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*Committee on Civil Liberties, Justice and Home Affairs*

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**2012/0011(COD)**

6.3.2013

## **AMENDMENTS (4) 1189 - 1492**

**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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**EN**

*United in diversity*

**EN**



**Amendment 1189**

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

**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 1190**

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

**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. es

*Justification*

*Se indica que hay que dar información sobre los fines del tratamiento, incluyendo las cláusulas y condiciones generales del contrato en su caso, o especificando el interés legítimo*

*perseguido. Desde mí punto de vista, bastaría con una referencia clara a los fines del tratamiento para dar la información necesaria al sujeto, quien en caso de duda podrá pedir la información complementaria que estime pertinente. No sería pues necesario añadir además el clausulado del contrato, o las condiciones generales, o una explicitación complementaria del interés legítimo. Todos esos elementos pueden ser importantes en un momento posterior, si el sujeto decide solicitar más información o ejercitar acciones, pero a los efectos pretendidos por el Artículo 14 me parece que exceden de lo necesario y son redundantes, creando por ello una sobrecarga administrativa o de gestión innecesaria.*

#### **Amendment 1191**

**Louis Michel**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### **Amendment 1192**

**Sarah Ludford**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

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

Or. en

#### *Justification*

*It will not always be possible for a data controller to know how long the personal data will be stored.*

#### **Amendment 1193**

**Axel Voss, Seán Kelly, Wim van de Camp, Véronique Mathieu Houillon, Kinga Gál,**

**Lara Comi, Renate Sommer, Monika Hohlmeier, Salvatore Iacolino**

**Proposal for a regulation**

**Article 14 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

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

Or. en

**Amendment 1194**

**Alexander Alvaro**

**Proposal for a regulation**

**Article 14 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

*Justification*

*It is impossible to determine in all cases an exact period concerning the storage.*

**Amendment 1195**

**Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation**

**Article 14 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

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

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

Or. en

**Amendment 1196**

**Jacek Protasiewicz, Rafał Trzaskowski, Arkadiusz Tomasz Bratkowski**

**Proposal for a regulation**

**Article 14 – paragraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

(c) the period for which the personal data will be stored ***and if not possible the criteria used to determine this period;***

Or. en

**Amendment 1197**

**Josef Weidenholzer**

**Proposal for a regulation**

**Article 14 – paragraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

(c) the period for which ***each category of*** personal data will be stored;

Or. en

**Amendment 1198**

**Monika Hohlmeier**

**Proposal for a regulation**

**Article 14 – paragraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

(c) the period for which the personal data will be stored, ***provided that this is known;***

Or. de

*Justification*

*For various reasons, for example the involvement of third parties, it may be impossible, at the*

*time when the information has to be communicated, to ascertain the period for which the data will be stored. It makes no sense to require something which is impossible.*

#### **Amendment 1199**

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

#### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

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

(c) **where possible**, the period for which the personal data will be stored;

Or. es

#### *Justification*

*Some of the information required in points a) to h) cannot be provided, or at least not provided at first. This is the case with the length of the storage period or whether the data are to be transferred to a third country or an international organisation.*

#### **Amendment 1200**

**Marie-Christine Vergiat**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

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

(c) the period for which the personal data will be stored **and, where appropriate, archived**;

Or. fr

#### *Justification*

*The documentation which controllers are required to maintain must contain a number of mandatory items of information (Article 28). These include ‘a general indication of the time limits for erasure of the different categories of data’ (Article 28g). A similar requirement to inform data subjects must also be included.*

**Amendment 1201**

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

**Proposal for a regulation**

**Article 14 – paragraph 1 – point d**

*Text proposed by the Commission*

(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;

*Amendment*

(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 *and* to object to the processing of such personal data;

Or. en

**Amendment 1202**

**Louis Michel**

**Proposal for a regulation**

**Article 14 – paragraph 1 – point d**

*Text proposed by the Commission*

(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;

*Amendment*

(d) the existence of the right to request from the controller access to and rectification, *to be forgotten* or erasure of the personal data concerning the data subject or to object to the processing of such personal data *or to obtain data portability*;

Or. en

**Amendment 1203**

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

**Proposal for a regulation**

**Article 14 – paragraph 1 – point e**



*Text proposed by the Commission*

*Amendment*

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

***deleted***

Or. en

#### **Amendment 1204**

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

#### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – point e**

*Text proposed by the Commission*

*Amendment*

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

***(e) the right to lodge a complaint to the supervisory authority;***

Or. es

#### *Justification*

*In many cases, these contact details constitute personal data that does not have to be provided or processed; such details should only be provided where legally necessary.*

#### **Amendment 1205**

**Alexander Alvaro**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 1 – point f**

*Text proposed by the Commission*

*Amendment*

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

***(f) the recipients or categories of recipients of the personal data, in particular in the cases referred to in Article 20;***

Or. en

*Justification*

*Profiling is considered a sensitive measure, therefore it shall be highlighted in this context.*

**Amendment 1206**

**Louis Michel**

**Proposal for a regulation**

**Article 14 – paragraph 1 – point f**

*Text proposed by the Commission*

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

*Amendment*

(f) ***where applicable***, the recipients or categories of recipients of the personal data ***outside the controller or the group of undertakings of which the controller is member***;

Or. en

**Amendment 1207**

**Josef Weidenholzer**

**Proposal for a regulation**

**Article 14 – paragraph 1 – point f**

*Text proposed by the Commission*

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

*Amendment*

(f) the recipients or categories of recipients of ***each category of*** personal data;

Or. en

**Amendment 1208**

**Cornelia Ernst, Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 14 – paragraph 1 – point f**

*Text proposed by the Commission*

(f) the recipients ***or categories of***

*Amendment*

(f) the recipients ***of the personal data, including the controllers to whom***

*recipients of the* personal data;

personal data *are disclosed for the legitimate interests pursued by them*;

Or. en

**Amendment 1209**  
**Stanimir Ilchev**

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

*Text proposed by the Commission*

*Amendment*

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

(f) the *identity and contact details of all recipients who process the personal data received from the direct controller, and the purposes of the processing, irrespective of whether they have received the data directly from him or indirectly from another party. This shall not apply insofar as recipients are unknown, and this state of affairs has not arisen due to the deliberate intent or negligence of the direct controller.*

Or. de

*Justification*

*This reinforces the rights of the person concerned. In this way, the direct controller will be able to provide comprehensive information on the recipients of the personal data and to comply with his obligations pursuant to Article 13(1). In the interests of clarity of the information, it is sufficient to provide names, contact details and a brief description of the purpose of processing.*

**Amendment 1210**  
**Sarah Ludford**

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

*Text proposed by the Commission*

*Amendment*

**(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;**

**deleted**

Or. en

*Justification*

*This goes into too much detail.*

**Amendment 1211**

**Louis Michel**

**Proposal for a regulation**

**Article 14 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

(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;**

(g) where applicable, that the controller intends to transfer to a third country or international organisation;

Or. en

**Amendment 1212**

**Stanimir Ilchev**

**Proposal for a regulation**

**Article 14 – paragraph 1 – point g**

*Text proposed by the Commission*

*Amendment*

(g) where applicable, **that the controller**

(g) where applicable, transfer **of the data** to

*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;

a third country or international organisation *or the intention of the controller to make such a transfer and information* on the level of protection afforded by that third country or international organisation by reference to an adequacy decision by the Commission. *In the cases referred to in Article 44(1)(h), the documentation should also include evidence that appropriate safeguards are in place;*

Or. de

*Justification*

*This combines Article 14(1)(g) and Article 28(2)(f).*

**Amendment 1213**  
**Alexander Alvaro**

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

*Text proposed by the Commission*

*Amendment*

*(ga) where applicable, information whether data was provided to law enforcement authorities during the last consecutive 12-month period, notwithstanding of Member States' law enforcement legislation;*

Or. en

*Justification*

*Important information for data subjects leading to greater transparency concerning privacy intrusive law enforcement activities.*

**Amendment 1214**  
**Louis Michel**

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

*Text proposed by the Commission*

*Amendment*

*(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.*

*deleted*

Or. en

**Amendment 1215**

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

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

*Text proposed by the Commission*

*Amendment*

*(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.*

*deleted*

Or. en

**Amendment 1216**

**Cornelia Ernst**

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

*Text proposed by the Commission*

*Amendment*

(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.

(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. *In particular, such information shall contain the existence of*

*certain processing activities and operations for which personal data impact assessments have indicated that they may be a high risk, the measures taken in respect of the impact assessment, the existence of any measures of profiling, their legal grounds and their consequences for that particular data subject.*

Or. en

**Amendment 1217**  
**Sarah Ludford**

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

*Text proposed 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.*

*Amendment*

(h) any further information *which is* necessary, *having regard to the specific circumstances in which* the data *are or are to be processed, to enable processing in respect of the data subject to be fair.*

Or. en

*Justification*

*This is better drafting.*

**Amendment 1218**  
**Stanimir Ilchev**

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

*Text proposed by the Commission*

*Amendment*

*(ha) communications pursuant to Article 13(1).*

**Amendment 1219**  
**Nathalie Griesbeck**

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

*Text proposed by the Commission*

*Amendment*

***(ha) the rights and mechanisms which can be exercised or used in order to object to or prevent the processing of personal data and, in particular, the existence or otherwise of an opt-out list and its characteristics.***

Or. fr

*Justification*

*This amendment highlights the possibility of using opt-out lists and of making it mandatory to inform data subjects of their existence, in the context of the use of personal data.*

**Amendment 1220**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. Where the personal data are collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, whether the provision of personal data is obligatory or voluntary, as well as the possible consequences of failure to provide such data.***

***deleted***

Or. en



*Justification*

*Too prescriptive.*

**Amendment 1221**  
**Stanimir Ilchev**

**Proposal for a regulation**  
**Article 14 – paragraph 2**

*Text proposed by the Commission*

***2. Where the personal data are collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, whether the provision of personal data is obligatory or voluntary, as well as the possible consequences of failure to provide such data.***

*Amendment*

***2. The indirect controller and, if applicable, his representative, shall at least document the following:***

***(a) the information referred to in Article 14(1)(a), (b), (c), (d), (e), (g) and (h);***

***(b) the identity and the contact details of all recipients who process personal data received from the indirect controller, and the purposes of the processing;***

***(c) the identity and the contact details of the direct controller and, if any, of his representative;***

***(d) communications pursuant to Article 13(2).***

Or. de

*Justification*

*See justification relating to Article 14(1). The limited obligation of documentation concerning recipients serves to ensure that personal data can be traced if some recipients fail to comply with their obligations pursuant to Article 14(4). If the data subject initially contacts an indirect controller, the latter must be in a position to provide information on the origin of the data.*

**Amendment 1222**

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

**Proposal for a regulation**

**Article 14 – paragraph 2**

*Text proposed by the Commission*

2. Where the personal data are collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, whether the provision of personal data is obligatory *or voluntary, as well as the possible consequences of failure to provide such data.*

*Amendment*

2. Where the personal data are collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, whether the provision of personal data is obligatory.

Or. en

**Amendment 1223**

**Sarah Ludford**

**Proposal for a regulation**

**Article 14 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. In deciding on further information which is necessary to make the processing fair under 1(d), controllers must have regard to any relevant guidance under Article 38.***

Or. en

*Justification*

*Guidance from industry or from national supervisory authorities or EDPB could be helpful for data controllers to provide tailored information to data subjects for processing in different sectors.*

**Amendment 1224**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

**3. Where the personal data are not collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, from which source the personal data originate.**

**deleted**

Or. en

*Justification*

*Too prescriptive.*

**Amendment 1225**  
**Alexander Alvaro**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

*Amendment*

3. Where the personal data are not collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, from which source the personal data originate.

3. Where the personal data are not collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, from which source the personal data originate, ***except where the data originate from a publicly available source or where the transfer is provided for by law.***

Or. en

**Amendment 1226**  
**Axel Voss**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Where the personal data are not collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, from which source the personal data originate.

*Amendment*

3. Where the personal data are not collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, from which source the personal data originate ***except where the data originate from a publicly available source or where the transfer is provided by law or the processing is used for purposes relating to the professional activities of the person concerned.***

Or. en

**Amendment 1227**  
**Stanimir Ilchev**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Where the personal data are ***not*** collected from the data subject, ***the controller shall inform the data subject, in addition to the information referred to in paragraph 1, from which source the personal data originate.***

*Amendment*

3. Where the personal data are collected from the data subject,

***(a) the direct controller shall, at the time when the data are collected or immediately thereafter, inform the data subject, in addition to the information referred to in paragraph 1, whether the provision of personal data is obligatory or voluntary, as well as the possible consequences of failure to provide such data;***

***(b) the direct controller shall, after the first communication pursuant to***

*paragraph 3(a), provide the information pursuant to paragraph 1 once a year, provided that changes have occurred in the information since it was last communicated.*

Or. de

*Justification*

*The procedure for the collection of data other than from the data subject is laid down in paragraph 4. As the procedure laid down in Article 14(4) for the collection of data other than from the data subject does not provide for any notification of the data subject, this annual communication of information will at least serve to inform the person about new data recipients and the purposes for which they are to process the data.*

**Amendment 1228**

**Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation**

**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Where the personal data are not collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, from which source the personal data originate.

*Amendment*

3. Where the personal data are not collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, from which source the personal data originate, *except where the data originate from a publicly available source or where the transfer is provided for by law.*

Or. en

**Amendment 1229**

**Timothy Kirkhope**

**Proposal for a regulation**

**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Where the personal data **are not collected from** the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, from which source the personal data originate.

*Amendment*

3. Where the personal data **collected would have potentially harmful consequences or is wholly unrelated to** the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, from which source the personal data originate.

Or. en

**Amendment 1230**  
**Josef Weidenholzer**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Where the personal data are not collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, from which source **the** personal data originate.

*Amendment*

3. Where the personal data are not collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, from which source **each category of** personal data originate.

Or. en

**Amendment 1231**  
**Louis Michel**

**Proposal for a regulation**  
**Article 14 – paragraph 3**

*Text proposed by the Commission*

3. Where the personal data are not collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, from which source the personal data originate.

*Amendment*

3. Where the personal data are not collected from the data subject, the controller shall inform the data subject, in addition to the information referred to in paragraph 1, from which **categories of** source the personal data originate, **except**

*where the data originate from a publicly available source or where the transfer is provided by law or the processing is used for purposes relating to the professional activities of the person concerned.*

Or. en

**Amendment 1232**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 14 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The controller shall provide the information referred to in paragraphs 1, 2 and 3:**

*deleted*

*(a) at the time when the personal data are obtained from the data subject; or*

*(b) where the personal data are not collected from the data subject, at the time of the recording or within a reasonable period after the collection, having regard to the specific circumstances in which the data are collected or otherwise processed, or, if a disclosure to another recipient is envisaged, and at the latest when the data are first disclosed.*

Or. en

*Justification*

*Too prescriptive.*

**Amendment 1233**  
**Stanimir Ilchev**

**Proposal for a regulation**  
**Article 14 – paragraph 4**

*Text proposed by the Commission*

4. The controller *shall provide the information referred to in paragraphs 1, 2 and 3:*

*(a) at the time when the personal data are obtained from the data subject; or*

*(b) where the personal data are not collected from the data subject, at the time of the recording or within a reasonable period after the collection, having regard to the specific circumstances in which the data are collected or otherwise processed, or, if a disclosure to another recipient is envisaged, and at the latest when the data are first disclosed.*

*Amendment*

*4. If the personal data are not collected from the data subject, the indirect controller shall, at the minimum, inform the direct controller of the purposes for which he is processing the personal data, stating his identity and contact details. This shall be done at the time when the personal data are collected or within a reasonable period thereafter, taking into account the specific circumstances in which the data are collected or otherwise processed. Article 20(4) shall apply in addition to this provision.*

Or. de

*Justification*

*Contrary to the Commission proposal, the data subject should not be informed anew by an indirect controller each time that data are collected, as this would result in an obscure state of affairs and confusion. The obligation referred to here corresponds to the documentation requirement pursuant to paragraph 1(f).*

**Amendment 1234**  
**Josef Weidenholzer**

**Proposal for a regulation**  
**Article 14 – paragraph 4 – introductory part**



*Text proposed by the Commission*

*Amendment*

4. The controller shall provide the information referred to in paragraphs 1, 2 and 3:

4. The controller shall provide the information referred to in paragraphs 1, 2 and 3 ***in tangible form***:

Or. en

### **Amendment 1235**

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

#### **Proposal for a regulation**

#### **Article 14 – paragraph 4 – point a**

*Text proposed by the Commission*

*Amendment*

(a) at the time when the personal data are obtained from the data subject; or

(a) ***in general*** at the time when the personal data are obtained from the data subject ***or as soon as possible where the above is not feasible, demands undue effort, or reduces the safeguards enjoyed by the data subject***; or

Or. es

#### *Justification*

*Some activities might require at least a degree of flexibility, and supervisory authorities would, moreover, easily be able to ascertain that this was being properly used. In addition, depending on the way in which data are collected, supplying information immediately after the event, in writing or online, might offer greater safeguards to a data subject, who would then be able to take exact note of the situation.*

### **Amendment 1236**

**Josef Weidenholzer**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 4 – point a a (new)**

*Text proposed by the Commission*

*Amendment*

***(aa) After a request by a data subject or a body, organization or association referred***

*to in Article 73(2);*

Or. en

*Justification*

*A data subject should get such information a tangible form (e.g. a PDF file) and should be able to request such information at any time. NGOs need such information to enforce the rights of data subjects.*

**Amendment 1237**

**Cornelia Ernst**

**Proposal for a regulation**

**Article 14 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) where the personal data are not collected from the data subject, at the time of the recording or within a reasonable period after the collection, having regard to the specific circumstances in which the data are collected or otherwise processed, or, if a *disclosure* to another *recipient* is envisaged, and at the latest *when the data are first disclosed*.

