interest, on the basis of Union law,

or Member State *law which shall provide for suitable measures to safeguard the data subject's legitimate interests*; or

or Member State; or

Or. en

Amendment 1068

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 9 – paragraph 2 – point g

Text proposed by the Commission

(g) processing is necessary for the performance of a task carried out in *the* public interest, on the basis of Union law, or Member State law which shall provide for *suitable* measures to safeguard the *data subject's legitimate* interests; or

Amendment

(g) processing is necessary for the performance of a task carried out in *a well-defined and substantial* public interest, on the basis of Union law, or Member State law which shall *be proportionate to the aim pursued, respect the essence of the right to data protection and* provide for *adequate* measures to safeguard the *fundamental rights and interests of the data subject*; or

Or. en

Amendment 1069

Axel Voss

Proposal for a regulation

Article 9 – paragraph 2 – point h

Text proposed by the Commission

(h) processing of data concerning health is necessary for health purposes and subject to the conditions and safeguards referred to in Article 81; or

Amendment

(h) processing of data concerning health is necessary for health purposes, *including for historical, statistical or scientific research* and subject to the conditions and safeguards referred to in Article 81; or

Or. en

Justification

This clarification is necessary in order to safeguard the processing of medical data used for historical, statistical or scientific research purposes. Scientists heavily rely on patient registries and biobanks to conduct epidemiological, clinical and translational research, thus making it necessary to ensure the processing of personal data for health purposes.

Amendment 1070
Wim van de Camp

Proposal for a regulation
Article 9 – paragraph 2 – point h

Text proposed by the Commission

(h) processing of data concerning health is necessary for health purposes and subject to the conditions and safeguards referred to in Article 81; or

Amendment

(h) processing of data concerning health **and insurance** is necessary for health purposes and subject to the conditions and safeguards referred to in Article 81; or

Or. en

Justification

Processing of relevant health data is fundamental not only for health insurance (as provided for in Article 81), but also for other forms of insurance (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. See further the amendment as to Article 81 of the Regulation.

Amendment 1071
Louis Michel

Proposal for a regulation
Article 9 – paragraph 2 – point h

Text proposed by the Commission

(h) processing of **data** concerning health is necessary for **health purposes and** subject to the **conditions and safeguards referred to in Article 81**; or

Amendment

(h) processing of **personal data intended to reveal information** concerning health is necessary for **purposes of preventative or occupational medicine, medical diagnosis, the provision of care or treatment or the**

management of health-care services, 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. en

Amendment 1072
Ewald Stadler

Proposal for a regulation
Article 9 – paragraph 2 – point h

Text proposed by the Commission

(h) processing of data concerning health is necessary *for health purposes and* subject to the conditions and safeguards referred to in Article 81;

Amendment

(h) processing of data concerning health is necessary subject to the conditions and safeguards referred to in Article 81 *for the purposes referred to there or for the completion of contracts related thereto;*

Or. de

Amendment 1073
Axel Voss

Proposal for a regulation
Article 9 – paragraph 2 – point h a (new)

Text proposed by the Commission

(ha) processing is limited to pseudonymised data, where the data subject is adequately protected and the recipient of the service is given a right to object pursuant to Article 19(3) and the processing is necessary for the purpose of the legitimate interest pursued by the controller or a third party.

Amendment 1074

Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio

Proposal for a regulation

Article 9 – paragraph 2 – point i

Text proposed by the Commission

(i) processing is necessary for historical, statistical or scientific research purposes subject to the conditions and safeguards referred to in Article 83; o

Amendment

(i) processing is necessary for historical, statistical or scientific research purposes **or for preliminary official or administrative investigation to determine biological parentage**, subject to the conditions and safeguards referred to in Article 83; o

Or. es

Justification

Processing is necessary for historical, statistical or scientific research purposes or for preliminary official or administrative investigation to determine biological parentage, subject to the conditions and safeguards referred to in Article 83.

Amendment 1075

Sophia in 't Veld

Proposal for a regulation

Article 9 – paragraph 2 – point j

Text proposed by the Commission

(j) processing of data relating to criminal convictions or related security measures is carried out either under the control **of official** authority or when the processing is necessary for compliance with a legal or regulatory obligation to which a controller is subject, or for the performance of a task carried out for important public interest reasons, and in so far as authorised by Union law or Member State law providing for adequate safeguards. A complete

Amendment

(j) processing of data relating to criminal convictions or related security measures is carried out either under the control **and permission of the supervisory** authority or when the processing is necessary for compliance with a legal or regulatory obligation to which a controller is subject, or for the performance of a task carried out for important public interest reasons, and in so far as authorised by Union law or Member State law providing for adequate

register of criminal convictions shall be kept only under the control of official authority.

safeguards *for the fundamental rights and interests of the data subject*. A complete register of criminal convictions shall be kept only under the control of official authority.

Or. en

Amendment 1076
Frank Engel

Proposal for a regulation
Article 9 – paragraph 2 – point j

Text proposed by the Commission

(j) processing of data relating to criminal convictions or related security measures is carried out either under the control of official authority or when the processing is necessary for compliance with a legal or regulatory obligation to which a controller is subject, or for the performance of a task carried out for important public interest reasons, and in so far as authorised by Union law or Member State law providing for adequate safeguards. A complete register of criminal convictions shall be kept only under the control of official authority.

Amendment

(j) processing of data relating to criminal convictions or related security measures is carried out either under the control of official authority or when the processing is necessary for compliance with a legal or regulatory obligation *or orders and recommendations of competent organizations as well as the requirements of supervisory authorities* to which a controller is subject, or for the performance of a task carried out for important public interest reasons, and in so far as authorised by Union law or Member State law providing for adequate safeguards. A complete register of criminal convictions shall be kept only under the control of official authority.

Or. en

Amendment 1077
Wim van de Camp

Proposal for a regulation
Article 9 – paragraph 2 – point j

Text proposed by the Commission

(j) processing of data relating to criminal convictions or related security measures is carried out either under the control of official authority or when the processing is necessary for compliance with a legal or regulatory obligation to which a controller is subject, or for the performance of a task carried out for important public interest reasons, and in so far as authorised by Union law or Member State law providing for adequate safeguards. A complete register of criminal convictions shall be kept only under the control of official authority.

Amendment

(j) processing of data relating to criminal convictions or related security measures is carried out either under the control of official authority or when the processing is necessary for compliance with a legal or regulatory obligation to which a controller is subject, **for the prevention or detection of fraud**, or for the performance of a task carried out for important public interest reasons, and in so far as authorised by Union law or Member State law providing for adequate safeguards. A complete register of criminal convictions shall be kept only under the control of official authority.

Or. en

Justification

In order to prevent and detect insurance, payment and other forms of fraud, e.g. the financial services industry processes personal data and shares and cross-checks these with other financial services companies. This not only to prevent damage to the controller itself but also to protect other financial services companies and the financial services sector as a whole. The data processed may include data relating to criminal convictions and data which may lead to a criminal conviction, which will be covered by Article 9. Requesting consent for this processing is not an option.

Amendment 1078

Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation

Article 9 – paragraph 2 – point j

Text proposed by the Commission

(j) processing of data relating to criminal convictions or related security measures is carried out either under the **control of official** authority or when the processing is necessary for compliance with a legal or regulatory obligation to which a controller

Amendment

(j) processing of data relating to criminal convictions or related security measures is carried out either **subject to the conditions and safeguards referred to in Article 83a** or under the **supervision of a supervisory** authority or when the processing is

is subject, or for the performance of a task carried out for important public interest reasons, and in so far as authorised by Union law or Member State law providing for adequate safeguards. A complete register of criminal convictions shall be kept only under the control of official authority.

necessary for compliance with *or to avoid a breach of* a legal or regulatory obligation *or collective agreements on the labour market* to which a controller is subject, or for the performance of a task carried out for important public interest reasons, and in so far as authorised by Union law or Member State law providing for adequate safeguards. A complete register of criminal convictions shall be kept only under the control of official authority.

Or. en

Justification

The amendment clarifies the wording by providing a supervised control for organisations that process criminal conviction data. Also the amendment clarifies that not every instance of processing carried out for legal or regulatory compliance reasons will be specifically required by law. In certain cases such processing will be undertaken as part of a risk management process designed to prevent a breach of the law. It must also be ensured that employers following collective agreements can receive information on (potential) employees criminal convictions. This is especially important for employees dealing with children.

Amendment 1079

Timothy Kirkhope

on behalf of the ECR Group

Proposal for a regulation

Article 9 – paragraph 2 – point j

Text proposed by the Commission

(j) processing of data relating to criminal convictions or related security measures is carried out either under the control of official authority or when the processing is necessary for compliance with a legal or regulatory obligation to which a controller is subject, or for the performance of a task carried out for important public interest reasons, and in so far as authorised by Union law or Member State law providing for adequate safeguards. **A complete** register of criminal convictions shall be

Amendment

(j) processing of data relating to criminal convictions or related security measures is carried out either under the control of official authority or when the processing is necessary for compliance with a legal or regulatory obligation to which a controller is subject, or for the performance of a task carried out for important public interest reasons, and in so far as authorised by Union law or Member State law providing for adequate safeguards. **Any** register of criminal convictions shall be kept only

kept only under the control of official authority.

under the control of official authority.

