

EU RESTREINT

ANNEX: DATA PROTECTION PRINCIPLES FOR WHICH COMMON LANGUAGE HAS BEEN DEVELOPED

1. Purpose Specification/Purpose Limitation

This principle means that data [should/shall] be processed for specific legitimate purposes and subsequently used or further communicated (exchanged or transferred) only insofar as this is not incompatible with the purpose of the transfer. The principle may be restricted only if such restriction constitutes a necessary measure in a democratic society to safeguard national security, defence, public security, the prevention, investigation, detection and prosecution of criminal offences or of breaches of ethics of regulated professions, an important economic or financial interest, or the protection of the data subject.

2. Integrity/Data Quality

Personal information should be maintained with such accuracy, relevance, timeliness and completeness as is necessary for lawful processing.

3. Relevant and Necessary/Proportionality

Personal information may only be collected and stored to the extent it is relevant, necessary and appropriate to accomplish a national security, public security or law enforcement purpose laid down by law.

4. Information Security

Personal information must be protected by all appropriate technical, security and organizational procedures and measures to guard against such risks as loss; corruption; misuse; unauthorized access, alteration, disclosure or destruction; or any other risks to the security, confidentiality or integrity of the information. Only authorized individuals with an identified purpose may have access to personal information.

5. Special Categories of Personal Information

Personal information revealing racial or ethnic origins, political opinions or religious or philosophical beliefs, or trade union membership, as well as personal information concerning health or sexual life or other categories defined under domestic law may not be processed unless domestic law provides appropriate safeguards.

6. Accountability

Public entities processing personal information [shall/should] be accountable for complying with domestic law and rules on the protection of personal information.

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7. Independent and Effective Oversight

A system of independent and effective data protection supervision¹ [shall/should] exist in the form of a public supervisory authority with effective powers of intervention and enforcement. These responsibilities may be carried out by a specialized public data protection authority or by more than one supervisory public authority to meet the particular circumstances of different legal systems.

8. Individual Access and Rectification

[An/every] individual [should/shall] be provided with access to and the means to seek rectification and/or expungement of his or her personal information. In appropriate cases, an individual may object to processing of data related to him or her.

9. Transparency and Notice

An individual [should/shall] be informed, as required by law, with general and individual notice at least as to the purpose of processing of data concerning him or her and who will be processing the data, under what rules or laws, the types of third parties to whom data are disclosed as well as other information insofar as is necessary to ensure fairness, including rights and remedies available to the individual.

10. Redress

[An/every] individual [shall/should] have an effective administrative remedy before a competent authority, [*and a remedy before an independent and impartial tribunal*] where his or her privacy has been infringed or data protection rules have been violated with respect to that individual. Any such infringement or violation [should/shall] be subject to appropriate and effective sanctions and/or remedies, such as rectification, expungement, or compensation.

¹ European law defines effective and independent supervision as meaning a public data protection supervisory authority, exercising its functions with complete independence from government. This encompasses functional and material independence.