*Amendment*

(b) where the personal data are not collected from the data subject, at the time of the recording or within a reasonable period after the collection, having regard to the specific circumstances in which the data are collected or otherwise processed, or, if a *transfer* to another *controller* is envisaged, and at the latest *at the time of the transfer*.

Or. en

**Amendment 1238**

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

**Proposal for a regulation**

**Article 14 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) where the personal data are not collected from the data subject, at the time of the recording or within a reasonable period after the collection, having regard to

*Amendment*

(b) where the personal data are not collected from the data subject, at the time of the recording or within a reasonable period after the collection, having regard to

the specific circumstances in which the data are collected or otherwise processed, or, if a disclosure to another recipient is envisaged, and at the latest when the data are first disclosed.

the specific circumstances in which the data are collected or otherwise processed, or, if a disclosure to another recipient is envisaged, and at the latest when the data are first disclosed; ***or, if the data shall be used for communication with the person concerned, at the latest at the time of the first communication to that person.***

Or. en

### **Amendment 1239**

**Louis Michel**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) where the personal data are not collected from the data subject, at the time of the recording or within a reasonable period after the collection, having regard to the specific circumstances in which the data are collected or otherwise processed, or, if a disclosure to another recipient is envisaged, and at the latest when the data are first disclosed.

*Amendment*

(b) where the personal data are not collected from the data subject, at the time of the recording or within a reasonable period after the collection, having regard to the specific circumstances in which the data are collected or otherwise processed, or, if a disclosure to another recipient is envisaged, and at the latest when the data are first disclosed, ***or, if the data shall be used for communication with the person concerned, at the latest at the time of the first communication to that person.***

Or. en

### **Amendment 1240**

**Nathalie Griesbeck**

#### **Proposal for a regulation**

#### **Article 14 – paragraph 4 – subparagraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

***(ba) within a reasonable period after the data subject has reached the age of 18.***

*Justification*

*It would be appropriate to inform persons reaching the age of 18 of their rights in respect of their personal data collected when they were children.*

**Amendment 1241**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 14 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Article 14 shall not apply where:***

***(a) the data subject already has the information;***

***(b) the provision of such information proves impossible or would involve a disproportionate effort;***

***(c) obtaining or disclosure is found in Union or Member State law;***

***(d) where the data originate from publicly available sources;***

***(e) where the data must remain confidential in accordance with a legal provision or on account of the overriding justified interests of a third party.***

Or. en

*Justification*

*When the personal data has not been obtained from the data subject it would be disproportionate to apply the full information requirements.*

**Amendment 1242**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 14 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

**5. Paragraphs 1 to 4 shall not apply, where:**

**deleted**

***(a) the data subject has already the information referred to in paragraphs 1, 2 and 3; or***

***(b) the data are not collected from the data subject and the provision of such information proves impossible or would involve a disproportionate effort; or***

***(c) the data are not collected from the data subject and recording or disclosure is expressly laid down by law; or***

***(d) the data are not collected from the data subject and the provision of such information will impair the rights and freedoms of others, as defined in Union law or Member State law in accordance with Article 21.***

Or. en

*Justification*

*This is too prescriptive.*

**Amendment 1243**  
**Stanimir Ilchev**

**Proposal for a regulation**  
**Article 14 – paragraph 5 – introductory part**

*Text proposed by the Commission*

*Amendment*

**5. Paragraphs 1 to 4 shall not apply, where:**

**5. Paragraphs 1 and 2 shall not apply to natural persons who process personal data without a commercial interest.**

***(a) the data subject has already the information referred to in paragraphs 1, 2***

*and 3; or*

*(b) the data are not collected from the data subject and the provision of such information proves impossible or would involve a disproportionate effort; or*

*(c) the data are not collected from the data subject and recording or disclosure is expressly laid down by law; or*

*(d) the data are not collected from the data subject and the provision of such information will impair the rights and freedoms of others, as defined in Union law or Member State law in accordance with Article 21.*

Or. de

*Justification*

*Former Article 28(4)(a).*

**Amendment 1244**

**Louis Michel**

**Proposal for a regulation**

**Article 14 – paragraph 5 – point a**

*Text proposed by the Commission*

(a) the data subject has already the information referred to in paragraphs 1, 2 and 3; or

*Amendment*

(a) the data subject has already *or can be reasonably expected to know* the information referred to in paragraphs 1, 2 and 3; or

Or. en

**Amendment 1245**

**Sylvie Guillaume, Françoise Castex**

**Proposal for a regulation**

**Article 14 – paragraph 5 – point b**

*Text proposed by the Commission*

*Amendment*

***(b) the data are not collected from the data subject and the provision of such information proves impossible or would involve a disproportionate effort; or***

***deleted***

Or. en

## **Amendment 1246**

**Alexander Alvaro**

### **Proposal for a regulation**

#### **Article 14 – paragraph 5 – point b**

*Text proposed by the Commission*

*Amendment*

(b) the data are not collected from the data subject and the provision of such information proves impossible or would involve a disproportionate effort; or

(b) the data ***meant to serve solely the purposes of Article 83***, are not collected from the data subject and the provision of such information proves impossible or would involve a disproportionate effort; or

Or. en

#### *Justification*

*Without further specifying, this Article would have allowed for a severe loophole for data controllers to process any data.*

## **Amendment 1247**

**Josef Weidenholzer**

### **Proposal for a regulation**

#### **Article 14 – paragraph 5 – point b**

*Text proposed by the Commission*

*Amendment*

(b) the data are not collected from the data subject and the provision of such information proves impossible or would involve a disproportionate effort; or

(b) the data are not collected from the data subject and the provision of such information proves impossible or would involve a disproportionate effort ***and the controller has published the information***

*for anyone to retrieve; or*

Or. en

**Amendment 1248**

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

**Proposal for a regulation**

**Article 14 – paragraph 5 – point b**

*Text proposed by the Commission*

(b) the data are not collected from the data subject and the provision of such information proves impossible or would involve a disproportionate *effort*; or

*Amendment*

(b) the data are not collected from the data subject *or the data processes do not allow the verification of identity* and the provision of such information proves impossible or would involve a disproportionate *effort such as by generating excessive administrative burden, especially when the processing is carried out by a SME*; or

Or. en

*Justification*

*Taken from the ITRE-Opinion*

**Amendment 1249**

**Monika Hohlmeier**

**Proposal for a regulation**

**Article 14 – paragraph 5 – point b**

*Text proposed by the Commission*

(b) the data are not collected from the data subject and the provision of such information proves impossible or would involve a disproportionate effort;

*Amendment*

(b) the data are not collected from the data subject and the provision of such information proves impossible – *for example because the data have been rendered pseudonymous* – or would involve a disproportionate effort;



*Justification*

*This would motivate data processors to render data pseudonymous.*

**Amendment 1250**

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

**Proposal for a regulation**

**Article 14 – paragraph 5 – point c**

*Text proposed by the Commission*

(c) *the data are not collected from the data subject and* recording or disclosure is expressly laid down by law; or

*Amendment*

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

Or. en

*Justification*

*this should also apply when the data is collected from the data subject itself.*

**Amendment 1251**

**Louis Michel**

**Proposal for a regulation**

**Article 14 – paragraph 5 – point c**

*Text proposed by the Commission*

(c) the data are not collected from the data subject and **recording** or disclosure is expressly laid down by law; or

*Amendment*

(c) the data are not collected from the data subject and **obtaining** or disclosure is expressly laid down by law **to which the controller is subject, which provides appropriate measures to protect the data subject's legitimate interests, considering the risks represented by the processing and the nature of the personal data;** or

Or. en

**Amendment 1252**  
**Josef Weidenholzer**

**Proposal for a regulation**  
**Article 14 – paragraph 5 – point d**

*Text proposed by the Commission*

(d) the data are not collected from the data subject and the provision of such information will impair the rights and freedoms of others, ***as defined in Union law or Member State law in accordance with Article 21.***

*Amendment*

(d) the data are not collected from the data subject and the provision of such information will impair the rights and freedoms of others.

Or. en

*Justification*

*If the data subject cannot be provided with the information, it should at least be available to it.*

**Amendment 1253**  
**Axel Voss, Seán Kelly, Wim van de Camp, Véronique Mathieu Houillon, Kinga Gál, Lara Comi, Renate Sommer, Monika Hohlmeier**

**Proposal for a regulation**  
**Article 14 – paragraph 5 – point d**

*Text proposed by the Commission*

(d) ***the data are not collected from the data subject and*** the provision of such information will impair the rights and freedoms of others, as defined in Union law or Member State law ***in accordance with Article 21.***

*Amendment*

(d) the provision of such information will impair the rights and freedoms of others, as defined in Union law or Member State law;  
***or***

Or. en

*Justification*

*This should also apply when the data is collected from the data subject itself.*

## Amendment 1254

Cornelia Ernst, Marie-Christine Vergiat

### Proposal for a regulation

#### Article 14 – paragraph 5 – point d

*Text proposed by the Commission*

(d) the data are not collected from the data subject and the provision of such information will impair the rights and freedoms of *others*, as defined in Union law or Member State law in accordance with Article 21.

*Amendment*

(d) the data are not collected from the data subject and the provision of such information will impair the rights and freedoms of *other natural persons*, as defined in Union law or Member State law in accordance with Article 21.

Or. en

## Amendment 1255

Alexander Alvaro

### Proposal for a regulation

#### Article 14 – paragraph 5 – point d a (new)

*Text proposed by the Commission*

*Amendment*

*(da) the data are processed by, are entrusted or become known to a person subject to legal professional privilege, professional secrecy regulated by the Member State, a statutory obligation of secrecy in the exercise of his profession or any like obligation not to reveal such data.*

Or. en

#### *Justification*

*Different rules should apply for persons subject to legal professional privilege, professional secrecy regulated by the State, a statutory obligation of secrecy in the exercise of his profession or any like obligation not to reveal personal data.*

**Amendment 1256**  
**Claude Moraes, Glenis Willmott**

**Proposal for a regulation**  
**Article 14 – paragraph 5 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) the data are processed for historical, statistical or scientific purposes subject to the conditions and safeguards referred to in Article 83 and the provision of such information proves impossible or would involve a disproportionate effort.***

Or. en

*Justification*

*The right of the data subject to information could be problematic for research in situations where notifying participants would create a disproportionate burden that could prevent the research from proceeding. The Regulation includes a ‘disproportionate effort’ provision where the data are not collected from the data subject. However, in research studies where data are collected from the data subject, it may not always be possible or may be prohibitively burdensome for researchers to provide information to data subjects.*

**Amendment 1257**  
**Sari Essayah**

**Proposal for a regulation**  
**Article 14 – paragraph 5 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

***(da) the data are processed for historical, statistical or scientific research purposes subject to the conditions and safeguards referred to in Article 83 and the provision of such information proves impossible or would involve a disproportionate effort.***

Or. en

**Amendment 1258**  
**Louis Michel**

**Proposal for a regulation**  
**Article 14 – paragraph 5 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) the information or part of the information referred to in Article 14(1) to (3) is likely to seriously impair the ensuring of network and information security. From the moment that the information is not anymore likely to seriously impair the achievement of network and information security, the data subject shall be informed without delay.*

Or. en

**Amendment 1259**  
**Birgit Sippel, Josef Weidenholzer**

**Proposal for a regulation**  
**Article 14 – paragraph 5 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) the data are collected by a natural person bound by professional or other equivalent secrecy obligations in the pursuit of their professional activities; or*

Or. en

*Justification*

*In Recital 127 of the Commission Proposal the text already acknowledges the need to provide provisions on Member State level to safeguard the professional or other equivalent secrecy obligations of certain professional groups. This might for instances be the case for lawyers or notaries.*

**Amendment 1260**  
**Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation**  
**Article 14 – paragraph 5 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) the data are processed by, are entrusted or become known to a person subject to legal professional privilege, professional secrecy regulated by the Member State, a statutory obligation of secrecy in the exercise of his profession or any like obligation not to reveal such data.*

Or. en

**Amendment 1261**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 14 – paragraph 5 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) the data consists of information in respect of which a claim to legal professional privilege, or equivalent professional secrecy provisions could be maintained under national law or rules established by national competent bodies.*

Or. en

*Justification*

*Legal professional privilege and lawyer-client confidentiality are long-established legal principles underpinning the administration of justice.*

**Amendment 1262**  
**Axel Voss, Seán Kelly, Wim van de Camp, Véronique Mathieu Houillon, Kinga Gál,**

**Renate Sommer, Monika Hohlmeier, Hubert Pirker, Salvatore Iacolino, Lara Comi**

**Proposal for a regulation**

**Article 14 – paragraph 5 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) the data originates from publicly available sources; or*

Or. en

**Amendment 1263**

**Nathalie Griesbeck**

**Proposal for a regulation**

**Article 14 – paragraph 5 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) the data are collected for the purposes of historical, statistical or scientific research, in accordance with the provisions of Article 83, and the requirement to provide information laid down in paragraphs 1 to 4 proves impossible to comply with or would require disproportionate efforts in the light of the imperatives of the research in question, in particular in terms of the quantity of data processed and the public interest being pursued.*

Or. fr

*Justification*

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

**Amendment 1264**

**Claude Moraes**

**Proposal for a regulation**  
**Article 14 – paragraph 5 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

*(db) the data consists of information in connection with which a claim to professional secrecy provisions, such as legal professional privilege, could be established under national law or rules established by competent authorities.*

Or. en

*Justification*

*Legal professional privilege and lawyer-client confidentiality are long-established legal principles of justice. Professional secrecy for lawyers has been recognised in case law as a fundamental right for its role in securing access to justice and upholding the rule of law.*

**Amendment 1265**  
**Birgit Sippel, Josef Weidenholzer**

**Proposal for a regulation**  
**Article 14 – paragraph 5 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

*(db) the right to media freedom requires the protection of information sources.*

Or. en

*Justification*

*This amendment deals with the protection of information sources as required in a society that enjoys media freedom.*

**Amendment 1266**  
**Axel Voss, Seán Kelly, Wim van de Camp, Véronique Mathieu Houillon, Kinga Gál, Lara Comi, Renate Sommer, Hubert Pirker**



**Proposal for a regulation**  
**Article 14 – paragraph 5 – point d b (new)**

*Text proposed by the Commission*

*Amendment*

*(db) the data must be kept secret in accordance with legislation or by virtue of their nature, particularly because of a legitimate overriding interest of a third party.*

Or. de

**Amendment 1267**  
**Sarah Ludford, Charles Tannock**

**Proposal for a regulation**  
**Article 14 – paragraph 5 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) the data are processed for health, historical, statistical or scientific research purposes subject to the conditions and safeguards referred to in Articles 81 or 83 as appropriate, and the provision of such information proves impossible or would involve a disproportionate effort.*

Or. en

*Justification*

*Self-explanatory.*

**Amendment 1268**  
**Axel Voss, Seán Kelly, Wim van de Camp, Véronique Mathieu Houillon, Kinga Gál, Lara Comi, Renate Sommer, Hubert Pirker, Monika Hohlmeier, Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 14 – paragraph 5 – point d c (new)**

*Text proposed by the Commission*

*Amendment*

*(dc) the data are processed in the exercise of his profession by, or are entrusted or become known to, a person who is subject to an obligation of professional secrecy regulated by the State or to a statutory obligation of secrecy.*

Or. de

**Amendment 1269**

**Cornelia Ernst**

**Proposal for a regulation**

**Article 14 – paragraph 5 a (new)**

*Text proposed by the Commission*

*Amendment*

*5a. Points (c) and (d) of paragraph 5 shall not apply where the absence of the information impedes the data subject to exercise its rights to access, objection, correction or erasure.*

Or. en

**Amendment 1270**

**Sarah Ludford**

**Proposal for a regulation**

**Article 14 – paragraph 6**

*Text proposed by the Commission*

*Amendment*

*6. In the case referred to in point (b) of paragraph 5, the controller shall provide appropriate measures to protect the data subject's legitimate interests.*

*deleted*

Or. en

*Justification*

*This is over prescriptive.*

**Amendment 1271**  
**Stanimir Ilchev**

**Proposal for a regulation**  
**Article 14 – paragraph 6**

*Text proposed by the Commission*

**6. In the case referred to in point (b) of paragraph 5, the controller shall provide appropriate measures to protect the data subject's legitimate interests.**

*Amendment*

**6. Paragraph 3 shall not apply where:**

**(a) it proves impossible to provide the information or providing it would involve a disproportionate effort; or**

**(b) the data subject already has the information referred to in paragraph 1.**

Or. de

**Amendment 1272**  
**Timothy Kirkhope**  
on behalf of the ECR Group

**Proposal for a regulation**  
**Article 14 – paragraph 6**

*Text proposed by the Commission*

6. In the case referred to in point (b) of paragraph 5, the controller shall **provide appropriate measures** to protect the data subject's legitimate interests.