Or. en

Amendment 1080
Dimitrios Droutsas

Proposal for a regulation
Article 9 – paragraph 2 – point j

Text proposed by the Commission

(j) processing of data relating to criminal convictions or related security measures is carried out either under the control of official authority or when the processing is necessary for compliance with a legal or regulatory obligation to which a controller is subject, or for the performance of a task carried out for important public interest reasons, and in so far as authorised by Union law or Member State law providing for adequate safeguards. A complete register of criminal convictions shall be kept only under the control of official authority.

Amendment

(j) processing of data relating to **administrative sanctions, judgments, criminal offences**, convictions or related security measures, is carried out either under the control of official authority or when the processing is necessary for compliance with a legal or regulatory obligation to which a controller is subject, or for the performance of a task carried out for important public interest reasons, and in so far as authorised by Union law or Member State law providing for adequate safeguards. A complete register of criminal convictions shall be kept only under the control of official authority.

Or. en

Amendment 1081
Louis Michel

Proposal for a regulation
Article 9 – paragraph 2 – point j

Text proposed by the Commission

(j) processing of data relating to criminal convictions or related security measures is carried out either under the control of official authority or when the processing is necessary for compliance with a legal or

Amendment

(j) processing of **personal** data relating to **offences**, criminal convictions or related security measures is carried out either under the control of official authority or when the processing is necessary for

regulatory obligation to which a controller is subject, or for the performance of a task carried out for important public interest reasons, and in so far as authorised by Union law or Member State law providing for adequate safeguards. A complete register of criminal convictions shall be kept only under the control of official authority.

compliance with a legal or regulatory obligation to which a controller is subject, or for the performance of a task carried out for important public interest reasons, and in so far as authorised by Union law or Member State law providing for adequate safeguards. A complete register of criminal convictions shall be kept only under the control of official authority.

Or. en

Amendment 1082

Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio

Proposal for a regulation

Article 9 – paragraph 2 – point j

Text proposed by the Commission

(j) processing of data relating to criminal convictions or related security measures is carried out either under the control of official authority or when the processing is necessary for compliance with a legal or regulatory obligation to which a controller is subject, or for the performance of a task carried out for important public interest reasons, and in so far as authorised by Union law or Member State law providing for adequate safeguards. A **complete** register of criminal convictions shall be kept only under the control of official authority.

Amendment

(j) processing of data relating to criminal convictions or related security measures is carried out either under the control of official authority or when the processing is necessary for compliance with a legal or regulatory obligation to which a controller is subject, or for the performance of a task carried out for important public interest reasons, and in so far as authorised by Union law or Member State law providing for adequate safeguards. A register of criminal convictions, **whether complete or not**, shall be kept only under the control of official authority.

Or. es

Justification

The text implies that there could be partial registers of criminal convictions or safety measures not under the control of the official authorities. Any register of this kind, complete or otherwise, has to be under the control of the authorities.

Amendment 1083

Louis Michel

Proposal for a regulation

Article 9 – paragraph 2 – point j a (new)

Text proposed by the Commission

Amendment

(ja) processing is necessary for sole purpose of complying with or giving effect to equal opportunity rights of individuals or for the promotion of inclusion and diversity within the workforce of the controller or the group of undertakings of which the controller is a member.

Or. en

Amendment 1084

Axel Voss, Seán Kelly, Wim van de Camp, Monika Hohlmeier, Lara Comi, Véronique Mathieu Houillon

Proposal for a regulation

Article 9 – paragraph 2 – point j a (new)

Text proposed by the Commission

Amendment

(ja) processing of data concerning health is necessary for private social protection, especially by providing income security or tools to manage risks that are in the interests of the data subject and his or her dependants and assets, or by enhancing inter-generational equity by means of distribution.

Or. en

Justification

Taken from ITRE-opinion.

Amendment 1085
Ewald Stadler

Proposal for a regulation
Article 9 – paragraph 2 – point j a (new)

Text proposed by the Commission

Amendment

(ja) For the purposes of conformity with compliance rules, persons subject to such rules shall be entitled to process data to the extent necessary for the implementation of the compliance rules.

Or. de

Amendment 1086
Axel Voss

Proposal for a regulation
Article 9 – paragraph 2 – point j b (new)

Text proposed by the Commission

Amendment

(jb) processing is necessary for legitimate internal purposes of groups of undertakings and where the interests of the data subjects concern are sufficiently addressed by internal data protection provisions or equivalent code of conducts as referred to in Article 38c.

Or. en

Amendment 1087
Alexander Alvaro

Proposal for a regulation
Article 9 – 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, conditions and appropriate safeguards for the processing of the special categories of personal data referred to in paragraph 1 and the exemptions laid down in paragraph 2.

Or. en

Amendment 1088

Axel Voss

Proposal for a regulation

Article 9 – 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, conditions and appropriate safeguards for the processing of the special categories of personal data referred to in paragraph 1 and the exemptions laid down in paragraph 2. **deleted**

Or. en

Amendment 1089

Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio

Proposal for a regulation

Article 9 – 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, conditions and appropriate safeguards for the processing of the special categories of personal data referred to in paragraph 1 and the exemptions laid down in paragraph 2. **deleted**

Justification

The content is excessive, as it empowers the Commission to develop aspects which are fundamental to this instrument, and does so in a field which is particularly sensitive because of the type of data covered by this regulation. The most appropriate course, therefore, would be to develop these aspects in the regulation proper.

Amendment 1090

Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation**Article 9 – 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, conditions and appropriate safeguards for the processing of the special categories of personal data referred to in paragraph 1 and the exemptions laid down in paragraph 2. **deleted**

Or. en

Amendment 1091

Timothy Kirkhope

on behalf of the ECR Group

Proposal for a regulation**Article 9 – 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, conditions and appropriate safeguards for the processing of the special categories of personal data referred to in paragraph 1 and the **deleted**

exemptions laid down in paragraph 2.

Or. en

Amendment 1092
Louis Michel

Proposal for a regulation
Article 9 – 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, conditions and appropriate safeguards for the processing of the special categories of personal data referred to in paragraph 1 and the exemptions laid down in paragraph 2.

deleted

Or. en

Amendment 1093
Dimitrios Droutsas

Proposal for a regulation
Article 9 – 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, conditions and appropriate safeguards for the processing of ***the*** special categories of personal data referred to in paragraph 1 and the exemptions laid down in paragraph 2.

3. The Commission shall be empowered to adopt, ***after requesting an opinion from the European Data Protection Board,*** delegated acts in accordance with Article 86, for the purpose of further specifying the criteria, conditions and appropriate safeguards for the processing of special categories of personal data referred to in paragraph 1 and the exemptions laid down in paragraph 2.

Amendment 1094
Judith Sargentini

Proposal for a regulation
Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall determine the conditions under which a national identification number or any other identifier of general application may be processed.

Or. en

Justification

This text was taken from the current data protection directive. It provides room for member states to set specific stricter limits on how the national identification number can be used, especially as applied outside government.

Amendment 1095
Alexander Alvaro

Proposal for a regulation
Article 10

Text proposed by the Commission

Amendment

Article 10

deleted

Processing not allowing identification

If the data processed by a controller do not permit the controller to identify a natural person, the controller shall not be obliged to acquire additional information in order to identify the data subject for the sole purpose of complying with any provision of this Regulation.

Or. en

Justification

Moved to Article 5c (new)

Amendment 1096
Ewald Stadler

Proposal for a regulation
Article 10 – title

Text proposed by the Commission

Amendment

Processing not allowing identification

Procedure for automated processing

Or. de

Amendment 1097
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

Amendment

If the data processed by a controller do not permit the controller to identify a natural person, the controller shall not be obliged to acquire additional information in order to identify the data subject for the sole purpose of complying with any provision of this Regulation.

deleted

Or. en

Amendment 1098
Ewald Stadler

Proposal for a regulation
Article 10

Text proposed by the Commission

Amendment

If the data processed by a controller do not permit the controller to identify a natural person, the controller shall not be obliged to acquire additional information in order to identify the data subject for the sole purpose of complying with any provision of this Regulation.

deleted

Or. de

Amendment 1099

Ewald Stadler

Proposal for a regulation

Article 10

Text proposed by the Commission

Amendment

If the data processed by a controller do not permit the controller to identify a natural person, the controller shall not be obliged to acquire additional information in order to identify the data subject for the sole purpose of complying with any provision of this Regulation.

1. The establishment of a common procedure for automated processing by several data controllers shall be permissible provided that this procedure is appropriate taking into account the legitimate interests of the data subjects and the duties or business purposes of the participating data controllers and each of these data controllers at least has full control over the processing of the data he or she has collected. Several data controllers may also have full control over all data in a joint automated processing procedure.

