



Council of the
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NOTE

From: Presidency
To: Working Group on Information Exchange and Data Protection (DAPIX)
No. Cion doc.: 5833/12
Subject: Proposal for a Directive of the European Parliament and of the Council on the protection of individuals with regard to the processing of personal data by competent authorities for the purposes of prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and the free movement of such data
- Chapters II, III and IV

On page 6 of document ST 10964/15 INIT recital 13 should read as follows:

(13) This Directive **is without prejudice to the ~~allows the~~ principle of public access to official documents. Under the Regulation XXX personal data in official documents held by a public authority or a public body or a private body for the performance of a task carried out in the public interest may be disclosed by the authority or body in accordance with Union law or Member State law to which the public authority or body is subject in order to reconcile public access to official documents with the right to the protection of personal data. ~~to be taken into account when applying the provisions set out in this Directive.~~**

On page 18 of document ST 10964/15 INIT recital 42 should read as follows:

(42) A personal data breach may, if not addressed in an adequate and timely manner, result in **severe physical, material or moral harm damage**(...) to ~~the~~ individuals, **such as loss of control over their personal data or limitation of their rights, discrimination, identity theft or fraud, financial loss, damage to the reputation, unauthorized reversal of pseudonymisation, loss of confidentiality of data protected by professional secrecy or any other significant economic or social disadvantage to the individual** concerned. Therefore, as soon as the controller becomes aware that (...) a personal data breach has occurred which may result in severe physical, material or moral harm damage, the controller should notify the breach to the supervisory authority without undue delay. The individuals whose personal data (...) could be severely affected by the breach should be **notified informed** without undue delay in order to allow them to take the necessary precautions (...).