*Amendment*

6. In the case referred to in point (b) of paragraph 5, the controller shall **undertake the necessary actions and protections in their activities** to protect the data subject's legitimate interests.

Or. en

**Amendment 1273**  
**Alexander Alvaro**

**Proposal for a regulation**  
**Article 14 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria for categories of recipients referred to in point (f) of paragraph 1, the requirements for the notice of potential access referred to in point (g) of paragraph 1, the criteria for the further information necessary referred to in point (h) of paragraph 1 for specific sectors and situations, and the conditions and appropriate safeguards for the exceptions laid down in point (b) of paragraph 5. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized-enterprises.** **deleted**

Or. en

**Amendment 1274**  
**Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio**

**Proposal for a regulation**  
**Article 14 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria for categories of recipients referred to in point (f) of paragraph 1, the requirements for the notice of potential access referred to in point (g) of paragraph 1, the criteria for the further information necessary referred to in point (h) of paragraph 1 for** **deleted**

*specific sectors and situations, and the conditions and appropriate safeguards for the exceptions laid down in point (b) of paragraph 5. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized-enterprises.*

Or. es

*Justification*

*The issues to be covered by the delegated acts referred to in paragraph 7 fall outside the scope for use of such acts, and should in any case be addressed in the text of Regulation*

**Amendment 1275**

**Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation**

**Article 14 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

*7. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria for categories of recipients referred to in point (f) of paragraph 1, the requirements for the notice of potential access referred to in point (g) of paragraph 1, the criteria for the further information necessary referred to in point (h) of paragraph 1 for specific sectors and situations, and the conditions and appropriate safeguards for the exceptions laid down in point (b) of paragraph 5. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized-enterprises.*

*deleted*

Or. en

**Amendment 1276**  
**Timothy Kirkhope**  
on behalf of the ECR Group

**Proposal for a regulation**  
**Article 14 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria for categories of recipients referred to in point (f) of paragraph 1, the requirements for the notice of potential access referred to in point (g) of paragraph 1, the criteria for the further information necessary referred to in point (h) of paragraph 1 for specific sectors and situations, and the conditions and appropriate safeguards for the exceptions laid down in point (b) of paragraph 5. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized-enterprises.** **deleted**

Or. en

**Amendment 1277**  
**Louis Michel**

**Proposal for a regulation**  
**Article 14 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria for categories of recipients referred to in point (f) of paragraph 1, the requirements for the notice of potential access referred to in point (g) of paragraph 1, the criteria for the further information necessary** **deleted**

*referred to in point (h) of paragraph 1 for specific sectors and situations, and the conditions and appropriate safeguards for the exceptions laid down in point (b) of paragraph 5. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized-enterprises.*

Or. en

**Amendment 1278**  
**Josef Weidenholzer**

**Proposal for a regulation**  
**Article 14 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

*7. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria for categories of recipients referred to in point (f) of paragraph 1, the requirements for the notice of potential access referred to in point (g) of paragraph 1, the criteria for the further information necessary referred to in point (h) of paragraph 1 for specific sectors and situations, and the conditions and appropriate safeguards for the exceptions laid down in point (b) of paragraph 5. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized-enterprises.*

*deleted*

Or. en

**Amendment 1279**  
**Axel Voss, Seán Kelly, Wim van de Camp, Véronique Mathieu Houillon, Kinga Gál, Lara Comi, Renate Sommer, Monika Hohlmeier**

**Proposal for a regulation**  
**Article 14 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria for categories of recipients referred to in point (f) of paragraph 1, the requirements for the notice of potential access referred to in point (g) of paragraph 1, the criteria for the further information necessary referred to in point (h) of paragraph 1 for specific sectors and situations, and the conditions and appropriate safeguards for the exceptions laid down in point (b) of paragraph 5. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized-enterprises.** *deleted*

Or. en

**Amendment 1280**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 14 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

**7. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria for categories of recipients referred to in point (f) of paragraph 1, the requirements for the notice of potential access referred to in point (g) of paragraph 1, the criteria for the further information necessary referred to in point (h) of paragraph 1 for specific sectors and situations, and the conditions and appropriate safeguards for the exceptions laid down in point (b) of** *deleted*



*paragraph 5. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized-enterprises.*

Or. en

*Justification*

*Unnecessary.*

**Amendment 1281**  
**Stanimir Ilchev**

**Proposal for a regulation**  
**Article 14 – paragraph 7**

*Text proposed by the Commission*

*7. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria for categories of recipients referred to in point (f) of paragraph 1, the requirements for the notice of potential access referred to in point (g) of paragraph 1, the criteria for the further information necessary referred to in point (h) of paragraph 1 for specific sectors and situations, and the conditions and appropriate safeguards for the exceptions laid down in point (b) of paragraph 5. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized-enterprises.*

*Amendment*

*7. Paragraph 4 shall not apply where:*

*(a) collection or disclosure of the data is expressly laid down by law; or*

*(b) the provision of such information will impair the rights and freedoms of others, as defined in Union law or Member State law in accordance with Article 21;*

*(c) it proves impossible to provide the information or providing it would involve*

*a disproportionate effort.*

Or. de

*Justification*

*The Commission has powers delegated to it in paragraph 8a.*

**Amendment 1282**  
**Dimitrios Droutsas**

**Proposal for a regulation**  
**Article 14 – paragraph 7**

*Text proposed by the Commission*

7. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria for categories of recipients referred to in point (f) of paragraph 1, the requirements for the notice of potential access referred to in point (g) of paragraph 1, the criteria for the further information necessary referred to in point (h) of paragraph 1 for specific sectors and situations, and the conditions and appropriate safeguards for the exceptions laid down in point (b) of paragraph 5. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized-enterprises.

*Amendment*

7. 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 criteria for categories of recipients referred to in point (f) of paragraph 1, the requirements for the notice of potential access referred to in point (g) of paragraph 1, the criteria for the further information necessary referred to in point (h) of paragraph 1 for specific sectors and situations, and the conditions and appropriate safeguards for the exceptions laid down in point (b) of paragraph 5. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized-enterprises.

Or. en

**Amendment 1283**  
**Timothy Kirkhope**  
on behalf of the ECR Group

**Proposal for a regulation**  
**Article 14 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

**8. The Commission may lay down standard forms for providing the information referred to in paragraphs 1 to 3, taking into account the specific characteristics and needs of various sectors and data processing situations where necessary. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).**

*deleted*

Or. en

**Amendment 1284**

**Louis Michel**

**Proposal for a regulation**

**Article 14 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

**8. The Commission may lay down standard forms for providing the information referred to in paragraphs 1 to 3, taking into account the specific characteristics and needs of various sectors and data processing situations where necessary. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).**

*deleted*

Or. en

**Amendment 1285**

**Sarah Ludford**

**Proposal for a regulation**

**Article 14 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

**8. The Commission may lay down standard forms for providing the information referred to in paragraphs 1 to 3, taking into account the specific characteristics and needs of various sectors and data processing situations where necessary. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).**

**deleted**

Or. en

*Justification*

*Unnecessary.*

**Amendment 1286  
Alexander Alvaro**

**Proposal for a regulation  
Article 14 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

8. The Commission **may lay** down standard forms for providing the information referred to in paragraphs 1 to 3, taking into account the specific characteristics and needs of various sectors and data processing situations where necessary. **Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).**

8. The Commission **shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of laying** down standard forms for providing the information referred to in paragraphs 1 to 3, taking into account the specific characteristics and needs of various sectors and data processing situations where necessary.

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 1287**  
**Stanimir Ilchev**

**Proposal for a regulation**  
**Article 14 – paragraph 8**

*Text proposed by the Commission*

8. *The Commission may lay down standard forms for providing the information referred to in paragraphs 1 to 3, taking into account the specific characteristics and needs of various sectors and data processing situations where necessary. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).*

*Amendment*

8. *In the cases referred to in paragraphs 6(a) and 7(c), the controller shall take appropriate measures to protect the data subject's legitimate interests.*

Or. de

*Justification*

*The former paragraph 8 becomes paragraph 8b.*

**Amendment 1288**  
**Dimitrios Droutsas**

**Proposal for a regulation**  
**Article 14 – paragraph 8**

*Text proposed by the Commission*

8. The Commission *may* lay down standard forms for providing the information referred to in paragraphs 1 to 3, taking into account the specific characteristics and needs of various sectors and data processing situations where necessary. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

*Amendment*

8. The Commission *shall* lay down standard forms for providing the information referred to in paragraphs 1 to 3, taking into account the specific characteristics and needs of various sectors and data processing situations where necessary *as well as the needs of the relevant stakeholders*. Those implementing acts shall be adopted, *after requesting an opinion of the European Protection Board*, in accordance with the

examination procedure referred to in Article 87(2).

Or. en

**Amendment 1289**  
**Stanimir Ilchev**

**Proposal for a regulation**  
**Article 14 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

***8a. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of regulating the requirements applicable to information referred to in paragraph 1(g), the criteria for the provision of further information referred to in paragraph 1(h) for specific sectors and situations, and the conditions and appropriate safeguards for the exceptions laid down in paragraphs 6(a) and 7(c). In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized-enterprises.***

Or. de

**Amendment 1290**  
**Stanimir Ilchev**

**Proposal for a regulation**  
**Article 14 – paragraph 8 b (new)**

*Text proposed by the Commission*

*Amendment*

***8b. The Commission may lay down standard forms for providing the information referred to in paragraphs 3 and 4, taking into account the specific characteristics and needs of various sectors and data processing situations***

*where necessary. Those implementing acts shall be adopted in accordance with the examination procedure set out in Article 87(2).*

Or. de

**Amendment 1291**  
**Nils Torvalds**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The data subject shall have the right to obtain from the controller **at any time**, on request, confirmation as to whether or not personal data relating to the data subject are being processed. Where such personal data are being processed, the controller shall provide the following information:

*Amendment*

1. The data subject shall have the right to obtain from the controller, on request, confirmation as to whether or not personal data relating to the data subject are being processed. Where such personal data are being processed, the controller shall provide the following information:

Or. en

**Amendment 1292**  
**Jens Rohde, Adina-Ioana Vălean**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The data subject shall have the right to obtain from the controller at any time, on request, confirmation as to whether or not personal data relating to the data subject are being processed. **Where such personal data are being processed**, the controller shall provide the following information:

*Amendment*

1. The data subject shall have the right to obtain from the controller at any time, on request, confirmation as to whether or not personal data relating to the data subject are being processed. **With the exception of data being used for historical, statistical or scientific research purposes** the controller shall provide the following information **when person data are being processed**:

**Amendment 1293**

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

**Proposal for a regulation**

**Article 15 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The data subject shall have the right to obtain from the controller at any time, on request, confirmation as to whether or not personal data relating to the data subject are being processed. Where such personal data are being processed, the controller shall provide the following information:

*Amendment*

1. The data subject shall have the right to obtain from the controller at any time, on request, confirmation as to whether or not personal data relating to the data subject are being processed. ***If the controller is processing a large number of files relating to the data subject, it may ask the data subject to specify in the necessary detail, before the information is supplied, which file or files, or what particular fields of activity, are covered by the data subject's request.*** Where such personal data are being processed, the controller shall provide the following information:

*Justification*

*Lo primero que hay que decir en relación con este derecho es que dependiendo de las dimensiones del controlador o del responsable y de la cantidad de ficheros que este maneje, su ejercicio debe matizarse en alguna medida. En efecto, solicitar de determinados controladores o responsables información general sobre todos los datos que se están tratando (v. gr. por ejemplo de la Administración de un Estado), puede dar lugar a la imposición de una carga excesivamente onerosa, máxime cuando el interés del sujeto normalmente se circunscribirá a una o unas determinadas áreas. De acuerdo con lo anterior, estimo que en interés de todos los actores concernidos, es importante matizar el ejercicio de este derecho, en el sentido de que el responsable podrá válidamente solicitar del interesado que determine a qué ficheros o a qué concretas áreas se refiere su petición.*

**Amendment 1294**

**Stanimir Ilchev**



**Proposal for a regulation**  
**Article 15 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The data subject shall have the right to obtain from **the** controller at any time, on request, confirmation as to whether or not personal data relating to the data subject are being processed. **Where such personal data are being processed, the controller shall provide** the following information:

*Amendment*

1. The data subject shall have the right to obtain from **every** controller at any time, on request, confirmation as to whether or not personal data relating to the data subject are being processed. **The confirmation shall, at the minimum, include** the following information:

Or. de

*Justification*

*The various documentation and information requirements do not in any way alter the right of the data subject to demand information under this provision from every controller.*

**Amendment 1295**  
**Dimitrios Droutsas**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The data subject shall have the right to obtain from the controller at any time, on request, confirmation as to whether or not personal data relating to the data subject are being processed. **Where such personal data are being processed, the controller shall provide** the following information:

*Amendment*

1. The data subject shall have the right to obtain from the controller at any time, on request, **in clear and plain language,** confirmation as to whether or not personal data relating to the data subject are being processed, **and as to the existence of profiling and measures based on profiling in respect of the data subject** the controller shall provide the following information:

Or. en

*Justification*

*In order to ensure an informed consent to profiling activities, these need to be defined and regulated. See related amendments to Articles 4(3b), 14(1)(g), (ga) and (gb) and 20.*

## Amendment 1296

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

### Proposal for a regulation

#### Article 15 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. The data subject shall have the right to obtain from the controller **at any time**, on request, confirmation as to whether or not personal data relating to the data subject are being processed. Where such personal data are being processed, the controller shall provide the following information:

*Amendment*

1. **Only** the data subject shall have the right to obtain from the controller on request, confirmation as to whether or not personal data relating to the data subject are being processed **unless this request is manifestly excessive according to 12 (4)**. Where such personal data are being processed, the controller shall - **so far as the data subject has not received** - provide the following information:

Or. en

## Amendment 1297

Sarah Ludford

### Proposal for a regulation

#### Article 15 – paragraph 1 – introductory part

*Text proposed by the Commission*

1. **The data** subject **shall have the right to obtain from the controller at any time, on request, confirmation as to whether or not personal data relating to the data subject are being processed. Where such personal data are being processed, the controller shall provide the following information:**

*Amendment*

1. Subject **to Article 12(4)**, the data subject **shall have the right to obtain the following information from** the controller:

Or. en

*Justification*

*The right of access should be set out here, subject to Article 12(4) which sets out the*

*conditions regarding the exercise of the right.*

**Amendment 1298**

**Birgit Sippel, Josef Weidenholzer**

**Proposal for a regulation**

**Article 15 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. There shall be no right to obtain information when the data was collected by a natural person bound by professional or other equivalent secrecy obligations in the pursuit of their professional activities.***

Or. en

*Justification*

*In Recital 127 of the Commission Proposal the text already acknowledges the need to provide provisions on Member State level to safeguard the professional or other equivalent secrecy obligations of certain professional groups. This might for instances be the case for lawyers or notaries. It is only logical, that in these specific cases, a right to information cannot exist, either, in order not to destroy the necessary safeguards for professional or other equivalent secrecy obligations.*

**Amendment 1299**

**Sarah Ludford**

**Proposal for a regulation**

**Article 15 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Where a data controller cannot comply with the request without disclosing information relating to another individual who can be identified from that information, he is not obliged to comply with the request unless:***

***(a) the other individual has consented to the disclosure of the information to the***

*person making the request; or*  
*(b) it is reasonable in all the*  
*circumstances to comply with the request*  
*without the consent of the other*  
*individual.*

Or. en

*Justification*

*Personal data may have the data subject as its focus but it may well also contain the personal data of the individual who has made the relevant record.*

**Amendment 1300**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 15 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

***1b. In paragraph (1) the reference to information relating to another individual includes a reference to information identifying that individual as the source of the information sought by the request; and that paragraph is not to be construed as excusing a data controller from communicating so much of the information sought by the request as can be communicated without disclosing the identity of the other individual concerned, whether by the omission of names or other identifying particulars or otherwise.***

***In determining for the purposes of this paragraph whether it is reasonable in all the circumstances to comply with the request without the consent of the other individual concerned, regard shall be had, in particular, to:***