2. The data controllers shall ensure that the lawfulness of the joint procedure can be monitored. To that end they shall specify in writing:

(a) the reason and purpose for the joint automated data processing procedure;

(b) all participating data controllers and their purposes;

(c) third parties to whom data is

transmitted;

(d) type of data;

(e) the technical and organisational measures and procedures required.

3. The data subject of a data processing procedure may assert his or her rights vis-à-vis each data controller. If that data controller does not have full control over the data, he or she shall be required to pass on the request of the data subject to the controller who collected the data. The data subject shall be informed about the transmission of his or her request to the data controller. The data subject's right to be informed shall extend to all data controllers and all purposes of the joint data processing procedure.

4. The data controllers shall be jointly and severally liable for the compliance of the whole automated data processing procedure with the data protection requirements of this regulation.

Or. de

Amendment 1100
Louis Michel

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

If the data processed by a controller do not permit the controller to identify a natural person, the controller shall not be obliged to acquire additional information in order to identify the data subject for the sole purpose of complying with any provision of this Regulation.

Amendment

If the data processed by a controller do not permit the controller, ***through means used by the controller***, to identify a natural person, the controller shall not be obliged to acquire additional information in order to identify the data subject for the sole purpose of complying with any provision of this Regulation.

Or. en

Amendment 1101
Dimitrios Droutsas

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

If the data processed by a controller do not permit the controller to identify a natural person, the controller shall not be obliged to acquire additional information in order to identify the data subject for the sole purpose of complying with any provision of this Regulation.

Amendment

If the data processed by a controller do not permit the controller to identify ***or single out*** a natural person, ***or consist only of data relating to pseudonyms***, the controller shall not be obliged to acquire additional information in order to identify the data subject for the sole purpose of complying with any provision of this Regulation.

Or. en

Amendment 1102
Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

If the data processed by a controller do not permit the controller to identify a natural person, the controller shall not be obliged to acquire additional information in order to identify the data subject for the sole purpose of complying with any provision of this Regulation.

Amendment

If the data processed by a controller do not permit the controller to identify a natural person, ***in particular when rendered anonymous or pseudonymous***, the controller shall not be obliged to acquire additional information in order to identify the data subject for the sole purpose of complying with any provision of this Regulation.

Or. en

Amendment 1103
Axel Voss, Seán Kelly, Wim van de Camp, Véronique Mathieu Houillon, Renate Sommer, Monika Hohlmeier

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

If the data processed by a controller do not permit the controller to identify a natural person, the controller shall not be obliged to acquire additional information in order to identify the data subject for the sole purpose of complying with any provision of this Regulation.

Amendment

If the data processed by a controller do not permit the controller **or a processor** to identify a natural person, **in particular when rendered anonymous or pseudonymous** the controller shall not be obliged to **process or** acquire additional information in order to identify the data subject for the sole purpose of complying with any provision of this Regulation.

Or. en

Amendment 1104
Sonia Alfano, Gianni Vattimo

Proposal for a regulation
Article 10 – paragraph 1

Text proposed by the Commission

If the data processed by a controller do not permit the controller to identify a natural person, the controller shall not **be obliged to** acquire additional information in order to identify the data subject for the sole purpose of complying with any provision of this Regulation.

Amendment

If the data processed by a controller do not permit the controller to identify **or single out** a natural person, the controller shall not acquire additional information in order to identify the data subject for the sole purpose of complying with any provision of this Regulation.

Or. en

Amendment 1105
Jan Philipp Albrecht

Proposal for a regulation
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Education

Union citizens and residents shall be educated by appropriate means about data protection, as an integral part of general media competence education. Competent Member States and Union institutions and bodies shall be tasked with supporting this.

Or. en

Justification

See related amendment to Article 52(2).

Amendment 1106

Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio

Proposal for a regulation

Article 11 – paragraph 1

Text proposed by the Commission

Amendment

1. The controller shall ***have transparent and easily accessible policies*** with regard to the processing of personal data and for the exercise of data subjects' rights.

1. The controller shall ***observe transparency and accessibility criteria*** with regard to the processing of personal data and for the exercise of data subjects' rights. ***To that end it may disseminate those criteria by framing policies to be made known to all data subjects.***

Or. es

Justification

This emphasises the principles of transparency and accessibility without removing the possibility of devising specific policies under the regulation. Policy formulation is no longer a general requirement, but the responsibility of each controller, with the possibility of recommendations and incentives being established by the supervisory authorities.

Amendment 1107
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

1. The controller shall have transparent and easily accessible policies with regard to the processing of personal data and for the exercise of data subjects' rights.

Amendment

1. The controller shall have transparent and easily accessible policies ***as laid out in a code of practice*** with regard to the processing of personal data and for the exercise of data subjects' rights.

Or. en

Amendment 1108
Josef Weidenholzer, Birgit Sippel

Proposal for a regulation
Article 11 – paragraph 1

Text proposed by the Commission

1. The controller shall have transparent and easily accessible policies with regard to the processing of personal data and for the exercise of data subjects' rights.

Amendment

1. The controller shall have ***plain, short, transparent, well-structured*** and easily accessible policies with regard to the processing of personal data and for the exercise of data subjects' rights.

Or. en

Justification

The amendment is bringing Article 11 in line with Article 7(2b) (new) to allow controllers to use only one privacy policy, while introducing well-established principles concerning unfair terms in consumer contracts to such documents.

Amendment 1109
Alexander Alvaro

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

2. The controller shall provide any information and any communication relating to the processing of personal data to the data subject in an intelligible form, using clear and plain language, ***adapted to the data subject***, in particular for any information addressed specifically to a child.

Amendment

2. The controller shall provide any information and any communication relating to the processing of personal data to the data subject in an intelligible form, using clear and plain language, in particular for any information addressed specifically to a child.

Or. en

Amendment 1110
Stanimir Ilchev

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

2. The controller shall provide any information and any communication relating to the processing of personal data to the data subject in an intelligible form, using clear and plain language, adapted to the data subject, in particular for any information addressed specifically to a child.

Amendment

2. The controller shall provide any information and any communication relating to the processing of personal data to the data subject in an intelligible ***and permanent*** form, using clear and plain language, adapted to the data subject, in particular for any information addressed specifically to a child.

Or. de

Amendment 1111
Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio

Proposal for a regulation
Article 11 – paragraph 2

Text proposed by the Commission

2. The controller shall provide any

Amendment

2. The controller shall provide any

information and any communication relating to the processing of personal data to the data subject in an intelligible form, using clear and plain language, adapted to the data subject, **in particular** for any information addressed specifically to a child.

information and any communication relating to the processing of personal data to the data subject in an intelligible form, using clear and plain language **wherever possible. This last point shall be taken particularly into account** for any information addressed specifically to a child.

Or. es

Justification

The need to adapt language to the needs of the data subject may prove excessive and impracticable in general terms. An alternative phrasing is proposed in order to avoid imposing a disproportionate burden.

Amendment 1112

Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. The controller shall provide any information and any communication relating to the processing of personal data to the data subject in an intelligible form, using clear and plain language, **adapted to the data subject**, in particular for any information addressed specifically to a child.

Amendment

2. The controller shall provide any information and any communication relating to the processing of personal data to the data subject in an intelligible form, using clear and plain language, in particular for any information addressed specifically to a child.

Or. en

Amendment 1113

Timothy Kirkhope

on behalf of the ECR Group

Proposal for a regulation

Article 11 – paragraph 2

Text proposed by the Commission

2. The controller shall **provide any information and any communication** relating to the processing of personal data to the data subject in an intelligible form, using clear and plain language, adapted to the data subject, in particular for any information addressed specifically to a child.

Amendment

2. The controller shall **make available** information relating to the processing of personal data to the data subject in an intelligible form, using clear and plain language, adapted to the data subject, in particular for any information addressed specifically to a child.

Or. en

Amendment 1114

Silvia-Adriana Țicău, Bernd Lange

Proposal for a regulation Article 11 – paragraph 2

Text proposed by the Commission

2. The controller shall provide any information and any communication relating to the processing of personal data **to the data subject in an intelligible form, using clear and plain language, adapted to the data subject, in particular for any information addressed specifically to a child.**

Amendment

2. The controller shall provide any information and any communication relating to the processing of personal data, **which according to this Regulation he is obliged to provide access to**, to the data subject **in an intelligible form, which can be understood by an average informed, attentive and understanding average consumer.**

Or. en

Amendment 1115

Csaba Sógor

Proposal for a regulation Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Information for data subjects shall be provided in a format offering data

subjects the information needed to understand their position and make decisions in an appropriate way. Therefore the controller shall provide and communicate its data protection policies through an easily understandable mode of description based on icons and other graphic features for the different types of data processing, their conditions and consequences. Full information shall be available on request in accordance with Article 14.

Or. hu

Justification

Icons are not the only graphic features which can enhance understanding.

