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**DATAPROTECT 62  
JAI 257  
MI 269  
DIGIT 24  
DAPIX 67  
FREMP 87  
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**NOTE**

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From: Swedish delegation  
To: Working Group on Information Exchange and Data Protection (DAPIX)  
No. prev. doc.: 7700/15 DATAPROTECT 42 JAI 212 MI 207 DIGIT 12 DAPIX 50 FREMP  
67 COMIX 150 CODEC 449  
Subject: Proposal for a Regulation of the European Parliament and of the Council  
on the protection of individuals with regard to the processing of personal  
data and on the free movement of such data (General Data Protection  
Regulation)  
- Chapters I and XI

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Delegations will find in Annex Sweden's proposal for an amendment to Article 4(10) in the GDPR.  
New text is in **bold underlined**. The proposal is made on the basis of the text in document 7700/15.

The starting point must be, that only sensitive data should be subject to the regulation in Article 9 in the GDPR. To accomplish this, it is important that the terms used in Article 9 gets an adequate definition.

In Sweden's opinion, the definition of genetic data in the Presidency's text is too broad and covers all kind of genetic data. However, all genetic data is not to be considered as 'sensitive data' and should therefore not be subject to the stricter regulation in Article 9. For example; when non-coding DNA sequences are used for identification purposes. This kind of genetic data does not reveal more information about a person than a fingerprint does and should in Sweden's opinion therefore not be considered as 'sensitive'. We believe, that it is only genetic data that reveals information about the physiology or health of an individual, that should be considered 'sensitive' and therefore be submitted to the stricter regulation in Article 9.

It is also of great importance for the legal certainty, that the definition of "genetic data" in the GDPR and the Directive correlate with each other.

SE therefore propose the following amendment to Article 4(10)

'genetic data' means all personal data relating to the genetic characteristics of an individual that have been inherited or acquired **and which give unique information about the physiology or health of that individual**, resulting from an analysis of a biological sample from the individual in question.