***(a) any duty of confidentiality owed to the other individual;***

***(b) any steps taken by the data controller with a view to seeking the consent of the***

*other individual;*

*(c) whether the other individual is capable of giving consent; and*

*(d) any express refusal of consent by the other individual.*

Or. en

*Justification*

*Personal data may have the data subject as its focus but it may well contain the personal data of the individual who has made the relevant record.*

**Amendment 1301**

**Josef Weidenholzer, Birgit Sippel**

**Proposal for a regulation**

**Article 15 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the purposes of the processing;

*Amendment*

(a) the purposes of the processing *for each category of personal data and the legal basis for the processing operation;*

Or. en

**Amendment 1302**

**Josef Weidenholzer**

**Proposal for a regulation**

**Article 15 – paragraph 1 – point b**

*Text proposed by the Commission*

(b) *the* categories of personal data concerned;

*Amendment*

(b) *each* categories of personal data concerned;

Or. en

**Amendment 1303**  
**Claude Moraes, Glenis Willmott**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

(c) the recipients or categories of recipients to whom the personal data are to be or have been disclosed, *including* to recipients in third countries;

Or. en

**Amendment 1304**  
**Dimitrios Droutsas**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

(c) the recipients to whom the personal data are to be or have been disclosed, *including* to recipients in third countries;

Or. en

**Amendment 1305**  
**Josef Weidenholzer**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

(c) *if known the individual* recipients *otherwise the* categories of recipients to whom the personal data are to be or have been disclosed;

Or. en

**Amendment 1306**  
**Stanimir Ilchev**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point c**

*Text proposed by the Commission*

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

*Amendment*

(c) the recipients *of* the personal data *pursuant to Article 14(1)(f), if the direct controller provides the confirmation. If the confirmation is provided by the indirect controller, the recipients shall receive it pursuant to Article 14(2)(b)*;

Or. de

**Amendment 1307**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point d**

*Text proposed by the Commission*

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

*Amendment*

*deleted*

Or. en

*Justification*

*It will not always be possible for a data controller to know how long the personal data will be stored.*

**Amendment 1308**  
**Alexander Alvaro**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

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

(d) the *estimated* period for which the personal data will be stored;

Or. en

*Justification*

*It is impossible to determine in all cases an exact period concerning the storage.*

**Amendment 1309**

**Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation**

**Article 15 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

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

(d) the *estimated* period for which the personal data will be stored;

Or. en

**Amendment 1310**

**Josef Weidenholzer**

**Proposal for a regulation**

**Article 15 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

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

(d) the period for which *each category of* personal data will be stored;

Or. en

**Amendment 1311**

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



**Proposal for a regulation**  
**Article 15 – paragraph 1 – point d**

*Text proposed by the Commission*

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

*Amendment*

(d) *if known* the period for which the personal data will be stored;

Or. en

**Amendment 1312**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point f**

*Text proposed by the Commission*

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

*Amendment*

(f) the right to lodge a complaint to supervisory *authorities*;

Or. de

*Justification*

*The data subject should be able to approach any supervisory authority in accordance with Article 73(1). The mention of further information concerning the contact details of whichever supervisory authority is competent should therefore be deleted.*

**Amendment 1313**  
**Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point h**

*Text proposed by the Commission*

(h) the significance and envisaged consequences of such processing, *at least in the case of measures referred to in Article 20.*

*Amendment*

(h) the significance and envisaged consequences of such processing.

**Amendment 1314**  
**Dimitrios Droutsas**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point h**

*Text proposed by the Commission*

(h) the *significance and* envisaged consequences of *such processing, at least in the case* of measures referred to in Article 20.

*Amendment*

(h) the envisaged consequences of *profiling and* of measures *based on profiling*.

Or. en

*Justification*

*In order to ensure an informed consent to profiling activities, these need to be defined and regulated. See related amendments to Articles 4(3b), 14(1)(g), (ga) and (gb) and 20.*

**Amendment 1315**  
**Louis Michel**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point h**

*Text proposed by the Commission*

(h) *the significance and envisaged consequences of such processing, at least in the case of measures referred to in Article 20.*

*Amendment*

(h) *in the case of decisions referred to in Article 20, knowledge of the logic involved in any automatic data processing, the significance and envisaged consequences of such processing.*

Or. en

**Amendment 1316**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point h**

*Text proposed by the Commission*

(h) *the significance and envisaged consequences of such processing, at least in the case of measures referred to in Article 20.*

*Amendment*

(h) *where the processing by automatic means of personal data of which that individual is the data subject for the purpose of evaluating matters relating to him such as, for example, his performance at work, his creditworthiness, his reliability or his conduct, has constituted or is likely to constitute the sole basis for any decision significantly affecting him, to be informed by the data controller of the logic involved in that decision-taking.*

Or. en

*Justification*

*The Commission's wording is insufficiently clear for a directly effective Regulation.*

**Amendment 1317**

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

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point h**

*Text proposed by the Commission*

(h) the *significance and* envisaged consequences of such processing, *at least* in the case of measures referred to in Article 20.

*Amendment*

(h) the envisaged consequences of such processing in the case of measures referred to in Article 20.

Or. es

**Amendment 1318**  
**Alexander Alvaro**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

*(ha) a proof of the lawfulness of processing.*

Or. en

*Justification*

*By referring to the legal base of the processing the data subject is supplied with necessary information concerning the lawfulness of the processing in question.*

**Amendment 1319**  
**Claude Moraes, Glenis Willmott**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

*(ha) the trustee shall be able to exercise the right of access in case of death of the data subject. Except if the data subject asked specifically not to give access to some data.*

Or. en

*Justification*

*After the death of the data subject, some data have to be modified or erased (for instance concerning health insurance), or on the contrary conserved (pension for the widow).*

**Amendment 1320**  
**Claude Moraes, Glenis Willmott**

**Proposal for a regulation**  
**Article 15 – paragraph 1 – point h b (new)**

*Text proposed by the Commission*

*Amendment*

***(hb) the trustee shall be able to exercise the right of rectification in case of death of the data subject. Except if the data subject asked specifically not to give access to some data.***

Or. en

*Justification*

*After the death of the data subject, some data have to be modified or erased (for instance concerning health insurance), or on the contrary conserved (pension for the widow).*

**Amendment 1321  
Dimitrios Droutsas**

**Proposal for a regulation  
Article 15 – paragraph 1 – point h a (new)**

*Text proposed by the Commission*

*Amendment*

***(ha) intelligible information about the logic involved in any automated processing;***

Or. en

*Justification*

*This provision already exists in the Data Protection Directive 95/46/EC. It should be also included in the new Regulation, in line with the expressed position of the Parliament to not go below the already existing level of protection.*

**Amendment 1322  
Dimitrios Droutsas**

**Proposal for a regulation  
Article 15 – paragraph 1 – point h b (new)**

*Text proposed by the Commission*

*Amendment*

***(hb) in the event of disclosure of personal data to a public authority as a result of a public authority request, confirmation of the fact that such a request has been made, information about whether or not the request has been fully or partly complied with and an overview of the data that were requested or disclosed.***

Or. en

*Justification*

*Individuals have a right to be informed about all processing of their data, including the disclosure to public authorities. This amendment is notwithstanding the restrictions specified in Article 21, e.g. in the case of ongoing law enforcement investigations.*

### **Amendment 1323**

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

#### **Proposal for a regulation Article 15 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

***2. The data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. 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.***

***deleted***

Or. es

*Justification*

*The first point is superfluous, as the provisions of the relevant data is governed by the previous point, and the second impinges on technological neutrality in a manner we are not comfortable with; we therefore propose the deletion of the entire paragraph.*

**Amendment 1324**

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

**Proposal for a regulation**

**Article 15 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. The data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. 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.**

**deleted**

Or. en

*Justification*

*It is redundant because of Art. 15 paragraph 1 point g)*

**Amendment 1325**

**Csaba Sógor**

**Proposal for a regulation**

**Article 15 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

2. The data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. 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.

2. The data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. Where the data subject makes the request in **a freely-available electronic format**, the information shall be provided in electronic form **which enables the data subject to make subsequent use of it**, unless otherwise requested by the data subject.

Or. hu

*Justification*

*In other words, in a form which can be read using software which can be freely downloaded and installed.*

**Amendment 1326**

**Jan Mulder**

**Proposal for a regulation**

**Article 15 – paragraph 2**

*Text proposed by the Commission*

2. The data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. ***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 data subject shall have the right to obtain from the controller communication of the personal data undergoing processing.

Or. en

*Justification*

*The original paragraph is too prescriptive. If the controller would like to communicate in writing for example this should also be possible.*

**Amendment 1327**

**Alexander Alvaro**

**Proposal for a regulation**

**Article 15 – paragraph 2**

*Text proposed by the Commission*

2. The data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. 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 data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. 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. ***Without prejudice to Article 5c, the***



*controller shall take all reasonable steps to verify the identity of a data subject requesting access to data.*

Or. en

*Justification*

*Clarification that the principles laid down in Article 5c (new), former Article 10, are valid in these cases too.*

**Amendment 1328**  
**Jan Mulder**

**Proposal for a regulation**  
**Article 15 – paragraph 2**

*Text proposed by the Commission*

2. The data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. 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. To verify the lawfulness of the processing** the data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. 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

**Amendment 1329**  
**Jan Philipp Albrecht**

**Proposal for a regulation**  
**Article 15 – paragraph 2**

*Text proposed by the Commission*

2. The data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. Where the data subject makes the request

*Amendment*

2. The data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. 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.

in electronic form, the information shall be provided in *an* electronic *and interoperable format allowing unhindered further use by the data subject*, unless otherwise requested by the data subject.

Or. en

*Justification*

*Replaces AM 141 from the rapporteur, now with clarification that the electronic format must be interoperable and provide for unhindered further use.*

**Amendment 1330**  
**Dimitrios Droutsas**

**Proposal for a regulation**  
**Article 15 – paragraph 2**

*Text proposed by the Commission*

2. The data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. 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 data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. Where the data subject makes the request in electronic form, the information shall be provided in *an* electronic *format which allows for further use by the data subject*, unless otherwise requested by the data subject.

Or. en

**Amendment 1331**  
**Louis Michel**

**Proposal for a regulation**  
**Article 15 – paragraph 2**

*Text proposed by the Commission*

2. The data subject shall have the right to obtain from the controller communication

*Amendment*

2. The data subject shall have the right to obtain from the controller communication

of the personal data undergoing processing.  
*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.*

of the personal data undergoing processing.

Or. en

### **Amendment 1332**

**Jacek Protasiewicz, Rafał Trzaskowski, Arkadiusz Tomasz Bratkowski**

#### **Proposal for a regulation**

#### **Article 15 – paragraph 2**

##### *Text proposed by the Commission*

2. The data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. 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 data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. 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.  
*This is without prejudice to the right of the controller to determine other form of handling requests for information specified in point 1 if it is justified by the necessity of verifying the identity of subject requesting such information.*

Or. en

### **Amendment 1333**

**Cornelia Ernst, Marie-Christine Vergiat**

#### **Proposal for a regulation**

#### **Article 15 – paragraph 2**

##### *Text proposed by the Commission*

2. The data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. Where the data subject makes the request

##### *Amendment*

2. The data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. 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.

in electronic form, the information shall be provided in *an* electronic *and structured format which follows an open standard, is freely available, interoperable, commonly used and allows for further use by the data subject*, unless otherwise requested by the data subject.

Or. en

**Amendment 1334**  
**Josef Weidenholzer**

**Proposal for a regulation**  
**Article 15 – paragraph 2**

*Text proposed by the Commission*

2. The data subject shall have the right to obtain from the controller *communication of the* personal data undergoing processing. *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 data subject shall have the right to obtain from the controller *a full copy of all* personal data undergoing processing *and all relating data (e.g. meta data) as it is kept by the controller*. The information *and all data* shall be provided in *writing or in* electronic form, unless otherwise requested by the data subject.

Or. en

**Amendment 1335**  
**Michèle Striffler**

**Proposal for a regulation**  
**Article 15 – paragraph 2**

*Text proposed by the Commission*

2. The data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. 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 data subject shall have the right to obtain from the controller communication of the personal data undergoing processing. Where the data subject makes the request in electronic form, the information shall be provided in electronic form, *with the exception of data prejudicial to business*

*confidentiality, which shall be provided in the form of a hard copy.*

Or. fr

**Amendment 1336**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 15 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. There shall be no right of access in accordance with paragraphs 1 and 2 when data within the meaning of Article 14(5)(da) are concerned, except if the data subject is empowered to lift the secrecy in question and acts accordingly.*

Or. en

*Justification*

*Legal professional privilege and lawyer-client confidentiality are long-established legal principles underpinning the administration of justice.*

**Amendment 1337**  
**Csaba Sógor**

**Proposal for a regulation**  
**Article 15 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. Where the data subject has provided the personal data and the processing is based on consent or on a contract, the data subject shall have the right to transmit those personal data and any other information provided by the data subject and retained by an automated processing system, into another one, in a*

*freely-available electronic format, without hindrance from the controller from whom the personal data are withdrawn.*

Or. hu

*Justification*

*In other words, in a form which can be read using software which can be freely downloaded and installed.*

**Amendment 1338**

**Alexander Alvaro**

**Proposal for a regulation**

**Article 15 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. There shall be no right of access in accordance with paragraphs 1 and 2 when data within the meaning of Article 14(5)(da) are concerned, except if the data subject is empowered to lift the secrecy in question and acts accordingly.***

Or. en

*Justification*

*Different rules should apply for persons subject to legal professional privilege, professional secrecy regulated by the State, a statutory obligation of secrecy in the exercise of his profession or any like obligation not to reveal personal data.*

**Amendment 1339**

**Jens Rohde, Adina-Ioana Vălean**

**Proposal for a regulation**

**Article 15 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The data subject shall have the right to obtain from the controller of the data***

*source at any time, on request, confirmation as to whether or not personal data relating to the data subject are being processed to a research data base.*

Or. en

**Amendment 1340**  
**Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation**  
**Article 15 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. There shall be no right of access in accordance with paragraphs 1 and 2 when data within the meaning of Article 14(5) (da) are concerned, except if the data subject is empowered to lift the secrecy in question and acts accordingly.*

Or. en

**Amendment 1341**  
**Dimitrios Droutsas**

**Proposal for a regulation**  
**Article 15 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

*2a. Where the data subject has provided the personal data and the processing is based on consent or on a contract, the data subject shall have the right to transmit those personal data, where technically feasible and appropriate, and retained by an automated processing system, into another one, in an electronic format which is commonly used, without hindrance from the controller from whom the personal data are withdrawn.*

*Justification*

*Article 18 is merged with Article 15. If data subjects want to exercise their right to access their personal data, it should be provided to them in an electronic format which they can use. This further use includes the right to move it to other platforms and services if the data subject wants this. The right to data portability, therefore, is a mere specification of the right to data access.*

**Amendment 1342**

**Jacek Protasiewicz, Rafał Trzaskowski, Arkadiusz Tomasz Bratkowski**

**Proposal for a regulation**

**Article 15 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The data subject shall have the right, where personal data are processed by electronic means, to obtain from the controller a copy of data undergoing processing in an electronic and structured format which allows for further use.***

Or. en

**Amendment 1343**

**Jan Philipp Albrecht**

**Proposal for a regulation**

**Article 15 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The right of access referred to in paragraphs 1 and 2 shall not apply where data pursuant to Article 14(5)(d) are affected.***

Or. en



**Amendment 1344**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 15 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. In complying with requests under this Article, data controllers shall take account of any relevant guidance.***

Or. en

*Justification*

*Guidance from the relevant industry and/or national supervisory authorities could be helpful for data controllers to provide tailored information to data subjects for processing in different sectors.*

**Amendment 1345**  
**Véronique Mathieu Houillon, Axel Voss**

**Proposal for a regulation**  
**Article 15 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Successors in right and title must be able to exercise the right of access to data in the event of the death of the data subject.***

Or. fr

**Amendment 1346**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 15 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. Unless a deceased person has explicitly stipulated otherwise, his or her successors in right and title or legal representative shall have the right to obtain from the controller acknowledgement of the death of the data subject and right of access to data in the event of the death of the data subject.***

Or. fr

*Justification*

*The proposal for a regulation does not deal explicitly with the case of the personal data of deceased persons. It is essential the deceased person's successors in right and title or any other person acting as the deceased person's legal representative should be able to exercise the deceased data subject's rights, since those rights continue to apply even after the data subject's death.*

**Amendment 1347**  
**Alexander Alvaro**

**Proposal for a regulation**  
**Article 15 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. Where a data controller cannot comply with the request without disclosing information relating to another individual who can be identified from that information, it is not obliged to comply with the request, unless:***

***(a) the other individual has explicitly consented to the disclosure of the information to the person making the request; or***

***(b) it is reasonable in all the circumstances to comply with the request without the consent of the other individual.***

*Justification*

*The rights of others concerned or affected must be protected adequately.*

**Amendment 1348**

**Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation**

**Article 15 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. Where a data controller cannot comply with the request without disclosing information relating to another individual who can be identified from that information, it is not obliged to comply with the request, unless:***