Amendment 1116

Rui Tavares

Proposal for a regulation

Article 11 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. The controller shall provide and communicate its data protection policies through an easily understandable icon-based mode of description for the different types of data processing, their conditions and consequences. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of specifying such icon-based mode of description. Such an icon based mode shall include information relating to the purpose of processing, whether the data will be disclosed to third parties and the purposes of such a disclosure, about tracking systems, information and availability of remedies, on available and effective contact points of the data controller,

information on data security policies and measures implemented by the controller, and information on the duration of storage.

Or. en

Amendment 1117

Csaba Sógor

Proposal for a regulation

Article 11 – paragraph 2 b (new)

Text proposed by the Commission

Amendment

2b. 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 the mode of description based on icons and other graphic features which is referred to in paragraph 3 concerning the nature of the processing, duration of storage, transfer or erasure of data by establishing icons or other instruments in order to provide information in a standardised way.

Or. hu

Justification

Icons are not the only graphic features which can enhance understanding.

Amendment 1118

Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation

Article 11 a (new)

Text proposed by the Commission

Amendment

Article 11a

Article 12 of Directive 2002/58/EC and Articles 20 and 21(3)(e) of Directive 2002/22/EC are an application of the data subjects' right to transparent information and communication which requires that the controller informs data subjects of their rights with respect to the use of their personal information and draws attention to the presence of systems which have been developed in accordance with the principles of privacy by design.

Or. en

Justification

Article 12 of the e-Privacy Directive and Articles 20 and 21 of the Universal Service Directive cover directory services, as part of the scope of universal services. The databases of directory service providers are required to be "comprehensive" and the inclusion of subscriber data is therefore important, as is the need for subscriber to be clearly informed of all their options, regardless of the model adopted by a Member State (opt-in, opt-out or hybrid).

Amendment 1119
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. The controller shall establish procedures for providing the information referred to in Article 14 and for the exercise of the rights of data subjects referred to in Article 13 and Articles 15 to 19. The controller shall provide in particular mechanisms for facilitating the request for the actions referred to in Article 13 and Articles 15 to 19. Where personal data are processed by automated means, the controller shall also provide means for requests to be made electronically.

deleted

Amendment 1120
Sarah Ludford

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. The controller shall establish procedures for providing the information referred to in Article 14 and for the exercise of the rights of data subjects referred to in Article 13 and Articles 15 to 19. The controller shall provide in particular mechanisms for facilitating the request for the actions referred to in Article 13 and Articles 15 to 19. Where personal data are processed by automated means, the controller shall also provide means for requests to be made electronically.

deleted

Or. en

Justification

The requirement that the controller should "establish procedures" and "provide mechanisms" is over-regulation. The requirement that the controller should provide means for requests to be made electronically runs the risk of not being technologically neutral.

Amendment 1121
Alexander Alvaro

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. The controller shall establish procedures for providing the information referred to in Article 14 and for the exercise of the rights of data subjects referred to in Article 13

1. The controller shall establish procedures for providing the information referred to in Article 14 and for the exercise of the rights of data subjects referred to in Article 13

and Articles 15 to 19. The controller shall provide in particular mechanisms for facilitating the request for the actions referred to in Article 13 and Articles 15 to 19. Where personal data are processed by automated means, the controller *shall* also provide means for requests to be made electronically.

and Articles 15 to 19. The controller shall provide in particular mechanisms for facilitating the request for the actions referred to in Article 13 and Articles 15 to 19. Where personal data are processed by automated means, the controller *may* also provide means for requests to be made electronically.

Or. en

Amendment 1122

Nils Torvalds

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

1. The controller shall establish procedures for providing the information referred to in Article 14 and for the exercise of the rights of data subjects referred to in Article 13 and Articles 15 to 19. The controller shall provide in particular mechanisms for facilitating the request for the actions referred to in Article 13 and Articles 15 to 19. Where personal data are processed by automated means, the controller shall also provide means for requests to be made electronically.

Amendment

1. The controller shall establish procedures for providing the information referred to in Article 14 and for the exercise of the rights of data subjects referred to in Article 13 and Articles 15 to 19. The controller shall provide in particular mechanisms for facilitating the request for the actions referred to in Article 13 and Articles 15 to 19. Where personal data are processed by automated means, *and unless disproportionate efforts or costs arise from this*, the controller shall also provide means for requests to be made electronically.

Or. en

Amendment 1123

Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. The controller shall **establish procedures for providing** the information referred to in Article 14 and for the exercise of the rights of data subjects referred to in Article 13 and Articles 15 to 19. The controller shall provide in particular mechanisms for facilitating the request for the actions referred to in Article 13 and Articles 15 to 19. Where **personal data are processed by automated means, the controller shall also provide means for requests to be made electronically.**

1. The controller shall **provide** the information referred to in Article 14 and for the exercise of the rights of data subjects referred to in Article 13 and Articles 15 to 19. The controller shall provide in particular mechanisms for facilitating the request for the actions referred to in Article 13 and Articles 15 to 19. Where **this is deemed appropriate, the above information as a whole may be presented in the form of policies and manuals of procedures to facilitate understanding and the use of such information.**

Or. es

Justification

What matters is that information is obtainable and rights can be exercised. If this is to happen, it might be the case that some institutions, given their size or complexity, will need to lay down clearly defined procedures to enable data subjects to exercise the rights in question, whereas other smaller or simpler organisations will not have to have any procedures in the strict sense or at most will need to issue very brief instructions telling data subjects what to do.

Amendment 1124

Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation

Article 12 – paragraph 1

Text proposed by the Commission

Amendment

1. The controller shall establish procedures for providing the information referred to in Article 14 and for the exercise of the rights of data subjects referred to in Article 13 and Articles 15 to 19. The controller shall provide in particular mechanisms for facilitating the request for the actions referred to in Article 13 and Articles 15 to

1. The controller shall establish procedures for providing the information referred to in Article 14 and for the exercise of the rights of data subjects referred to in Article 13 and Articles 15 to 19. The controller shall provide in particular mechanisms for facilitating the request for the actions referred to in Article 13 and Articles 15 to

19. Where personal data are processed by automated means, the controller **shall** also provide means for requests to be made electronically.

19. Where personal data are processed by automated means, the controller **may** also provide means for requests to be made electronically.

Or. en

Amendment 1125
Louis Michel

Proposal for a regulation
Article 12 – paragraph 1

Text proposed by the Commission

1. The controller shall establish procedures for providing the information referred to in Article 14 and for the exercise of the rights of data subjects referred to in Article 13 and Articles 15 to 19. ***The controller shall provide in particular mechanisms for facilitating the request for the actions referred to in Article 13 and Articles 15 to 19. Where personal data are processed by automated means, the controller shall also provide means for requests to be made electronically.***

Amendment

1. The controller shall establish procedures for providing the information referred to in Article 14 and for the exercise of the rights of data subjects referred to in Article 13 and Articles 15 to 19. ***Where the data subject wishes to exercise the rights referred to in Article 13 and Articles 15 - 19 he shall make a request to this effect to the controller by a personally signed or otherwise comparable verified document.***

Or. en

Amendment 1126
Alexander Alvaro

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. The controller shall inform the data subject without delay and, at the latest within one month of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested

Amendment

2. The controller shall inform the data subject without delay and, at the latest within one month of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested

information. This period may be prolonged for a further month, if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller. The information shall be given in writing. Where the data subject makes the request in electronic form, the information **shall** be provided in electronic form, unless otherwise requested by the data subject.

information. This period may be prolonged for a further month, if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller. The information shall be given in writing. Where the data subject makes the request in electronic form, the information **may** be provided in electronic form, unless otherwise requested by the data subject.

Or. en

Amendment 1127

Axel Voss

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

2. The controller shall inform the data subject without delay and, at the latest within one month of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. This period may be prolonged for a further month, if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller. The information shall be given in writing. ***Where the data subject makes the request in electronic form, the information shall be provided in electronic form, unless otherwise requested by the data subject.***

Amendment

2. The controller shall inform the data subject without delay and, at the latest within one month of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. This period may be prolonged for a further month, if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller. The information shall be given in writing.

Or. en

Justification

Deletion avoid the creation of red tape for SMEs.

Amendment 1128

Claude Moraes, Glenis Willmott

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

2. The controller shall inform the data subject without delay and, at the latest within one month of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. This period may be prolonged for a further month, if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller. The information shall be given in writing. Where the data subject makes the request in electronic form, the information shall be provided in electronic form, unless otherwise requested by the data subject.

Amendment

2. The controller shall inform the data subject without delay and, at the latest within one month of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. This period may be prolonged for a further month, if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller, ***or if the nature of the data requested requires them to be reviewed before they are made available so as to protect data relating to any third party contained within the record.*** The information shall be given in writing. Where the data subject makes the request in electronic form, the information shall be provided in electronic form, unless otherwise requested by the data subject.

Or. en

Justification

Personal data may contain factual and/or speculative information relating to third parties. It should be possible to request a longer response period in order to protect the data privacy of such third parties. This is particularly relevant in the case of health and social care.

Amendment 1129
Nils Torvalds

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. The controller shall inform the data subject without delay and, at the latest within one month of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. This period may be prolonged **for a further month**, if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller. The information shall be given in writing. Where the data subject makes the request in electronic form, the information shall be provided in electronic form, unless otherwise requested by the data subject.

Amendment

2. The controller shall inform the data subject without delay and, at the latest within one month of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. This period may be prolonged, if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller. The information shall be given in writing. Where the data subject makes the request in electronic form, the information shall be provided in electronic form **if possible**, unless otherwise requested by the data subject.

Or. en

Amendment 1130
Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. The controller shall inform the data subject without delay and, at the latest within one month of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. This period may be prolonged for a further month, if several data subjects exercise their rights and their cooperation

Amendment

2. The controller shall inform the data subject without delay and, at the latest within one month of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. This period may be prolonged for a further month, if several data subjects exercise their rights and their cooperation

is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller. The information shall be given in writing. Where the data subject makes the request in electronic form, the information **shall** be provided in electronic form, unless otherwise requested by the data subject.

is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller. The information shall be given in writing. Where the data subject makes the request in electronic form, the information **may** be provided in electronic form, unless otherwise requested by the data subject **or unless the controller has reason to believe that providing the information in electronic form would create a significant risk of fraud.**

Or. en

Justification

Releasing certain data in electronic form such as credit files could result in modification or identity theft when provided to consumers. Release of data should be dependent upon authentication checks which satisfy criteria set out by the agency holding the data to prevent interception, misuse, fraudulent use or modification.

Amendment 1131

Louis Michel

Proposal for a regulation

Article 12 – paragraph 2

Text proposed by the Commission

2. The controller shall inform the data subject without delay **and, at the latest within one month of receipt of the request**, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. ***This period may be prolonged for a further month, if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller.*** The information shall be given in writing. ***Where the data subject makes the request***

Amendment

2. The controller shall inform the data subject without **excessive** delay, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. The information shall be given in writing, electronic **means included**.

in electronic form, the information shall be provided in electronic form, unless otherwise requested by the data subject.

Or. en

Amendment 1132
Josef Weidenholzer

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. The controller shall inform the data subject without delay and, at the latest within one month of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. This period may be prolonged for a further month, if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller. The information shall be **given** in writing. **Where the data subject makes the request in electronic form, the information shall be provided** in electronic form, **unless otherwise** requested by the data subject.

Amendment

2. The controller shall inform the data subject without delay and, at the latest within one month of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. This period may be prolonged for a further month, if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller. The information shall be **provided** in writing **or** in electronic form, **however** requested by the data subject.

Or. en

Justification

Simpler, leaves choice of format always by the data subject, not only when requesting data electronically.

Amendment 1133
Sarah Ludford

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. The controller shall inform the data subject without *delay and, at the latest within one month of receipt of the request*, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. *This period may be prolonged for a further month, if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller.* The information shall be given in writing. *Where the data subject makes the request in electronic form, the information shall be provided in electronic form, unless otherwise requested by the data subject.*

Amendment

2. The controller shall inform the data subject without *excessive delay* whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. The information shall be given in writing.

Or. en

Justification

The original text is over-prescriptive and this matter is best dealt with by guidance.

Amendment 1134
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a regulation
Article 12 – paragraph 2

Text proposed by the Commission

2. The controller shall inform the data subject without delay and, at the latest within *one month* of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested

Amendment

2. The controller shall inform the data subject without *undue* delay and, at the latest within *30 working days* of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the

information. This period may be prolonged for a further *month*, if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller. The information *shall be given in writing. Where the data subject makes the request in electronic form, the information shall be provided in electronic form*, unless otherwise requested by the data subject.

requested information. This period may be prolonged for a further *30 working days*, if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller *or in case* the information *would be incomplete or inaccurate. The information shall be given in the medium in which it was requested* unless otherwise requested by the data subject.

Or. en

Amendment 1135
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

3. If the controller *refuses to* take action on the request of the data subject, the *controller* shall *inform the data subject of the* reasons for the *refusal* and on the possibilities of lodging a complaint to the supervisory authority and seeking a judicial remedy.

Amendment

3. If the controller *does not* take action on the request of the data subject, the *data subject* shall *have the right to ask the controller for the* reasons for the *inaction* and on the possibilities of lodging a complaint to the supervisory authority and seeking a judicial remedy.

Or. en

Amendment 1136
Josef Weidenholzer

Proposal for a regulation
Article 12 – paragraph 3

Text proposed by the Commission

3. If the controller refuses to take action on the request of the data subject, the

Amendment

3. If the controller refuses to take action on the request of the data subject, the

controller shall inform the data subject of the reasons for the refusal and on the possibilities of lodging a complaint to the supervisory authority and seeking a judicial remedy.

controller shall inform the data subject of the reasons for the refusal, ***all facts which lead to the refusal*** and on the possibilities of lodging a complaint to the supervisory authority and seeking a judicial remedy.

Or. en

Justification

Currently controllers often times refuse the rights without proper argumentation. It is impossible for the data subject to uncover an illegal refusal of rights.

Amendment 1137 **Sarah Ludford**

Proposal for a regulation **Article 12 – paragraph 3**

Text proposed by the Commission

3. If the controller ***refuses to*** take action on the request of the data subject, ***the controller shall inform*** the data subject ***of the reasons for the refusal and on the possibilities of lodging*** a complaint ***to*** the supervisory authority ***and seeking a judicial remedy***.

Amendment

3. If the controller ***does not*** take action on the request of the data subject, the data subject ***shall have the right to lodge*** a complaint ***with*** the supervisory authority.

Or. en

Justification

The reference to making a complaint to a supervisory authority is sufficient for ensuring that a data subject's rights are respected.

Amendment 1138 **Alexander Alvaro**

Proposal for a regulation **Article 12 – paragraph 4**

Text proposed by the Commission

4. The information and the actions taken on requests referred to in paragraph 1 shall be free of charge. Where requests are manifestly excessive, in particular because of their repetitive character, the controller may charge a fee **for providing the information or taking the action requested, or the controller may not take the action requested**. In that case, the controller shall bear the burden of proving the manifestly excessive character of the request.

Amendment

4. The information and the actions taken on requests referred to in paragraph 1 shall be free of charge. Where requests are manifestly excessive, in particular because of their repetitive character **or their complexity**, the controller may charge a fee **that reflects the administrative costs for providing the information or taking the action requested**. In that case, the controller shall bear the burden of proving the manifestly excessive character of the request.

Or. en

Justification

Complexity (e.g. the amount or structure of data requested) must also be taken into account.

Amendment 1139

Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation

Article 12 – paragraph 4

Text proposed by the Commission

4. The information and the actions taken on requests referred to in paragraph 1 shall be free of charge. Where requests are manifestly excessive, in particular because of their repetitive character, the controller may charge a fee **for providing the information or taking the action requested, or the controller may not take the action requested**. In that case, the controller shall bear the burden of proving the manifestly excessive character of the request.

Amendment

4. The information and the actions taken on requests referred to in paragraph 1 shall be free of charge. Where requests are manifestly excessive, in particular because of their repetitive character **or their complexity**, the controller may charge a fee **that reflects the administrative costs for providing the information or taking the action requested**. In that case, the controller shall bear the burden of proving the manifestly excessive character of the request.

Or. en

Amendment 1140
Dimitrios Droutsas

Proposal for a regulation
Article 12 – paragraph 4

Text proposed by the Commission

4. The information and the actions taken on requests referred to in paragraph 1 shall be free of charge. Where requests are manifestly excessive, in particular because of their repetitive character, the controller may charge a ***fee for providing the information or taking the action requested, or the controller may not take the action requested.*** In that case, the controller shall bear the burden of proving the manifestly excessive character of the request.

Amendment

4. The information and the actions taken on requests referred to in paragraph 1 shall be free of charge. Where requests are manifestly excessive, in particular because of their repetitive character, the controller may charge a ***reasonable fee taking into account the administrative costs for providing the information or taking the action requested.*** In that case, the controller shall bear the burden of proving the manifestly excessive character of the request.

Or. en

Amendment 1141
Jacek Protasiewicz, Rafał Trzaskowski, Arkadiusz Tomasz Bratkowski

Proposal for a regulation
Article 12 – paragraph 4

Text proposed by the Commission

4. The information and the actions taken on requests referred to in paragraph 1 shall be free of charge. Where requests are manifestly excessive, ***in particular because of their repetitive*** character, the controller may charge a fee for providing the information or taking the action requested, or the controller may not take the action requested. In that case, the controller shall bear the burden of proving the ***manifestly excessive character*** of the request.