***(a) the other individual has explicitly consented to the disclosure of the information to the person making the request; or***

***(b) it is reasonable in all the circumstances to comply with the request without the consent of the other individual.***

Or. en

**Amendment 1349**

**Dimitrios Droutsas**

**Proposal for a regulation**

**Article 15 – paragraph 2 b (new)**

*Text proposed by the Commission*

*Amendment*

***2b. This Article shall be without prejudice to the obligation to delete data when no longer necessary under Article 5(1)(e).***

**Amendment 1350**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 15 – 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 communication to the data subject of the content of the personal data referred to in point (g) of paragraph 1.** *deleted*

Or. de

*Justification*

*The delegation of powers relates only to details of the information referred to in paragraph 1(g). Provisions concerning this circumscribed content should be included in the regulation itself.*

**Amendment 1351**  
**Timothy Kirkhope**  
on behalf of the ECR Group

**Proposal for a regulation**  
**Article 15 – 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 communication to the data subject of the content of the personal data referred to in point (g) of paragraph 1.** *deleted*

**Amendment 1352**  
**Dimitrios Droutsas**

**Proposal for a regulation**  
**Article 15 – 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 communication to the data subject of the content of the personal data referred to in point (g) of paragraph 1.** **deleted**

Or. en

*Justification*

*The Commission should not be empowered to define what a commonly used electronic format is, because it may change quicker than the adoption of implementing acts takes. This can be left to the supervisory authorities if needed.*

**Amendment 1353**  
**Louis Michel**

**Proposal for a regulation**  
**Article 15 – 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 communication to the data subject of the content of the personal data referred to in point (g) of paragraph 1.** **deleted**

Or. en

**Amendment 1354**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 15 – 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 communication to the data subject of the content of the personal data referred to in point (g) of paragraph 1.** **deleted**

Or. en

*Justification*

*Unnecessary.*

**Amendment 1355**  
**Josef Weidenholzer**

**Proposal for a regulation**  
**Article 15 – 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 communication to the data subject of the content of the personal data referred to in point (g) of paragraph 1.**

**3. The first access request in each year shall be free of charge; a controller may charge a fee of 20 EUR for the response to additional access request, unless it was later found that the data was used illegally. The controller may charge its own cost for repetitive requests which are manifestly abusive.**

Or. en

## *Justification*

*The regulation and not delegated acts or national laws should specify the limits of access requests.*

### **Amendment 1356**

**Ewald Stadler**

#### **Proposal for a regulation**

#### **Article 15 – 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 communication to the data subject of the content of the personal data referred to in point (g) of paragraph 1.***

##### *Amendment*

***3. Paragraphs 1 and 2 shall not apply where:***

***(a) the data are stored only because they cannot be deleted on account of statutory, statutes-based or contractual periods for which they are required to be kept;***

***(b) the data serve solely to provide a data backup or to monitor data protection, and providing information would involve a disproportionate effort;***

***(c) the data must be kept secret in accordance with legislation or by virtue of their nature, particularly because of the overriding legal interest of a third party;***

***(d) the data storage is necessary solely for purposes of academic or scientific research and providing information would involve a disproportionate effort;***

***(e) the data have been derived from generally accessible sources and notification would be disproportionate on account of the large number of cases concerned;***

***(f) notification would seriously jeopardise the commercial objectives or other fundamental rights and freedoms of the***

*controller, unless the interest in notification outweighs the risk.*

Or. de

**Amendment 1357**

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

**Proposal for a regulation  
Article 15 – 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 communication to the data subject of the content of the personal data referred to in point (g) of paragraph 1.*

*Amendment*

3. The *data subject* shall *have the right, where personal data are processed by electronic means and in a structured and commonly used format, to obtain from the controller a copy of data which were provided by the data subject itself and that undergoing processing in an electronic and structured format which is commonly used and allows for further use by the data subject. This right shall not restrict rights of others as trade secrets or intellectual property rights.*

*This does not apply on the processing of anonymised and pseudonymised data, insofar as the data subject is not sufficiently identifiable on the basis of such data or identification would require the controller to undo the process of pseudonymisation.*

Or. en

*Justification*

*Right to data portability in a new place. Clarifies that only those data are portable that the data subject has provided itself and that are not trade secrets or protected by intellectual property rights and that anonymised or pseudonymised data are excluded.*



## **Amendment 1358**

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

### **Proposal for a regulation**

#### **Article 15 – paragraph 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***3a. There shall be no right to information where:***

***(a) data are involved which a person bound by professional secrecy is required to protect;***

***(b) data must be kept secret in accordance with legislation or by virtue of their nature, particularly because of the overriding interest of a third party;***

***(c) the public entity responsible has ascertained in relation to the entity responsible that disclosure of the data would endanger public safety or order;***

***(d) data comprise trade secrets.***

Or. de

## **Amendment 1359**

**Monika Hohlmeier**

### **Proposal for a regulation**

#### **Article 15 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

***4. The Commission may specify standard forms and procedures for requesting and granting access to the information referred to in paragraph 1, including for verification of the identity of the data subject and communicating the personal data to the data subject, taking into account the specific features and necessities of various sectors and data processing situations. Those***

***deleted***

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

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 verification of the identity of the data subject, it would also be encroaching very seriously on technical standard-setting powers in the public sector. The remarks on Article 12(2), fourth sentence, concerning electronic communications apply here mutatis mutandis.*

**Amendment 1360**

**Timothy Kirkhope**

on behalf of the ECR Group

**Proposal for a regulation**

**Article 15 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

*4. The Commission may specify standard forms and procedures for requesting and granting access to the information referred to in paragraph 1, including for verification of the identity of the data subject and communicating the personal data to the data subject, taking into account the specific features and necessities of various sectors and data processing situations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).*

*deleted*

Or. en

**Amendment 1361**

**Louis Michel**

**Proposal for a regulation**  
**Article 15 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The Commission may specify standard forms and procedures for requesting and granting access to the information referred to in paragraph 1, including for verification of the identity of the data subject and communicating the personal data to the data subject, taking into account the specific features and necessities of various sectors and data processing situations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).** *deleted*

Or. en

**Amendment 1362**  
**Ewald Stadler**

**Proposal for a regulation**  
**Article 15 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

**4. The Commission may specify standard forms and procedures for requesting and granting access to the information referred to in paragraph 1, including for verification of the identity of the data subject and communicating the personal data to the data subject, taking into account the specific features and necessities of various sectors and data processing situations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).** *deleted*

Or. de

**Amendment 1363**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 15 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

***4. The Commission may specify standard forms and procedures for requesting and granting access to the information referred to in paragraph 1, including for verification of the identity of the data subject and communicating the personal data to the data subject, taking into account the specific features and necessities of various sectors and data processing situations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).***

***deleted***

Or. en

*Justification*

*Unnecessary.*

**Amendment 1364**  
**Alexander Alvaro**

**Proposal for a regulation**  
**Article 15 – paragraph 4**

*Text proposed by the Commission*

*Amendment*

4. The Commission ***may specify*** standard forms and procedures for requesting and granting access to the information referred to in paragraph 1, including for verification of the identity of the data subject and communicating the personal data to the data subject, taking into account the specific features and necessities of various sectors and data processing situations.

4. The Commission ***shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of specifying*** standard forms and procedures for requesting and granting access to the information referred to in paragraph 1, including for verification of the identity of the data subject and communicating the personal data to the data subject, taking

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

into account the specific features and necessities of various sectors and data processing situations.

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 1365**

**Jens Rohde, Adina-Ioana Vălean**

**Proposal for a regulation**

**Article 15 – paragraph 4**

*Text proposed by the Commission*

4. The Commission **may specify** standard forms and procedures for requesting and granting access to the information referred to in paragraph 1, including for verification of the identity of the data subject and communicating the personal data to the data subject, taking into account the specific features and necessities of various sectors and data processing situations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

*Amendment*

4. The Commission **suggest** standard forms and **specify** procedures for requesting and granting access to the information referred to in paragraph 1, including for verification of the identity of the data subject and communicating the personal data to the data subject, taking into account the specific features and necessities of various sectors and data processing situations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

**Amendment 1366**

**Dimitrios Droutsas**

**Proposal for a regulation**

**Article 15 – paragraph 4**

*Text proposed by the Commission*

4. The Commission may specify standard

*Amendment*

4. The Commission may specify standard

forms **and procedures** for requesting and granting access to the information referred to in paragraph 1, including for verification of the identity of the data subject and communicating the personal data to the data subject, taking into account the specific features and necessities of various sectors and data processing situations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

forms for requesting and granting access to the information referred to in paragraph 1, including for verification of the identity of the data subject and communicating the personal data to the data subject, taking into account the specific features and necessities of various sectors and data processing situations. Those implementing acts shall be adopted, **after requesting an opinion of the European Protection Board**, in accordance with the examination procedure referred to in Article 87(2).

Or. en

**Amendment 1367**  
**Josef Weidenholzer**

**Proposal for a regulation**  
**Article 15 – paragraph 4**

*Text proposed by the Commission*

4. The Commission may specify standard forms **and procedures** for requesting and granting access to the information referred to in paragraph 1, including for verification of the identity of the data subject and communicating the personal data to the data subject, taking into account the specific features and necessities of various sectors and data processing situations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

*Amendment*

4. The Commission may specify standard forms for requesting and granting access to the information referred to in paragraph 1, including **procedures** for verification of the identity of the data subject and communicating the personal data to the data subject, taking into account the specific features and necessities of various sectors and data processing situations. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).

Or. en

*Justification*

*The procedures should be determined by the controller and the data subject, there is no need for detailed procedure in practice, except for proper identification which is a common point of discussion in practice.*

**Amendment 1368**  
**Louis Michel**

**Proposal for a regulation**  
**Article 15 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. The information or part of the information to be provided for in Article 15(1) and 15(2) does not have to be delivered when the delivery of information could seriously impair the securing, protecting and maintaining the resiliency of one or more information systems, unless these interests are overridden by the interest of fundamental rights and freedoms of the data subject. From the moment that the information is not anymore likely to seriously impair the achievement of the network and information security, the controller shall grant the data subject access to the information without delay.***

Or. en

**Amendment 1369**  
**Dimitrios Droutsas**

**Proposal for a regulation**  
**Article 15 – paragraph 4 a (new)**

*Text proposed by the Commission*

*Amendment*

***4a. Subject to the necessary legal safeguards, especially in order to ensure that information are not used to take measures or decisions regarding specific persons, Member States can, in cases with no risk of violation of privacy, by law limit the rights following Article 15 only if these rights are processed as part of scientific research in compliance with Article 83 of this Regulation or only if these personal data are stored in the***

*specific time frame it takes to make statistics.*

Or. en

**Amendment 1370**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 16 – paragraph 1**

*Text proposed by the Commission*

*The data subject shall have the right to obtain from the controller the rectification of personal data relating to them which are inaccurate.* The data subject shall have the right to obtain completion of incomplete personal data, including by way of supplementing a corrective statement.

*Amendment*

*Personal data shall be rectified if they are inaccurate. Data which are contested by the data subject and whose accuracy or inaccuracy cannot be determined shall be blocked.* The data subject shall have the right to obtain completion of incomplete personal data, including by way of supplementing a corrective statement.

Or. de

*Justification*

*A provision should be inserted stipulating that contested data whose accuracy or inaccuracy cannot be determined must be blocked. See also the new definition of ‘block’ inserted in Article 4.*

**Amendment 1371**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 16 – paragraph 1**

*Text proposed by the Commission*

The data subject shall have the right to obtain from the controller the rectification of personal data relating to them which are inaccurate. The data subject shall have the right to obtain completion of incomplete

*Amendment*

The data subject shall have the right to obtain from the controller the rectification of personal data relating to them which are inaccurate. The data subject shall have the right to obtain completion of incomplete



personal data, including by way of supplementing a corrective statement.

personal data, including by way of supplementing a corrective statement. *The right of rectification referred to in the first sentence shall be replaced by a right of reply if the personal data are processed commercially, are derived from generally accessible sources and have been stored for documentation purposes. These data may only be forwarded in conjunction with the reply. This shall not apply where data as referred to in Article 9 are processed.*

Or. de

#### *Justification*

*It should also be inserted that the right of rectification is to be replaced by a right of reply if the personal data are processed commercially, are derived from generally accessible sources and are stored for documentation purposes, for example databases containing analyses of the press, which would themselves be rendered inaccurate by a rectification. Data as referred to in Article 9 should be rectified even in these cases.*

#### **Amendment 1372**

**Claude Moraes, Glenis Willmott**

#### **Proposal for a regulation Article 16 – paragraph 1**

##### *Text proposed by the Commission*

The data subject shall have the right to obtain from the controller the rectification of personal data relating to them which are inaccurate. The data subject shall have the right to obtain completion of incomplete personal data, including by way of supplementing a corrective *statement*.

##### *Amendment*

The data subject shall have the right to obtain from the controller the rectification of personal data relating to them which are inaccurate. The data subject shall have the right to obtain completion of incomplete personal data, including by way of supplementing a corrective *statement*. *Where personal data is processed for the purposes set out in Article 81(1)(a) and/or Article 83 the data subject shall acknowledge that the processing of personal data for such purposes may be speculative in nature and cannot always be guaranteed to be accurate. The*

*controller may retain such data for the purposes of further processing.*

Or. en

*Justification*

*The Regulation needs to take into account the speculative nature of healthcare records and research data. The retention of such speculative data is an essential aspect of appropriate diagnosis and attainment of research conclusions.*

**Amendment 1373**

**Louis Michel**

**Proposal for a regulation**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

The data subject shall have the right to obtain from the controller the rectification of personal data relating to them which are inaccurate. The data subject shall have the right to obtain completion of incomplete personal data, *including by way of supplementing a corrective* statement.

*Amendment*

The data subject shall have the right to obtain from the controller the rectification of personal data relating to them which are *objectively* inaccurate. The data subject shall have the right to obtain completion of incomplete personal data *and the right to include a supplementing statement for rectification of data which, in the data subject's opinion, are inaccurate.*

Or. en

**Amendment 1374**

**Timothy Kirkhope**

on behalf of the ECR Group

**Proposal for a regulation**

**Article 16 – paragraph 1**

*Text proposed by the Commission*

The data subject shall have the right to obtain from the controller the rectification of personal data relating to them which are

*Amendment*

The data subject shall have the right to obtain from the controller the rectification of personal data relating to them which are

inaccurate. The data subject shall have the right to obtain completion of incomplete personal data, *including by way of supplementing a corrective statement*.

inaccurate. The data subject shall have the right to obtain completion of incomplete personal data.

Or. en

**Amendment 1375**  
**Alexandra Thein**

**Proposal for a regulation**  
**Article 16 – paragraph 1**

*Text proposed by the Commission*

The data subject shall have the right to obtain from the controller the rectification of personal data relating to them which are inaccurate. The data subject shall have the right to obtain completion of incomplete personal data, including by way of supplementing a corrective statement.