Amendment

4. The information and the actions taken on requests referred to in paragraph 1 shall be free of charge. Where requests are manifestly excessive, ***if the request of the same*** character ***repeats more than once per 6 months***, the controller may charge an ***administrative*** fee for providing the information or taking the action requested, or the controller may not take the action requested. In that case, the controller shall bear the burden of proving the ***repetitiveness*** of the request.

Amendment 1142
Louis Michel

Proposal for a regulation
Article 12 – paragraph 4

Text proposed by the Commission

4. The information and the actions taken on requests referred to in paragraph 1 shall be free of charge. *Where requests are manifestly excessive, in particular because of their repetitive character, the controller may charge a fee for providing the information or taking the action requested, or the controller may not take the action requested. In that case, the controller shall bear the burden of proving the manifestly excessive character of the request.*

Amendment

4. The information and the actions taken on requests referred to in paragraph 1 shall be free of charge, *except for the costs actually bore by the controller to handle the requests. Where requests are vexatious or manifestly excessive, in particular because of their repetitive character, the controller may refuse to take the action requested.*

Amendment 1143
Josef Weidenholzer

Proposal for a regulation
Article 12 – paragraph 4

Text proposed by the Commission

4. The information and the actions taken on requests referred to in paragraph 1 shall be free of charge. *Where requests are manifestly excessive, in particular because of their repetitive character, the controller may charge a fee for providing the information or taking the action requested, or the controller may not take the action requested. In that case, the controller shall bear the burden of proving the manifestly excessive character*

Amendment

4. The information and the actions taken on requests referred to in paragraph 1 shall be free of charge.

of the request.

Or. en

Justification

Moved to individual Articles

Amendment 1144

Cornelia Ernst, Marie-Christine Vergiat

Proposal for a regulation

Article 12 – paragraph 4

Text proposed by the Commission

4. The information and the actions taken on requests referred to in paragraph 1 shall be free of charge. Where requests are manifestly excessive, in particular because of their repetitive character, the controller may charge a fee for providing the information or taking the action requested, **or the controller may not take the action** requested. In that case, the controller shall bear the burden of proving the manifestly excessive character of the request.

Amendment

4. The information and the actions taken on requests referred to in paragraph 1 shall be free of charge. Where requests are manifestly excessive, in particular because of their repetitive character, the controller may charge a **reasonable** fee for providing the information or taking the action requested. **The level of such a fee shall not exceed the costs of providing the information** requested. In that case, the controller shall bear the burden of proving the manifestly excessive character of the request.

Or. en

Amendment 1145

Timothy Kirkhope

on behalf of the ECR Group

Proposal for a regulation

Article 12 – paragraph 4

Text proposed by the Commission

4. The information and the actions taken on requests referred to in paragraph 1 shall be

Amendment

4. The information and the actions taken on requests referred to in paragraph 1 shall be

free of charge. Where requests are manifestly excessive, in particular ***because of*** their repetitive character, the controller may charge a fee for providing the information or taking the action requested, or the controller may not take the action requested. In that case, the controller shall bear the burden of proving the manifestly excessive character of the request.

either free of charge ***or at a maximum, sufficient to cover the administrative costs of handling, particularly with regard to repeat or bulk requests.*** Where requests are manifestly excessive, in particular ***with the aim of causing disruption, inconvenience or financial burden due to*** their repetitive character, the controller may charge a fee for providing the information or taking the action requested, or the controller may not take the action requested. In that case, the controller shall bear the burden of proving the manifestly excessive character of the request.

Or. en

Amendment 1146
Sarah Ludford

Proposal for a regulation
Article 12 – paragraph 4 a (new)

Text proposed by the Commission

Amendment

4a. The following shall apply to requests under Article 15:

(a) the controller may charge a fee for providing the relevant information. Such a fee shall not be excessive;

(b) no obligation to provide the relevant information shall apply until the controller has received the following;

(i) any fee required in accordance with (a) above; and

(ii) any information as to the identity of the person making a request as the controller may reasonably require.

(c) where a data controller has previously complied with a request by an individual, the data controller is not obliged to comply with a subsequent identical or similar request under that section by that individual unless a reasonable interval

has elapsed between compliance with the previous request and the making of the current request;

(d) the controller must have regard to any guidance issued under Article 38 in deciding:

(i) whether a subsequent request is identical or similar to a previous request;

(ii) whether a reasonable interval has elapsed between compliance with the previous request and the making of the current request.

Or. en

Justification

Charging a reasonable fee is compatible with fundamental rights. Dissuasion of speculative, repetitive and vexatious requests is legitimate to avoid a disproportionate burden on controllers.

Amendment 1147
Alexander Alvaro

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and conditions for the manifestly excessive requests and the fees referred to in paragraph 4.

deleted

Or. en

Amendment 1148
Axel Voss

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and conditions for the manifestly excessive requests and the fees referred to in paragraph 4. **deleted**

Or. en

Amendment 1149
Monika Hohlmeier

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and conditions for the manifestly excessive requests and the fees referred to in paragraph 4. **deleted**

Or. de

Justification

Were the Commission to determine when a data subject is asserting his or her rights in a manifestly excessive way, it would be seriously encroaching on the rights of the data subject. Furthermore this is a narrowly defined area of law, the determination of which should be left to the practice of supervisory authorities and the judiciary.

Amendment 1150
Adina-Ioana Vălean, Jens Rohde

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and conditions for the manifestly excessive requests and the fees referred to in paragraph 4. *deleted*

Or. en

Amendment 1151

Timothy Kirkhope

on behalf of the ECR Group

Proposal for a regulation

Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and conditions for the manifestly excessive requests and the fees referred to in paragraph 4. *deleted*

Or. en

Amendment 1152

Louis Michel

Proposal for a regulation

Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and conditions for the manifestly excessive requests and the fees referred to in paragraph 4. *deleted*

Amendment 1153
Sarah Ludford

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and conditions for the manifestly excessive requests and the fees referred to in paragraph 4. *deleted*

Or. en

Justification

This is not necessary.

Amendment 1154
Dimitrios Droutsas

Proposal for a regulation
Article 12 – paragraph 5

Text proposed by the Commission

Amendment

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and conditions for ***the manifestly excessive requests and*** the fees referred to in paragraph 4.

5. The Commission shall be empowered to adopt, ***after requesting an opinion the European Data Protection Board,*** delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and conditions for the fees referred to in paragraph 4.

Or. en

Amendment 1155
Monika Hohlmeier

Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission may lay down standard forms and specifying standard procedures for the communication referred to in paragraph 2, including the electronic format. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized enterprises. Those implementing acts shall be adopted in accordance with the examination procedure set out in Article 87(2). **deleted**

Or. de

Justification

Giving the Commission these powers would pre-empt the current negotiations on the proposal for a regulation on electronic identification and trust services for electronic transactions in the internal market. In laying down standard forms and specifying standard procedures for communications in electronic format it would also be encroaching too far on technical standard setting powers in the public sector.

Amendment 1156
Axel Voss

Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission may lay down standard forms and specifying standard procedures for the communication referred to in paragraph 2, including the electronic format. In doing so, the Commission shall take the appropriate measures for micro, small and medium- **deleted**

sized enterprises. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

Amendment 1157
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission may lay down standard forms and specifying standard procedures for the communication referred to in paragraph 2, including the electronic format. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized enterprises. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

deleted

Or. en

Amendment 1158
Louis Michel

Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission may lay down standard forms and specifying standard procedures for the communication referred to in paragraph 2, including the electronic format. In doing so, the Commission shall take the appropriate

deleted

measures for micro, small and medium-sized enterprises. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

Amendment 1159
Sarah Ludford

Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission may lay down standard forms and specifying standard procedures for the communication referred to in paragraph 2, including the electronic format. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized enterprises. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

deleted

Or. en

Justification

This is not necessary.

Amendment 1160
Alexander Alvaro

Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission

Amendment

6. The Commission **may lay** down standard

6. The Commission **shall be empowered to**

forms and specifying standard procedures for the communication referred to in paragraph 2, including the electronic format. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized enterprises. ***Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).***

adopt delegated acts in accordance with Article 86 for the purpose of laying down standard forms and specifying standard procedures for the communication referred to in paragraph 2, including the electronic format. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized enterprises.

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 1161

Jens Rohde, Adina-Ioana Vălean

Proposal for a regulation

Article 12 – paragraph 6

Text proposed by the Commission

6. The Commission may ***lay down standard forms and specifying*** standard procedures for the communication referred to in paragraph 2, ***including the electronic format***. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized enterprises. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Amendment

6. The Commission may ***specify*** standard procedures for the communication referred to in paragraph 2. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized enterprises. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

Amendment 1162

Dimitrios Droutsas

Proposal for a regulation

Article 12 – paragraph 6

Text proposed by the Commission

6. The Commission may lay down standard forms and specifying standard procedures for the communication referred to in paragraph 2, including the electronic format. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized enterprises. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Amendment

6. The Commission may lay down standard forms and specifying standard procedures for the communication referred to in paragraph 2, including the electronic format. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized enterprises. Those implementing acts shall be adopted ***after adopting an opinion of the European Data Protection Board*** in accordance with the examination procedure referred to in Article 87(2).