*Amendment*

The data subject shall have the right to obtain from the controller the rectification of personal data relating to them which are inaccurate. The data subject shall have the right to obtain completion of incomplete personal data, including by way of supplementing a corrective statement. ***Sentences 1 and 2 do not apply if and to the extent the processing of the personal data without rectification or completion serves to fulfil a legal obligation to which the controller is subject under the law of the European Union or of a Member State, provided that the law of the Member State must meet an objective of public interest, respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued.***

Or. xm

*Justification*

*An unlimited right of rectification or completion could be contrary to the purpose of the data processing. For example, a marriage contract authenticated by a notary which recorded the fact that the contracting parties were still unmarried and childless and contained provisions concerning their property and income would be rendered valueless if, after the documented circumstances had changed, it were possible to demand rectification of the information concerned in the original document which is required to be kept permanently.*

**Amendment 1376**

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

**Proposal for a regulation**

**Article 16 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Paragraph 1 shall not apply to pseudonymous data.***

Or. en

**Amendment 1377**

**Véronique Mathieu Houillon, Axel Voss**

**Proposal for a regulation**

**Article 16 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***Successors in right and title must be able to exercise the right of rectification in the event of the death of the data subject.***

Or. fr

**Amendment 1378**

**Louis Michel**

**Proposal for a regulation**

**Article 16 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***The rights provided for in Article 16(1) do not apply when the data are processed for historical, statistical or scientific purposes and the rectification is likely to render impossible or seriously impair the achievement of the historical, statistical or***

*scientific purposes.*

Or. en

**Amendment 1379**  
**Marie-Christine Vergiat**

**Proposal for a regulation**  
**Article 16 – paragraph 1 bis (new)**

*Text proposed by the Commission*

*Amendment*

*Unless the deceased person has explicitly stipulated otherwise, his or her successors in right and title or legal representative shall have the right to obtain from the controller acknowledgement of the death of the data subject and the right to rectify data in the event of the death of the data subject.*

Or. fr

*Justification*

*The proposal for a regulation does not deal explicitly with the case of the personal data of deceased persons. It is essential the deceased person's successors in right and title or any other person acting as the deceased person's legal representative should be able to exercise the deceased data subject's rights, since those rights continue to apply even after the data subject's death.*

**Amendment 1380**  
**Alexander Alvaro**

**Proposal for a regulation**  
**Article 17 – title**

*Text proposed by the Commission*

*Amendment*

Right to *be forgotten and to* erasure

Right to erasure

Or. en

*Justification*

*The ‘right to be forgotten’ is a right that is not provided for by this Regulation. By using this term, data subjects are promised a right they in practice do not have. The right to erasure must be as strong as possible and take into account the possible difficulties to remove personal data on the Internet. This should be done by strengthening the right to erasure instead of promising non-existing rights through misleading titles.*

**Amendment 1381**

**Axel Voss**

**Proposal for a regulation**

**Article 17 – title**

*Text proposed by the Commission*

*Amendment*

Right to *be forgotten and to* erasure

Right to erasure

Or. en

*Justification*

*A right to be forgotten is illusionary.*

**Amendment 1382**

**Sylvie Guillaume, Françoise Castex**

**Proposal for a regulation**

**Article 17 – title**

*Text proposed by the Commission*

*Amendment*

Right to *be forgotten and to* erasure

Right to erasure

Or. en

**Amendment 1383**

**Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation**

**Article 17 – title**

*Text proposed by the Commission*

*Amendment*

Right to *be forgotten and to* erasure

Right to erasure

Or. en

**Amendment 1384**  
**Alexander Alvaro**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. The data subject shall have the right to obtain from the controller the erasure of personal data relating to them and the abstention from further dissemination of such data, *especially in relation to personal data which are made available by the data subject while he or she was a child*, where one of the following grounds applies:

1. The data subject shall have the right to obtain from the controller *and the processor* the erasure of personal data relating to them and the abstention from further dissemination of such data *and, where applicable, from third parties the erasure of any links to, or copy or replication of that personal data*, where one of the following grounds applies:

Or. en

*Justification*

*Too often the data concerned is not within the sphere of the data controller or processor but within that of a third party.*

**Amendment 1385**  
**Axel Voss**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

*Amendment*

1. The data subject shall have the right to obtain from the controller the erasure of personal data relating to them and the abstention from further dissemination of

1. The data subject shall have the right to obtain from the controller the erasure of personal data relating to them and the abstention from further dissemination of

*such data, especially in relation to* personal data which are made available by the data subject *while he or she was a child*, where one of the following grounds applies:

personal data which are made available by the data subject *itself*, where one of the following grounds applies:

Or. en

**Amendment 1386**  
**Sari Essayah, Eija-Riitta Korhola**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The data subject shall have the right to obtain from the controller the erasure of personal data relating to them and the abstention from further dissemination of such data, especially in relation to personal data which are made available by the data subject while he or she was a child, where one of the following grounds applies:

*Amendment*

1. The data subject shall have the right to obtain from the controller the erasure of personal data relating to them and the abstention from further dissemination of such data, ***unless the data controller is a public authority or an entity commissioned by the authority or otherwise acting on the behalf of an authority for the performance of the commission. The data subject shall have the right*** especially in relation to personal data which are made available by the data subject while he or she was a child, where one of the following grounds applies:

Or. en

*Justification*

*Authorities have a statutory obligation to maintain several registers, and the data in those registers cannot be erased by the request of the data subject.*

**Amendment 1387**  
**Nils Torvalds**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – introductory part**



*Text proposed by the Commission*

1. The data subject shall have the right to obtain from the controller the erasure of personal data relating to them and the abstention from further dissemination of such data, especially in relation to personal data which are made available by the data subject while he or she was a child, where one of the following grounds applies:

*Amendment*

1. The data subject shall have the right to obtain from the controller the erasure of personal data relating to them and the abstention from further dissemination of such data, ***unless the data is kept by competent authorities or other bodies in a legal register required by national or Union legislation,*** especially in relation to personal data which are made available by the data subject while he or she was a child, where one of the following grounds applies:

Or. en

**Amendment 1388**

**Louis Michel**

**Proposal for a regulation**

**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The data subject shall have the right to obtain from the controller the erasure of personal data relating to them and the abstention from further dissemination of such data, ***especially in relation to personal data which are made available by the data subject while he or she was a child, where*** one of the following grounds applies:

*Amendment*

1. The data subject shall have the right to obtain from the controller the erasure of personal data relating to them and the abstention from further dissemination of such data. ***There is no other legal ground for processing than the data subject's consent and*** one of the following grounds applies:

Or. en

**Amendment 1389**

**Timothy Kirkhope**

on behalf of the ECR Group

**Proposal for a regulation**

**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The data subject shall have the right to **obtain** from the controller the erasure of personal data relating to them and the abstention from further dissemination of such data, ***especially in relation to personal data which are made available by the data subject while he or she was a child***, where one of the following grounds applies:

*Amendment*

1. The data subject shall have the right to **request** from the controller, **and pursue**, the erasure of personal data relating to them and the abstention from further dissemination of such data, where one of the following grounds applies:

Or. en

**Amendment 1390**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – introductory part**

*Text proposed by the Commission*

1. The data subject shall have the right to obtain from the controller the erasure of personal data relating to them **and the abstention from further dissemination of such data, especially in relation to personal data which are made available by the data subject while he or she was a child**, where one of the following grounds applies:

*Amendment*

1. The data subject shall have the right to obtain, **as appropriate**, from the controller the erasure of personal data relating to them where one of the following grounds applies:

Or. en

*Justification*

*The original is confusing.*

**Amendment 1391**  
**Alexander Alvaro**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;

*Amendment*

(a) the data are no longer necessary in relation to the purposes for which they were collected or otherwise processed ***and are not required to pursue legal claims or when the legally mandatory minimum retention period has expired;***

Or. en

**Amendment 1392**  
**Axel Voss**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;

*Amendment*

(a) the data are no longer necessary in relation to the purposes for which they were collected or otherwise processed ***and the legally mandatory minimum retention period has expired;***

Or. en

*Justification*

*Taken from ITRE-Opinion.*

**Amendment 1393**  
**Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – point a**

*Text proposed by the Commission*

(a) the data are no longer necessary in relation to the purposes for which they

*Amendment*

(a) the data are no longer necessary in relation to the purposes for which they

were collected or otherwise processed;

were collected or otherwise processed ***and are not required to pursue legal claims or when the legally mandatory minimum retention period has expired;***

Or. en

#### **Amendment 1394**

**Jens Rohde, Adina-Ioana Vălean**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 1 – point b**

##### *Text proposed by the Commission*

(b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1), or when the storage period consented to has expired, and where there is no other legal ground for the processing of the data;

##### *Amendment*

(b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1), or when the ***retention*** storage period consented to has expired, and where there is no other legal ground for the processing ***or storage*** of the data;

Or. en

#### **Amendment 1395**

**Louis Michel**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 1 – point b**

##### *Text proposed by the Commission*

(b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1), ***or when the storage period consented to has expired, and where there is no other legal ground for the processing of the data;***

##### *Amendment*

(b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1);

Or. en

**Amendment 1396**  
**Louis Michel**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) when the storage period consented to has expired;*

Or. en

**Amendment 1397**  
**Louis Michel**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the data subject *objects* to the processing of personal data pursuant to Article 19;

(c) the data subject *has successfully objected* to the processing of personal data pursuant to Article 19;

Or. en

**Amendment 1398**  
**Lidia Joanna Geringer de Oedenberg**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – point c**

*Text proposed by the Commission*

*Amendment*

(c) the data subject *objects* to the processing of personal data pursuant to Article 19;

(c) the data subject *has effectively objected* to the processing of personal data pursuant to Article 19;

Or. pl

**Amendment 1399**  
**Alexander Alvaro**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) a court based in the Union has ruled as final and absolute that the data concerned must be erased;*

Or. en

*Justification*

*To ensure the legal certainty in these cases, a final and absolute court ruling is a prerequisite, especially with regard to the rights and freedoms of others.*

**Amendment 1400**  
**Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – point c a (new)**

*Text proposed by the Commission*

*Amendment*

*(ca) a court based in the Union has ruled as final and absolute that the data concerned must be erased;*

Or. en

**Amendment 1401**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 17 – paragraph 1 – point d**

*Text proposed by the Commission*

*Amendment*

*(d) the processing of the data does not comply with this Regulation for other*

*deleted*

*reasons.*

Or. en

*Justification*

*This provision goes too far.*

**Amendment 1402**

**Lidia Joanna Geringer de Oedenberg**

**Proposal for a regulation**

**Article 17 – paragraph 1 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) there is no legal basis for the processing of the data other than the consent of the data subject.*

Or. pl

**Amendment 1403**

**Alexander Alvaro**

**Proposal for a regulation**

**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. The application of paragraph 1 shall be dependent upon the ability of the data controller to verify the identity of the data subject requesting the erasure.*

Or. en

*Justification*

*It has to be ensured that only the data subject legitimized may request the erasure of data.*

**Amendment 1404**  
**Sylvie Guillaume, Françoise Castex**

**Proposal for a regulation**  
**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The heirs of a deceased person are entitled to have the data processor putting an end to the publication of their data.***

Or. en

**Amendment 1405**  
**Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation**  
**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The controller shall take all reasonable steps to communicate any erasure to each legal entity to whom the data have been disclosed.***

Or. en

**Amendment 1406**  
**Michèle Striffler**

**Proposal for a regulation**  
**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. The heirs of a deceased person shall have the right to obtain from the controller acknowledgement of the death of the data subject and an undertaking to cease disseminating his or her data.***

Or. fr



*Justification*

*The proposal for a regulation does not deal explicitly with the personal data of deceased persons. It is important that a deceased person's heirs should be able to exercise the right to be forgotten and the right to erasure of data.*

**Amendment 1407**

**Véronique Mathieu Houillon, Axel Voss**

**Proposal for a regulation**

**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Successors in right and title must be able to exercise the right of erasure in the event of the death of the data subject.***

Or. fr

**Amendment 1408**

**Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***1a. Unless the deceased person has explicitly stipulated otherwise, his or her successors in right and title or legal representative shall have the right to obtain from the controller acknowledgement of the death of the data subject and an undertaking to cease publishing and disseminating the deceased person's data.***

Or. fr

*Justification*

*Amendment proposed by the French Higher Council of Notaries: the proposal for a regulation does not deal explicitly with the case of the personal data of deceased persons. It is*

*important that a deceased person's heirs should be able to exercise the right to be forgotten and the right to erasure of data.*

**Amendment 1409**

**Hélène Flautre**

**Proposal for a regulation**

**Article 17 – paragraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

*1a. Unless the deceased person has explicitly stipulated otherwise, his or her heirs shall have the right to insist that the controller cease processing and erase his or her personal data.*

Or. fr

**Amendment 1410**

**Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation**

**Article 17 – paragraph 1 b (new)**

*Text proposed by the Commission*

*Amendment*

*1b. The application of paragraph 1 shall be dependent upon the ability of the data controller to verify the identity of the data subject requesting the erasure.*

Or. en

**Amendment 1411**

**Timothy Kirkhope**

on behalf of the ECR Group

**Proposal for a regulation**

**Article 17 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Where the controller referred to in paragraph 1 has made the personal data public, it shall take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible, to inform third parties which are processing such data, that a data subject requests them to erase any links to, or copy or replication of that personal data. Where the controller has authorised a third party publication of personal data, the controller shall be considered responsible for that publication.**

*deleted*

Or. en

#### **Amendment 1412**

**Jacek Protasiewicz, Rafał Trzaskowski, Arkadiusz Tomasz Bratkowski**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Where the controller referred to in paragraph 1 has made the personal data public, it shall take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible, to inform third parties which are processing such data, that a data subject requests them to erase any links to, or copy or replication of that personal data. Where the controller has authorised a third party publication of personal data, the controller shall be considered responsible for that publication.**

*deleted*

Or. en

**Amendment 1413**  
**Louis Michel**

**Proposal for a regulation**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Where the controller referred to in paragraph 1 has made the personal data public, it shall take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible, to inform third parties which are processing such data, that a data subject requests them to erase any links to, or copy or replication of that personal data. Where the controller has authorised a third party publication of personal data, the controller shall be considered responsible for that publication.**

*deleted*

Or. en

**Amendment 1414**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

*Amendment*

**2. Where the controller referred to in paragraph 1 has made the personal data public, it shall take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible, to inform third parties which are processing such data, that a data subject requests them to erase any links to, or copy or replication of that personal data. Where the controller has authorised a third party publication of personal data, the controller shall be considered responsible for that**

*deleted*

*publication.*

Or. en

*Justification*

*This provision is unreasonably extensive.*

**Amendment 1415**

**Alexander Alvaro**

**Proposal for a regulation**

**Article 17 – paragraph 2**

*Text proposed by the Commission*

2. *Where* the controller referred to in paragraph 1 *has made the personal data public, it* shall take all reasonable steps, *including technical measures, in relation to data for the publication of which the controller is responsible, to inform third parties which are* processing such data, *that a data subject requests them to erase any links to, or copy or replication of that* personal data. *Where the controller has authorised a third party publication of personal data, the controller shall be considered responsible for that publication.*

*Amendment*

2. The controller *or processor* referred to in paragraph 1 shall take all reasonable steps *to have the data erased, where the controller or the processor have authorized unlawfully according to Article 6:*

- (a) the processing of personal data;*
- (b) a transfer of personal data to a third party; or*
- (c) a publication of personal data by a third party.*

Or. en

**Amendment 1416**

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

**Proposal for a regulation**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

2. Where the controller referred to in paragraph 1 has ***made the*** personal data **public**, it shall take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible, to inform third parties which are processing such data, that a data subject requests them to erase any links to, or copy or replication of that personal data. Where the controller ***has authorised a third party publication of*** personal data, ***the controller shall be considered responsible for that publication.***

*Amendment*

2. Where the controller referred to in paragraph 1 has ***explicitly or tacitly allowed third-party access to*** personal data, it shall take all reasonable steps ***in proportion to its capacity***, including technical measures, in relation to data for the publication of which the controller is responsible, to inform third parties which are processing such data, that a data subject requests them to erase any links to, or copy or replication of that personal data.

Where the controller ***who has allowed access to personal data has disappeared, has ceased to exist or for other reasons cannot be contacted by the data subject, the data subject shall have the right to obtain from third-party controllers the erasure of any links to, or copy or replication of the*** personal data.

Or. es

**Amendment 1417**  
**Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

2. Where the controller referred to in paragraph 1 has made the personal data public, it shall take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible, to inform ***third parties*** which are processing such data, that a data subject requests them to erase any

*Amendment*

2. Where the controller referred to in paragraph 1 has made the personal data public, it shall take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible, to inform ***legal entities to whom the original controller had authorised to further process***

links to, or copy or replication of that personal data. **Where** the controller **has authorised a third party publication of** personal data, **the controller shall be considered responsible for that publication.**

**personal data and** which are processing such data, that a data subject requests them to erase any links to, or copy or replication of that personal data. The controller **will not be responsible for the** personal data **that the data subject has made public.**

Or. en

**Amendment 1418**  
**Josef Weidenholzer**

**Proposal for a regulation**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

2. Where the controller referred to in paragraph 1 has made the personal data public, it shall take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible, to inform third parties which are processing such data, that a data subject requests them to erase any links to, or copy or replication of that personal data. Where the controller has authorised a third party publication of personal data, the controller shall be considered responsible for that publication.

*Amendment*

2. Where the controller referred to in paragraph 1 has made the personal data public **or transferred such data to known recipients**, it shall take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible, to inform third parties which are processing such data, that a data subject requests them to erase any links to, or copy or replication of that personal data. Where the controller has authorised a third party publication of personal data, the controller shall be considered responsible for that publication.

Or. en

**Amendment 1419**  
**Carmen Romero López**

**Proposal for a regulation**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

2. Where the controller referred to in paragraph 1 has made the personal data

*Amendment*

2. Where the controller referred to in paragraph 1 has made the personal data

public, it shall take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible, to inform third parties which are processing such data, that a data subject requests them to erase any links to, or copy or replication of that personal data. Where the controller *has authorised a third party publication of personal data, the controller shall be considered responsible for that publication.*

public, it shall take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible, to inform third parties which are processing such data, that a data subject requests them to erase any links to, or copy or replication of that personal data.