Or. en

Amendment 1163
Josef Weidenholzer

Proposal for a regulation
Article 12 – paragraph 6

Text proposed by the Commission

6. The Commission may lay down standard forms ***and specifying standard procedures*** for the communication referred to in paragraph 2, including the electronic format. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized enterprises. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Amendment

6. The Commission may lay down standard forms for the communication referred to in paragraph 2, including the electronic format. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized enterprises. Those implementing acts shall be adopted ***after adopting an opinion of the European Data Protection Board***, in accordance with the examination procedure referred to in Article 87(2). ***If the Commission invokes its prerogatives under Article 10 of Regulation 2012/1025 it shall ensure adequate representation of micro, small and medium sized enterprises, consumer groups and agreement of the European Data Protection Board with the use of these industry standards for the purposes of this Regulation.***

Justification

Checks and balances, as an alternative to an act the Commission could request an industry standard. In this case the EDPB should be consulted and adequate representation of SMEs and consumers be safeguarded.

Amendment 1164

Monika Hohlmeier, Axel Voss

Proposal for a regulation

Article 13 – title

Text proposed by the Commission

Amendment

Rights in relation to recipients

Notification requirement in the event of rectification and erasure

Or. de

Justification

Article 13 does not contain any rights in relation to recipients.

Amendment 1165

Stanimir Ilchev

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

Amendment

The controller shall communicate any rectification or erasure carried out in accordance with Articles 16 and 17 to each recipient to whom the data have been disclosed, unless this proves impossible or involves a disproportionate effort.

deleted

Or. de

Justification

Article 13 is divided into two new paragraphs.

Amendment 1166

Jacek Protasiewicz, Rafał Trzaskowski, Arkadiusz Tomasz Bratkowski

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

The controller shall communicate any rectification or erasure carried out in accordance with Articles 16 and 17 to each recipient to whom the data have been disclosed, unless this proves impossible or involves a disproportionate effort.

Amendment

The controller shall communicate any rectification or erasure carried out in accordance with Articles 16 and 17 to each recipient ***with whom he stays in contractual relationship and*** to whom the data have been disclosed, unless this proves impossible or involves a disproportionate effort.

Or. en

Amendment 1167

Hélène Flautre

Proposal for a regulation

Article 13 – paragraph 1

Text proposed by the Commission

The controller shall communicate any rectification or erasure carried out in accordance with Articles 16 and 17 to each recipient to whom the data have been disclosed, ***unless this proves impossible or involves a disproportionate effort.***

Amendment

The controller shall communicate any rectification or ***any*** erasure carried out in accordance with Articles 16 and 17 to each recipient to whom the data have been disclosed. ***The controller shall inform the person concerned of the existence of these third parties.***

Or. fr

Amendment 1168
Stanimir Ilchev

Proposal for a regulation
Article 13 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

The data controller directly responsible for the operation shall notify all recipients to whom data from him or her have been passed on of any correction or erasure that has been made or any objection raised under Article 16, 17 or 19. Where recipients of personal data are unknown to the data controller directly responsible for the operation, and this is not due to his or her deliberate act or negligence, he or she shall be exempted from this requirement.

Or. de

Justification

This provision represents a significant relief to data subjects, particularly in the event of data erasure. This obligation corresponds to the obligation of the data controller directly responsible for the operation to provide comprehensive documentation on recipients under Article 14(1).

Amendment 1169
Stanimir Ilchev

Proposal for a regulation
Article 13 – paragraph 1 b (new)

Text proposed by the Commission

Amendment

The data controller indirectly responsible for the operation shall notify all recipients to whom he or she has passed on data of any correction or erasure that has been made or any objection raised under Article 16, 17 or 19, except where they have already been notified in

accordance with paragraph 1 above.

Or. de

Justification

This obligation corresponds to the limited obligation under Article 14(e) to provide documentation on recipients. The data subject may choose whether to demand comprehensive erasure by the data controller directly responsible for the operation or partial erasure by the data controller indirectly responsible for the operation.

Amendment 1170
Stanimir Ilchev

Proposal for a regulation
Article 13 – subparagraph 1 c (new)

Text proposed by the Commission

Amendment

The burden of proof of compliance with the above obligations shall rest with the data controllers.

Or. de

Amendment 1171
Alexander Alvaro

Proposal for a regulation
Article 13 a (new)

Text proposed by the Commission

Amendment

Article 13a

Standardized information policies

1. Where at least one of the risk factors referred to under Article 5b(1) to (10) exists and where personal data relating to a data subject are collected, the controller shall provide the data subject with the following particulars before providing information pursuant to Article 14:

(a) whether personal data are collected beyond the minimum necessary for each specific purpose of the processing;

(b) whether personal data are retained beyond the minimum necessary for each specific purpose of the processing;

(c) whether personal data are processed for purposes other than the purposes for which they were collected;

(d) whether personal data are disseminated to non-public third parties for purposes other than the purposes for which they were collected;

(e) whether personal data are sold;

(f) whether personal data are retained in encrypted form.

2. The particulars referred to in paragraph 1 shall be presented pursuant to Annex X in an aligned tabular format, using text and symbols, in the following three columns:

(a) the first column depicts graphical forms symbolising those particulars;

(b) the second column contains essential information describing those particulars;

(c) the third column depicts graphical forms indicating whether a specific particular is met.

3. The information referred to in paragraphs 1 and 2 shall be presented in an easily visible and clearly legible way and shall appear in a language easily understood by the consumers of the Member States to whom the information is provided. Where the particulars are presented electronically, they shall be machine readable.

4. Additional particulars shall not be provided. Detailed explanations or further remarks regarding the particulars referred to in paragraph 1 may be provided together with the other information requirements pursuant to

Article 14.

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the particulars referred to in paragraph 1 and their presentation as referred to in paragraph 2 and in Annex X.

Or. en

Justification

Data subjects have to be informed about the data processing operations employed by the entity they are interacting with without being overwhelmed by the sheer amount of information they are provided with. In order to allow a quicker understanding and better comparability of data protection policies, when providing information to the data subject, controllers shall disclose short icon based information policies before laying down in detail their information policies.

Amendment 1172
Dimitrios Droutsas

Proposal for a regulation
Article 14 a (new)

Text proposed by the Commission

Amendment

Article 13a

Standardised information policies

1. Where personal data relating to a data subject are collected, the controller shall provide the data subject with the following particulars before providing information pursuant to Article 14:

(a) whether personal data are collected beyond the minimum necessary for each specific purpose of the processing;

(b) whether personal data are retained beyond the minimum necessary for each specific purpose of the processing;

(c) whether personal data are processed for purposes other than the purposes for

which they were collected;

(d) whether personal data are disseminated to non-public third parties for purposes other than the purposes for which they were collected;

(e) whether personal data are sold;

(f) whether personal data are retained in encrypted form.

2. The particulars referred to in paragraph 1 shall be presented pursuant to Annex X in an aligned tabular format, using text and symbols, in the following three columns:

(a) the first column depicts graphical forms symbolising those particulars;

(b) the second column contains essential information describing those particulars;

(c) the third column depicts graphical forms indicating whether a specific particular is met.

3. The information referred to in paragraphs 1 and 2 shall be presented in an easily visible and clearly legible way and shall appear in a language easily understood by the consumers of the Member States to whom the information is provided. Where the particulars are presented electronically, they shall be machine readable.

4. Additional particulars shall not be provided. Detailed explanations or further remarks regarding the particulars referred to in paragraph 1 may be provided together with the other information requirements pursuant to Article 14.

5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the particulars referred to in paragraph 1 and their presentation as referred to in paragraph 2 and in Annex X.

Justification

Data subjects have to be informed about the data processing operations employed by the entity they are interacting with without being overwhelmed by the sheer amount of information they are provided with. In order to allow a quicker understanding and better comparability of data protection policies, when providing information to the data subject, controllers shall disclose short icon based information policies before laying down in detail their information policies.

Amendment 1173**Timothy Kirkhope**

on behalf of the ECR Group

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

1. Where personal data relating to a data subject are collected, the controller shall provide the data subject with at least the following information:

deleted

(a) the identity and the contact details of the controller and, if any, of the controller's representative and of the data protection officer;

(b) the purposes of the processing for which the personal data are intended, including the contract terms and general conditions where the processing is based on point (b) of Article 6(1) and the legitimate interests pursued by the controller where the processing is based on point (f) of Article 6(1);

(c) the period for which the personal data will be stored;

(d) the existence of the right to request from the controller access to and rectification or erasure of the personal data concerning the data subject or to object to the processing of such personal

data;

(e) the right to lodge a complaint to the supervisory authority and the contact details of the supervisory authority;

(f) the recipients or categories of recipients of the personal data;

(g) where applicable, that the controller intends to transfer to a third country or international organisation and on the level of protection afforded by that third country or international organisation by reference to an adequacy decision by the Commission;

(h) any further information necessary to guarantee fair processing in respect of the data subject, having regard to the specific circumstances in which the personal data are collected.