*Where the controller who made the personal data public has taken steps measures that have had no effect has disappeared, has ceased to exist or cannot be contacted by the data subject, the latter shall have the right to obtain third parties the erasure of any links to, or copy or replication of the personal data.*

Or. es

#### *Justification*

*The intention is for data subjects to be able to contact third parties processing their data when the controller is unable to uphold their right to be forgotten.*

#### **Amendment 1420**

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

#### **Proposal for a regulation Article 17 – paragraph 2**

##### *Text proposed by the Commission*

2. Where the controller referred to in paragraph 1 has made the personal data public, it shall take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible, to inform third parties which are processing such data, that a data subject requests them to erase any

##### *Amendment*

2. Where the controller referred to in paragraph 1 has made the personal data public, it shall take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible, to inform third parties which are processing such data, that a data subject requests them to erase any



links to, or copy or replication of that personal data. Where the controller has authorised a third party publication of personal data, the controller shall be considered responsible for that publication.

links to, or copy or replication of that personal data. Where the controller has authorised a third party publication of personal data, the controller shall be considered responsible for that publication. ***Anonymised data, pseudonymised data and encrypted data are exempted, where compliance with this provision would require the controller to undo the process of anonymisation, pseudonymisation or encryption.***

Or. en

**Amendment 1421**  
**Lidia Joanna Geringer de Oedenberg**

**Proposal for a regulation**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

2. Where the controller referred to in paragraph 1 has made the personal data public, it shall take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible, to inform third parties which are processing such data, that a data subject requests them to erase any links to, or copy or replication of that personal data. Where the controller has authorised a third party publication of personal data, the controller shall be considered responsible for that publication.

*Amendment*

2. Where the controller referred to in paragraph 1 has made the personal data public, it shall take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible, to inform third parties which are processing such data. ***Third parties shall be considered to be subjects who, at the time the request is submitted, the controller is reasonably likely to be able identify and inform*** that a data subject requests them to erase any links to, or copy or replication of that personal data. Where the controller has authorised a third party publication of personal data, the controller shall be considered responsible for that publication.

Or. pl

**Amendment 1422**  
**Hélène Flautre**

**Proposal for a regulation**  
**Article 17 – paragraph 2**

*Text proposed by the Commission*

2. Where the controller referred to in paragraph 1 has made the personal data public, ***it shall take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible, to inform third parties which are processing such data, that a data subject requests them to erase any links to, or copy or replication of that personal data. Where the controller has authorised a third party publication of personal data, the controller shall be considered responsible for that publication.***

*Amendment*

2. Where the controller referred to in paragraph 1 has made the personal data public ***without justification on the basis of Article 6(1)(b), (c), (d) and (e)***, it shall take all ***necessary steps to erase that data, without prejudice to Article 77.***

Or. fr

**Amendment 1423**  
**Lidia Joanna Geringer de Oedenberg**

**Proposal for a regulation**  
**Article 17 – paragraph 2 a (new)**

*Text proposed by the Commission*

*Amendment*

***2a. The obligation to inform referred to in paragraph 2 should be considered to have been exercised as soon as the controller has informed the third parties which he has identified of a request for the erasure of the data of the relevant subject in a form corresponding to the original publication of that data, or in some other form ensuring the effective receipt of such information.***

Or. pl

**Amendment 1424**  
**Alexander Alvaro**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. The controller shall carry out the erasure without delay, except to the extent that the retention of the personal data is necessary:

*Amendment*

3. The controller ***or processor and, where applicable, the third party*** shall carry out the erasure without delay, except to the extent that the retention of the personal data is necessary:

Or. en

**Amendment 1425**  
**Stanimir Ilchev**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. The controller shall carry out the erasure without delay, except to the extent that the retention of the personal data is necessary:

*Amendment*

3. ***Where*** the controller ***learns of a request for erasure pursuant to this article or Article 13, he*** shall carry out the erasure without delay, except to the extent that the retention of the personal data is necessary:

Or. de

**Amendment 1426**  
**Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. The controller shall carry out the erasure without delay, except to the extent that the retention of the personal data is necessary:

*Amendment*

3. The controller shall carry out the erasure without ***undue*** delay, except to the extent that the retention ***and dissemination*** of the personal data is necessary:

Or. en

*Justification*

*Where controllers are subject to a legal obligation to retain and process data, they may also be obliged to transfer this data to relevant supervisory authorities, such as suspicious transaction reports to financial intelligence units in the context of anti-money laundering rules.*

**Amendment 1427**

**Louis Michel**

**Proposal for a regulation**

**Article 17 – paragraph 3 – introductory part**

*Text proposed by the Commission*

3. The controller shall carry out the erasure without delay, except to the extent that the retention of the personal data is necessary:

*Amendment*

3. The controller shall carry out the erasure without **undue** delay, except to the extent that the retention of the personal data is necessary:

Or. en

**Amendment 1428**

**Alexander Alvaro**

**Proposal for a regulation**

**Article 17 – paragraph 3 – point a**

*Text proposed by the Commission*

**(a) for exercising the right of freedom of expression** in accordance with Article 80;

*Amendment*

**(a) in the contexts referred to under Article 5a(3), (5), (6) and (8), in accordance with Articles 80, 81 and 83 of this Regulation and Article 10 of the European Convention on Human Rights;**

Or. en

*Justification*

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

**Amendment 1429**  
**Alexander Alvaro**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) for reasons of public interest in the area of public health in accordance with Article 81;*

*deleted*

Or. en

*Justification*

*Moved to Article 17(3a). Article is amended in accordance with respect to context and risk principles pursuant to Articles 5a (new) and 5b (new).*

**Amendment 1430**  
**Axel Voss**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) for reasons of public interest in the area of public health in accordance with Article 81;*

*(b) for health proposes in accordance with Article 81 and for maintaining medical records and other health research purposes;*

Or. en

**Amendment 1431**  
**Claude Moraes, Glenis Willmott**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point b**

*Text proposed by the Commission*

*Amendment*

*(b) for reasons of public interest in the area of public health in accordance with Article*

*(b) for health purposes or for reasons of public interest in the area of public health*

81;

in accordance with Article 81;

Or. en

*Justification*

*The right to be forgotten should not apply to personal data concerning health where that data is processed for healthcare purposes as laid down under Article 81(a). It is in the vital interests of the data subject to keep a complete record of their health in order to deliver the most appropriate care and treatments during the course of their life.*

**Amendment 1432**

**Jens Rohde, Adina-Ioana Vălean**

**Proposal for a regulation**

**Article 17 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) for reasons of public interest in the area of public health in accordance with Article 81;

*Amendment*

(b) for reasons of public interest in the area of public health **and public health purposes** in accordance with Article 81;

Or. en

**Amendment 1433**

**Sarah Ludford, Charles Tannock**

**Proposal for a regulation**

**Article 17 – paragraph 3 – point b**

*Text proposed by the Commission*

(b) for **reasons of public interest in the area of public health** in accordance with Article 81;

*Amendment*

(b) for **health purposes** in accordance with Article 81;

Or. en

*Justification*

*To make this consistent with the wording of Article 81.*

**Amendment 1434**  
**Sarah Ludford, Charles Tannock**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point b a (new)**

*Text proposed by the Commission*

*Amendment*

*(ba) for maintaining medical records for prevention, medical diagnosis, treatment, palliative care, clinical trials, patient registries, and other health research and medical innovation purposes;*

Or. en

*Justification*

*These justified reasons for retaining data need specific enumeration.*

**Amendment 1435**  
**Alexander Alvaro**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point c**

*Text proposed by the Commission*

*Amendment*

*(c) for historical, statistical and scientific research purposes in accordance with Article 83;*      *deleted*

Or. en

*Justification*

*Moved to Article 17(3a). Article is amended in accordance with respect to context and risk principles pursuant to Articles 5a (new) and 5b (new).*

**Amendment 1436**  
**Claude Moraes, Glenis Willmott**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) for historical, statistical and scientific research purposes in accordance with Article 83;

*Amendment*

(c) for historical, statistical and scientific research purposes in accordance with Article 83, ***including for clinical trials, patient and disease registries and other health research and medical innovation purposes;***

Or. en

**Amendment 1437**  
**Anna Hedh, Marita Ulvskog, Christel Schaldemose**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point c**

*Text proposed by the Commission*

(c) for historical, statistical and scientific ***research*** purposes in accordance with Article 83;

*Amendment*

(c) for historical, statistical and scientific purposes in accordance with Article 83;

Or. en

**Amendment 1438**  
**Alexander Alvaro**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point d**

*Text proposed by the Commission*

***(d) for compliance with a legal obligation to retain the personal data by Union or Member State law to which the controller is subject; Member State laws shall meet an objective of public interest, respect the essence of the right to the protection of personal data and be proportionate to the***

*Amendment*

***deleted***



*legitimate aim pursued;*

Or. en

*Justification*

*Moved to Article 17(3)(a). Article is amended in accordance with respect to context and risk principles pursuant to Articles 5a (new) and 5b (new).*

**Amendment 1439**  
**Dimitrios Droutsas**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point d**

*Text proposed by the Commission*

*Amendment*

*(d) for compliance with a legal obligation to retain the personal data by Union or Member State law to which the controller is subject; Member State laws shall meet an objective of public interest, respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued;*

*deleted*

Or. en

**Amendment 1440**  
**Axel Voss**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point d**

*Text proposed by the Commission*

*Amendment*

*(d) for compliance with a legal obligation to retain the personal data by Union or Member State law to which the controller is subject; Member State laws shall meet an objective of public interest, respect the essence of the right to the protection of personal data and be proportionate to the*

*(d) for compliance with a contract to which the data subject is party or for compliance with a legal obligation or other requirements of a supervisory body or other legal requirements to retain the personal data by Union or Member State law to which the controller is subject;*

*legitimate aim pursued;*

Or. en

#### **Amendment 1441**

**Louis Michel**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 3 – point d**

##### *Text proposed by the Commission*

(d) for compliance with a legal obligation to retain the personal data by Union or Member State law to which the controller is subject; Member State laws shall meet an objective of public interest, respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued;

##### *Amendment*

(d) for compliance with a legal obligation ***including the requirements of supervisory authorities*** to retain the personal data by Union or Member State law to which the controller is subject; Member State laws shall meet an objective of public interest, respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued;

Or. en

#### **Amendment 1442**

**Cornelia Ernst, Marie-Christine Vergiat**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 3 – point d**

##### *Text proposed by the Commission*

(d) for compliance with a legal obligation to retain the personal data by Union or Member State law to which the controller is subject; Member State laws shall meet an objective of public interest, respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued;

##### *Amendment*

(d) for compliance with a legal obligation to retain the personal data by Union or Member State law to which the controller is subject; Member State laws shall meet an objective of ***essential*** public interest, ***fully*** respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued;

Or. en

**Amendment 1443**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point d**

*Text proposed by the Commission*

(d) for compliance with a legal obligation to retain the personal data by Union or Member State law to which the controller is subject; ***Member State laws shall meet an objective of public interest, respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued;***

*Amendment*

(d) for compliance with ***or to avoid a breach of*** a legal obligation to retain the personal data by Union or Member State law to which the controller is subject;

Or. en

*Justification*

*Some processing will be undertaken as part of a prudent risk-management programme designed to avoid a breach of the law. The last phrase is inappropriate.*

**Amendment 1444**  
**Agustín Díaz de Mera García Consuegra, Teresa Jiménez-Becerril Barrio**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point d**

*Text proposed by the Commission*

(d) for compliance with a legal obligation to retain the personal data by Union or Member State law to which the controller is subject; Member State laws shall meet an objective of public interest, respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued;

*Amendment*

(d) for compliance with a legal obligation to retain the personal data by Union or Member State law to which the controller is subject; ***Union law and*** Member State laws shall meet an objective of public interest, respect the essence of the right to the protection of personal data and be proportionate to the legitimate aim pursued;

Or. es

**Amendment 1445**  
**Salvatore Iacolino**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) for the prevention or detection of criminal offences, in particular identity fraud against the data subject and financial crimes;*

Or. it

*Justification*

*This amendment seeks to affirm the protection of the legitimate collective interest in the prevention and detection of criminal offences.*

**Amendment 1446**  
**Axel Voss**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

*(ea) for prevention or detection of fraud or other financial crime, confirming identity or determining creditworthiness.*

Or. xm

*Justification*

*An insolvent businessperson or a defrauder could demand that his data be deleted, and would then again be rated as creditworthy for purposes of future credit.*

**Amendment 1447**  
**Wim van de Camp**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) for purposes of the prevention and detection of fraud, and to the extent criminal data are processed, such processing is in accordance with Article 9(2) point j).***

Or. en

*Justification*

*Personal data (including criminal data) processed for the purposes of the prevention and detection of fraud should be exempted from the right to be forgotten and erasure. In respect of criminal data this is currently not covered by the exception in Article 17(3)(d). The wording of Article 9(2)(j) (new) is broader than Article 17(3)(d) and also covers the prevention and detection of fraud. See further the justification of the amendment in respect of Article 9(2) (j).*

**Amendment 1448**  
**Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) for prevention or detection of fraud, confirming identity, and/or determining creditworthiness, or ability to pay.***

Or. en

**Amendment 1449**  
**Timothy Kirkhope**  
on behalf of the ECR Group

**Proposal for a regulation**  
**Article 17 – paragraph 3 – point e a (new)**

*Text proposed by the Commission*

*Amendment*

***(ea) if in the legitimate interest of data controllers maintaining data so long as it does not cause prejudice or harm to the data subject, their rights or interests.***

Or. en

#### **Amendment 1450**

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

#### **Proposal for a regulation**

**Article 17 – paragraph 3 – subparagraph 1 a**

*Text proposed by the Commission*

*Amendment*

***In the cases referred to in points (a) to (d), the data subject may exercise the right to object to the establishment of links or creation of copies or replications of his personal data. The viability of this right shall be resolved in the light of all the circumstances involved in the case, whilst making efforts not to frustrate the specific basis for the retention of data.***

Or. es

#### *Justification*

*The retention of data referred to in this paragraph is conceptually different in some cases from the online dissemination of such data. Put another way, the mandatory retention of data for certain reasons, which legally or conceptually pertains to the right to be forgotten, is not the same thing as allowing its continued dissemination, which is not always necessary or, indeed, compatible with the strict need for data retention.*

#### **Amendment 1451**

**Sophia in 't Veld**

#### **Proposal for a regulation**

**Article 17 – paragraph 3 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***When the controller no longer exists, has disappeared or cannot be identified or contacted, the data subject has the right to obtain the erasure of personal data relating to him or her from third parties that process that personal data, where the same grounds apply as in Article 17(1).***

Or. en

**Amendment 1452**

**Carmen Romero López**

**Proposal for a regulation**

**Article 17 – paragraph 3 – subparagraph 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***When data are retained under the provisions of points (a), (b), (c) and (d), and the controller has made them public, the data subject may, for reasons related to overriding interests, rights or freedoms, exercise the right to object to links to, or the copying or replication of, such data, unless such processing forms an essential part of the rights, interests, obligations or purposes to which these points relate.***

Or. es

*Justification*

*Paragraph 3 does not provide for typical online situations such as the dissemination of such data via the Internet and via searches on search engines which cause undue harm to the data subject. It merely governs the universal dissemination of and access to data where the interests, rights or freedoms of the data subject prevail, unless the data form an essential part of the reasons justifying their retention.*

**Amendment 1453**  
**Alexander Alvaro**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. Instead of erasure, the controller shall restrict processing of personal data where:

*Amendment*

4. Instead of erasure, the controller **or processor** shall restrict processing of personal data where:

Or. en

**Amendment 1454**  
**Monika Hohlmeier, Axel Voss**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. Instead of erasure, the **controller shall restrict processing of personal data** where:

*Amendment*

4. Instead of erasure, the **data shall be blocked** where:

Or. de

*Justification*

*The concept of ‘blocking’ should be provided for in the regulation. See also the insertion of the definition of ‘block’ in Article 4(22). Where the preconditions for blocking exist, the controller should be required to block the data, which is not the case in the German version of the proposal for a regulation (‘kann’ - ‘may’). It is not clear how a restriction or block is supposed to be implemented where data have already been published.*

**Amendment 1455**  
**Ewald Stadler**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – introductory part**

*Text proposed by the Commission*

4. Instead of erasure, the controller shall

*Amendment*

4. Instead of erasure, the controller shall



*restrict processing of* personal data where:

*block* personal data where:

Or. de

**Amendment 1456**  
**Louis Michel**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – point a**

*Text proposed by the Commission*

*Amendment*

*(a) their accuracy is contested by the data subject, for a period enabling the controller to verify the accuracy of the data;*

*deleted*

Or. en

**Amendment 1457**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – point a**

*Text proposed by the Commission*

*Amendment*

(a) their accuracy is contested by the data subject, for a period enabling the controller to verify the accuracy of the data;

*Translator's note: identical text in both columns.*

Or. de

*Justification*

*Besides variant, point (a) should also take account of the impossibility, in some cases, of ascertaining accuracy or inaccuracy.*

**Amendment 1458**  
**Axel Voss**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) the controller no longer needs the personal data for the accomplishment of its task but they have to be maintained for purposes of proof;

*Amendment*

(b) the controller no longer needs the personal data for the accomplishment of its task but they have to be maintained for purposes of proof ***or for compliance with legal record obligations;***

Or. en

**Amendment 1459**  
**Louis Michel**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) ***the controller no longer needs the personal data for the accomplishment of its task but they*** have to be maintained for purposes of proof;