Or. en

Amendment 1174

Alexander Alvaro

Proposal for a regulation

Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where personal data relating to a data subject are collected, the controller shall provide the data subject **with** at least **the following** information:

Amendment

1. **Where none of the risk factors referred to under Article 5b(1) to (10) exist and** where personal data relating to a data subject are collected, the controller shall provide the data subject, **on request, with the following information.**

Where at least two of the risk factors referred to under Article 5b(1) to (10) exist and where personal data relating to a data subject are collected, the controller shall provide the data subject with at least the following information.

Or. en

Justification

Article is amended in accordance with respect to context and risk principles pursuant to Articles 5a (new) and 5b (new).

Amendment 1175

Stanimir Ilchev

Proposal for a regulation

Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

1. ***Where personal data relating to a data subject are collected, the controller shall provide the data subject with*** at least the following ***information***:

Amendment

1. The controller ***directly responsible for the operation and, if applicable, his representative***, shall at least ***document*** the following:

Or. de

Justification

Articles 14 and 28 are combined, imposing different obligations on the different data controllers. The obligations to provide information and documentation should be largely identical so as to make it easier for the data controller to meet his obligations.

Amendment 1176

Axel Voss, Seán Kelly, Wim van de Camp, Véronique Mathieu Houillon, Kinga Gál, Lara Comi, Renate Sommer, Monika Hohlmeier, Hubert Pirker, Salvatore Iacolino, Anna Maria Corazza Bildt

Proposal for a regulation

Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where personal data relating to a data subject are collected, the controller shall provide the data subject with at least the following information:

Amendment

1. Where personal data relating to a data subject are collected, the controller shall provide the data subject with at least the following information. ***The following paragraphs do not apply to small enterprises in the course of their own activity and for data which is strictly and exclusively for their internal use.***

Amendment 1177
Sarah Ludford

Proposal for a regulation
Article 14 – paragraph 1 – introductory part

Text proposed by the Commission

1. Where personal data relating to a data subject are collected, the controller shall provide the data subject **with** at least the following information:

Amendment

1. Where personal data relating to a data subject are collected, the controller shall provide **or make readily available to** the data subject at least the following information:

Or. en

Justification

The necessity to "provide information" prevents the adoption of practical approaches to transparency.

Amendment 1178
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a regulation
Article 14 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Where personal data relating to a data subject is collected from the data subject, the controller shall at the time when personal data are obtained, provide the data subject with the following information:

(a) the identity and the contract details of the controller and, if any, of the controller's representative and of the data protection officer;

(b) the purpose of the processing for which the personal data are intended, including the contract terms and general conditions.

Further information shall be provided at the request of the data subject, which would include the following information:

(a) the period for which the personal data will be stored;

(b) the existence of the right to request from the controller access to and rectification or erasure of the personal data concerning the data subject or to object to the processing of such personal data;

(c) the right to lodge a complaint to the supervisory authority and the contact details of the supervisory authority;

(d) the recipients or categories of recipients of the personal data;

(e) where applicable, that the controller intends to transfer to a third country or international organisation and on the level of protection afforded by that third country or international organisation by reference to an adequacy decision by the Commission;

(f) any further information necessary to guarantee fair processing in respect of the data subject, having regard to the specific circumstances in which the personal data are collected.

Or. en

Justification

This should be a two step process.

Amendment 1179
Louis Michel

Proposal for a regulation
Article 14 – paragraph 1 – point a

Text proposed by the Commission

(a) the identity and the contact details of the controller and, if any, of the controller's representative and of the data protection officer;

Amendment

(a) the identity and the contact details of the controller and, if any, of the controller's representative and of the data protection officer ***or, if significant, the identity and contact details of the group of undertakings and its data protection officer;***

Or. en

Amendment 1180

Axel Voss, Seán Kelly, Véronique Mathieu Houillon, Kinga Gál, Renate Sommer, Lara Comi, Monika Hohlmeier, Wim van de Camp, Salvatore Iacolino

Proposal for a regulation
Article 14 – paragraph 1 – point a

Text proposed by the Commission

(a) the identity and the contact details of the controller and, if any, of the controller's representative ***and of the data protection officer;***

Amendment

(a) the identity and the contact details of the controller and, if any, of the controller's representative;

Or. en

Amendment 1181

Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio

Proposal for a regulation
Article 14 – paragraph 1 – point a

Text proposed by the Commission

a) the ***identity and the*** contact details of the controller and, if any, of the controller's representative and of the data protection officer;

Amendment

a) the contact details of the controller and, if any, of the controller's representative and of the data protection officer;

Amendment 1182

Michèle Striffler

Proposal for a regulation

Article 14 – paragraph 1 – point a

Text proposed by the Commission

(a) the identity and the contact details of the controller and, if any, of the controller's representative and of the data protection officer;

Amendment

(a) the identity and the contact details of the controller and, if any, of the controller's representative and ***the contact details*** of the data protection officer;

Or. fr

Justification

The requirement to provide information concerning the identity of the data protection officer (DPO) should be replaced by a requirement to provide standard information in the form of the DPO's contact details, in order to guarantee his or her independence and forestall any need for updating should the DPO change.

Amendment 1183

Alexander Alvaro

Proposal for a regulation

Article 14 – paragraph 1 – point b

Text proposed by the Commission

(b) the purposes of the processing for which the personal data are intended, including the contract terms and general conditions where the processing is based on point (b) of Article 6(1) and the legitimate interests pursued by the controller where the processing is based on point (f) of Article 6(1);

Amendment

(b) the ***specific*** purposes of the processing for which the personal data are intended ***as well as information regarding the security of the processing of personal data***, including the contract terms and general conditions where the processing is based on point (b) of Article 6(1) and the legitimate interests pursued by the controller where the processing is based on point (f) of Article 6(1);

Or. en

Justification

As data security is an essential part of data protection, this information shall be considered important to the data subject.

Amendment 1184
Cornelia Ernst

Proposal for a regulation
Article 14 – paragraph 1 – point b

Text proposed by the Commission

(b) the purposes of the processing for which the personal data are intended, including the contract terms and general conditions where the processing is based on point (b) of Article 6(1) and the legitimate interests pursued by the controller where the processing is based on ***point (f) of Article 6(1)***;

Amendment

(b) the purposes of the processing for which the personal data are intended, including the contract terms and general conditions where the processing is based on point (b) of Article 6(1) and the legitimate interests pursued by the controller where the processing is based on ***Article 6(1)(f), (1a) and (1b)***;

Or. en

Amendment 1185
Louis Michel

Proposal for a regulation
Article 14 – paragraph 1 – point b

Text proposed by the Commission

(b) the purposes of the processing for which the personal data are intended, ***including the contract terms and general conditions where the processing is based on point (b) of Article 6(1) and the legitimate interests pursued by the controller where the processing is based on point (f) of Article 6(1)***;

Amendment

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

Or. en

Amendment 1186
Josef Weidenholzer

Proposal for a regulation
Article 14 – paragraph 1 – point b

Text proposed by the Commission

(b) the purposes of the processing for which **the** personal data are intended, including the contract terms and general conditions where the processing is based on point (b) of Article 6(1) and the legitimate **interests** pursued by the controller where the processing is based on point (f) of Article 6(1);

Amendment

(b) the purposes of the processing for which **each category of** personal data are intended, including the contract terms and general conditions where the processing is based on point (b) of Article 6(1) and the **predominant** legitimate **interest** pursued by the controller where the processing is based on point (f) of Article 6(1)

Or. en

Justification

In practice data subjects are often confronted with generic responses and so not receive proper information, the amendment further clarifies a proper response.

Amendment 1187
Sonia Alfano, Gianni Vattimo

Proposal for a regulation
Article 14 – paragraph 1 – point b

Text proposed by the Commission

(b) the purposes of the processing for which the personal data are intended, including the contract terms and general conditions where the processing is based on point (b) of Article 6(1) and the legitimate interests pursued by the controller where the processing is based on **point (f)** of Article 6(1);

Amendment

(b) the **specific purpose or** purposes of the processing for which the personal data are intended, including **in relation to the provisions of Article 6, and notably** the contract terms and general conditions where the processing is based on point (b) of Article 6(1) and the legitimate interests pursued by the controller where the processing is based on Article 6(1a) and (1b);

Or. en

Amendment 1188
Sarah Ludford

Proposal for a regulation
Article 14 – paragraph 1 – point b

Text proposed by the Commission

(b) the ***purposes of the processing*** for which the ***personal*** data are intended, ***including the contract terms and general conditions where the processing is based on point (b) of Article 6(1) and the legitimate interests pursued by the controller where the processing is based on point (f) of Article 6(1);***

Amendment

(b) the ***purpose or purposes*** for which the data are intended ***to be processed; and***

Or. en

Justification

The data subject should not be overburdened with information.