*Amendment*

(b) ***data*** have to be maintained for purposes of proof;

Or. en

**Amendment 1460**  
**Sarah Ludford**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – point b**

*Text proposed by the Commission*

(b) the controller no longer needs the personal data for the accomplishment of its task but they have to be maintained for ***purposes of proof;***

*Amendment*

(b) the controller no longer needs the personal data for the accomplishment of its task but they have to be maintained for ***the purpose of defending legal claims;***

Or. en

*Justification*

*‘Purposes of proof’ is too narrow; this article should include retention of information for the purpose of defending potential legal claims.*

**Amendment 1461**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – point b**

*Text proposed by the Commission*

***(b) the controller no longer needs the personal data for the accomplishment of its task but they have to be maintained for purposes of proof;***

*Amendment*

***(b) their accuracy cannot be ascertained;***

Or. de

*Justification*

*In the case of point (b), data should be blocked if they are no longer required for the purpose of storage but they cannot be deleted on account of statutory, statutes-based or contractual periods for which they are required to be kept. Storage for longer than this purely for purposes of proof would involve data retention in preparation for possible future disputes, and should not be possible.*

**Amendment 1462**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – point c**

*Text proposed by the Commission*

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

*Amendment*

***(c) the data are no longer required for the purpose of storage but they cannot be deleted on account of statutory, statutes-based or contractual periods for which they are required to be kept;***

Or. de

### *Justification*

*Point (c) does not always entail blocking. Users do not always want to switch service completely. If the change resulted in blocking, this would create a new obstacle to switching if a user initially wished to try out a new service or if the user wished to use two services in parallel.*

#### **Amendment 1463**

**Louis Michel**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 4 – point d**

*Text proposed by the Commission*

*Amendment*

*(d) the data subject requests to transmit the personal data into another automated processing system in accordance with Article 18(2).*

*deleted*

Or. en

#### **Amendment 1464**

**Monika Hohlmeier**

#### **Proposal for a regulation**

#### **Article 17 – paragraph 4 – point d**

*Text proposed by the Commission*

*Amendment*

*(d) the data subject requests to transmit the personal data into another automated processing system in accordance with Article 18(2).*

*(d) there are grounds for assuming that erasure would damage interests of the data subject which deserve to be protected;*

Or. de

### *Justification*

*Point (d) seems to be a rare special case. General provision should be made for a requirement to block data if there are grounds for assuming that erasure would damage interests of the data subject which deserve to be protected.*

**Amendment 1465**  
**Monika Hohlmeier, Axel Voss**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) or, on account of the particular type of storage, erasure would be impossible or would involve disproportionate efforts.*

Or. de

*Justification*

*A provision should be inserted stipulating that data are to be blocked if erasure would be impossible or would involve disproportionate efforts on account of the particular type of storage (e.g. WORM systems, paper documents).*

**Amendment 1466**  
**Ewald Stadler**

**Proposal for a regulation**  
**Article 17 – paragraph 4 – point d a (new)**

*Text proposed by the Commission*

*Amendment*

*(da) for technical reasons, erasure would be impossible or would involve disproportionate efforts.*

Or. de

**Amendment 1467**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 17 – paragraph 5**

*Text proposed by the Commission*

*Amendment*

5. Personal data *referred to in* paragraph 4 may, with the exception of storage, only be

5. Personal data *blocked pursuant to* paragraph 4 may, with the exception of

processed *for purposes of proof, or* with the data subject's consent, *or for the protection of the rights of another natural or legal person or for an objective of public interest.*

storage, only be processed:

- (a) with the data subject's consent;
- (b) *if they are to be used for scientific purposes;*
- (c) *to overcome a lack of evidence; or*
- (d) *where this is essential for other reasons in the overriding interest of the controller or of a third party;*
- (e) *and it would be permissible to process the data for this purpose if they were not blocked.*

Or. de

#### *Justification*

*Processing of blocked data without the consent of the data subject pursuant to paragraph 5 should be permitted only if this is indispensable for scientific purposes, to overcome a lack of evidence or for other reasons in the overriding interest of the controller or of a third party and it would be permissible to process the data for this purpose if they were not blocked.*

#### **Amendment 1468**

**Axel Voss**

#### **Proposal for a regulation Article 17 – paragraph 5**

##### *Text proposed by the Commission*

5. Personal data referred to in paragraph 4 may, with the exception of storage, only be processed for purposes of proof, or with the data subject's consent, or for the protection of the rights of another natural or legal person or for an objective of public interest.

##### *Amendment*

5. Personal data referred to in paragraph 4 may, with the exception of storage, only be processed for purposes of proof *or for compliance with legal record obligations*, or with the data subject's consent, or for the protection of the rights of another natural or legal person or for an objective of public interest.

Or. en

**Amendment 1469**  
**Alexander Alvaro**

**Proposal for a regulation**  
**Article 17 – paragraph 6**

*Text proposed by the Commission*

6. Where processing of personal data is restricted pursuant to paragraph 4, the controller shall inform the data subject before lifting the restriction on processing.

*Amendment*

6. Where processing of personal data is restricted pursuant to paragraph 4, the controller **or processor** shall inform the data subject before lifting the restriction on processing.

Or. en

**Amendment 1470**  
**Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation**  
**Article 17 – paragraph 6 a (new)**

*Text proposed by the Commission*

*Amendment*

***6a. Requests for the rectification, erasure or blocking of data shall not prejudice processing that is necessary to secure, protect and maintain the resiliency of one or more information systems. In addition, the right of rectification and/or erasure or personal data shall not apply to any personal data that is required to be maintained by legal obligation or to protect the rights of the controller, processor or third parties.***

Or. en

*Justification*

*There are circumstances where the right of the data subject to rectify or erase personal data should not apply – for example, in compliance with EU member states laws and other jurisdictions requiring maintenance of certain types of personal data for national security*

*reasons or for investigations of potential wrongdoing.*

**Amendment 1471**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 17 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

***7. The controller shall implement mechanisms to ensure that the time limits established for the erasure of personal data and/or for a periodic review of the need for the storage of the data are observed.***

*deleted*

Or. de

*Justification*

*See Article 17a.*

**Amendment 1472**  
**Louis Michel**

**Proposal for a regulation**  
**Article 17 – paragraph 7**

*Text proposed by the Commission*

*Amendment*

***7. The controller shall implement mechanisms to ensure that the time limits established for the erasure of personal data and/or for a periodic review of the need for the storage of the data are observed.***

*deleted*

Or. en

**Amendment 1473**  
**Alexander Alvaro**



**Proposal for a regulation**  
**Article 17 – paragraph 7**

*Text proposed by the Commission*

7. The controller shall implement mechanisms to ensure that the time limits established for the erasure of personal data and/or for a periodic review of the need for the storage of the data are observed.

*Amendment*

7. The controller **or processor** shall implement mechanisms to ensure that the time limits established for the erasure of personal data and/or for a periodic review of the need for the storage of the data are observed.

Or. en

**Amendment 1474**  
**Alexander Alvaro**

**Proposal for a regulation**  
**Article 17 – paragraph 8**

*Text proposed by the Commission*

**8. Where the erasure is carried out, the controller shall not otherwise process such personal data.**

*Amendment*

**deleted**

Or. en

*Justification*

*Due to the introduction of pseudonymized data (Article 4), a differentiation of the consequences with regard to erasure has become necessary.*

**Amendment 1475**  
**Timothy Kirkhope**  
on behalf of the ECR Group

**Proposal for a regulation**  
**Article 17 – paragraph 8**

*Text proposed by the Commission*

*Amendment*

**8. Where the erasure is carried out, the controller shall not otherwise process such personal data.**

**deleted**

Or. en

**Amendment 1476**

**Alexander Alvaro**

**Proposal for a regulation**

**Article 17 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**8a. Where pseudonymized data according to Article 4(2a) are processed, it is sufficient to erase all relating links to the data subject by removing these permanently and completely and therefore anonymizing the remaining data according to Article 4(2b) in order to comply with this Article.**

Or. en

*Justification*

*Pseudonymized data are introduced as a form of personal data, introducing different set of rules connected to it throughout the Regulation.*

**Amendment 1477**

**Sonia Alfano, Gianni Vattimo**

**Proposal for a regulation**

**Article 17 – paragraph 8 a (new)**

*Text proposed by the Commission*

*Amendment*

**8a. Where the conditions for the right to be forgotten and to erasure are met pursuant to paragraphs 1 and 2, the data**

*subject shall also have the right to request the rectification, erasure, deletion or delisting of personal data to any service of the Information Society, which provides tools enabling or facilitating research or access to data.*

Or. en

**Amendment 1478**  
**Alexander Alvaro**

**Proposal for a regulation**  
**Article 17 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

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

*deleted*

*(a) the criteria and requirements for the application of paragraph 1 for specific sectors and in specific data processing situations;*

*(b) the conditions for deleting links, copies or replications of personal data from publicly available communication services as referred to in paragraph 2;*

*(c) the criteria and conditions for restricting the processing of personal data referred to in paragraph 4.*

Or. en

**Amendment 1479**  
**Monika Hohlmeier**

**Proposal for a regulation**  
**Article 17 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

**9. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying:** *deleted*

*(a) the criteria and requirements for the application of paragraph 1 for specific sectors and in specific data processing situations;*

*(b) the conditions for deleting links, copies or replications of personal data from publicly available communication services as referred to in paragraph 2;*

*(c) the criteria and conditions for restricting the processing of personal data referred to in paragraph 4.*

Or. de

*Justification*

*The powers delegated to the Commission are very far-reaching and moreover vaguely formulated. Provisions concerning the obligation to erase data or limiting their processing directly affect the possibilities of legitimate data processing. A provision should be included in the regulation or else powers should be delegated to the Member States.*

#### **Amendment 1480**

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

#### **Proposal for a regulation Article 17 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

**9. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying:** *deleted*

*a) the criteria and requirements for the application of paragraph 1 for specific sectors and in specific data processing*

*situations;*

*b) the conditions for deleting links, copies or replications of personal data from publicly available communication services as referred to in paragraph 2;*

*c) the criteria and conditions for restricting the processing of personal data referred to in paragraph 4.*

Or. es

*Justification*

*Paragraph 9 of this article is unacceptable as it provides for the regulation of elements that are essential for an understanding of the Regulation by means of delegated acts. If these elements must be regulated, they should be governed by a fully fledged Regulation.*

**Amendment 1481**

**Adina-Ioana Vălean, Jens Rohde**

**Proposal for a regulation**

**Article 17 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

**9. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying:** *deleted*

*(a) the criteria and requirements for the application of paragraph 1 for specific sectors and in specific data processing situations;*

*(b) the conditions for deleting links, copies or replications of personal data from publicly available communication services as referred to in paragraph 2;*

*(c) the criteria and conditions for restricting the processing of personal data referred to in paragraph 4.*

Or. en

**Amendment 1482**  
**Louis Michel**

**Proposal for a regulation**  
**Article 17 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

**9. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying:** **deleted**

**(a) the criteria and requirements for the application of paragraph 1 for specific sectors and in specific data processing situations;**

**(b) the conditions for deleting links, copies or replications of personal data from publicly available communication services as referred to in paragraph 2;**

**(c) the criteria and conditions for restricting the processing of personal data referred to in paragraph 4.**

Or. en

**Amendment 1483**  
**Ewald Stadler**

**Proposal for a regulation**  
**Article 17 – paragraph 9**

*Text proposed by the Commission*

*Amendment*

**9. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying:** **deleted**

**(a) the criteria and requirements for the application of paragraph 1 for specific sectors and in specific data processing situations;**

**(b) the conditions for deleting links, copies or replications of personal data**

*from publicly available communication services as referred to in paragraph 2;*

*(c) the criteria and conditions for restricting the processing of personal data referred to in paragraph 4.*

Or. de

**Amendment 1484**  
**Dimitrios Droutsas**

**Proposal for a regulation**  
**Article 17 – paragraph 9 – introductory part**

*Text proposed by the Commission*

9. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying:

*Amendment*

9. 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:

Or. en

**Amendment 1485**  
**Josef Weidenholzer**

**Proposal for a regulation**  
**Article 17 – paragraph 9 – point a**

*Text proposed by the Commission*

(a) the ***criteria and requirements for the application of paragraph 1 for specific sectors and in specific data processing situations;***

*Amendment*

(a) the ***conditions for deleting links, copies or applications of personal data from publicly available communication services as referred to in paragraph 2;***

Or. en

**Amendment 1486**  
**Josef Weidenholzer**

**Proposal for a regulation**  
**Article 17 – paragraph 9 – point b**

*Text proposed by the Commission*

(b) the conditions for *deleting links, copies or replications* of personal data *from publicly available communication services* as referred to in paragraph 2;

*Amendment*

(b) the *criteria and* conditions for *restricting the processing* of personal data referred to in paragraph 4;

Or. en

**Amendment 1487**  
**Josef Weidenholzer**

**Proposal for a regulation**  
**Article 17 – paragraph 9 – point c**

*Text proposed by the Commission*

(c) *the criteria and conditions for restricting the processing of personal data referred to in paragraph 4.*

*Amendment*

*deleted*

Or. en

**Amendment 1488**  
**Ewald Stadler**

**Proposal for a regulation**  
**Article 17 – paragraph 9 – point c**

*Text proposed by the Commission*

(c) the criteria and conditions for *restricting the processing of* personal data referred to in paragraph 4.

*Amendment*

(c) the criteria and conditions for *blocking* personal data referred to in paragraph 4.

Or. de

**Amendment 1489**  
**Monika Hohlmeier**



**Proposal for a regulation**  
**Article 17 a (new)**

*Text proposed by the Commission*

*Amendment*

**Article 17a**

***Laying down time limits for erasure***

***The controller shall implement mechanisms to ensure that the time limits established for the erasure of personal data and/or for a periodic review of the need for the storage of the data are observed.***

Or. de

*Justification*

*The provision in Article 17(7) is valuable in substance. However, this is a horizontal provision which, like Article 5 of Framework Decision 2008/977/JHA for public entities, should be formulated as a separate article.*

**Amendment 1490**  
**Dimitrios Droutsas**

**Proposal for a regulation**  
**Article 18**

*Text proposed by the Commission*

*Amendment*

**Article 18**

***deleted***

***Right to data portability***

***1. The data subject shall have the right, where personal data are processed by electronic means and in a structured and commonly used format, to obtain from the controller a copy of data undergoing processing in an electronic and structured format which is commonly used and allows for further use by the data subject.***

***2. Where the data subject has provided the personal data and the processing is based on consent or on a contract, the data***

*subject shall have the right to transmit those personal data and any other information provided by the data subject and retained by an automated processing system, into another one, in an electronic format which is commonly used, without hindrance from the controller from whom the personal data are withdrawn.*

*3. The Commission may specify the electronic format referred to in paragraph 1 and the technical standards, modalities and procedures for the transmission of personal data pursuant to paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).*

Or. en

#### **Amendment 1491**

**Jacek Protasiewicz, Rafał Trzaskowski, Arkadiusz Tomasz Bratkowski**

#### **Proposal for a regulation**

#### **Article 18**

*Text proposed by the Commission*

*Amendment*

*Article 18*

*deleted*

#### *Right to data portability*

*1. The data subject shall have the right, where personal data are processed by electronic means and in a structured and commonly used format, to obtain from the controller a copy of data undergoing processing in an electronic and structured format which is commonly used and allows for further use by the data subject.*

*2. Where the data subject has provided the personal data and the processing is based on consent or on a contract, the data subject shall have the right to transmit those personal data and any other information provided by the data subject and retained by an automated processing*

*system, into another one, in an electronic format which is commonly used, without hindrance from the controller from whom the personal data are withdrawn.*

*3. The Commission may specify the electronic format referred to in paragraph 1 and the technical standards, modalities and procedures for the transmission of personal data pursuant to paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).*

Or. en

#### **Amendment 1492**

**Axel Voss, Véronique Mathieu Houillon, Hubert Pirker, Seán Kelly, Wim van de Camp, Renate Sommer, Monika Hohlmeier, Anna Maria Corazza Bildt**

#### **Proposal for a regulation Article 18**

*Text proposed by the Commission*

*Amendment*

**Article 18**

**deleted**

#### **Right to data portability**

*1. The data subject shall have the right, where personal data are processed by electronic means and in a structured and commonly used format, to obtain from the controller a copy of data undergoing processing in an electronic and structured format which is commonly used and allows for further use by the data subject.*

*2. Where the data subject has provided the personal data and the processing is based on consent or on a contract, the data subject shall have the right to transmit those personal data and any other information provided by the data subject and retained by an automated processing system, into another one, in an electronic format which is commonly used, without hindrance from the controller from whom*

*the personal data are withdrawn.*

*3. The Commission may specify the electronic format referred to in paragraph 1 and the technical standards, modalities and procedures for the transmission of personal data pursuant to paragraph 2. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).*

Or. en

*Justification*

*Moved into Article 15.*