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NOTE

From:	Presidency
To:	Delegations
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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) - Chapter III - Presidency de-briefing on the outcome of the trilogue on 16/17 September 2015 and Preparation for trilogue

1. On 16th and 17th September 2015, and on 29th September 2015, the representatives of the Council, the European Parliament and the Commission discussed in a trilogue on the General Data Protection Regulation the provisions related to chapter II on principles and to chapter III on the rights of the data subject. The Presidency's interventions were based on the Council's General Approach and the discussions that took place in the DAPIX meetings of 23rd July 2015 and 2nd September 2015, and in the JHA Counsellors meetings of 7th and 11th September 2015.

Delegations have already received a written debrief on chapter II in document 12196/15.

As regards chapter III, tentative solutions could be found on a number of provisions. These are indicated in the 4th column. Delegations will note that the Council's General Approach could be maintained on a significant amount of issues. Still, on a certain number of elements, the positions of the co-legislators are diverging. Seeking the additional views of delegations on these remaining open issues, the Presidency considers they need to be looked at comprehensively in a spirit of compromise.

- 2 In Article 4(7) relating to the definition of 'recipient', the European Parliament expressed strong concerns about the Council's addition "*however, authorities which may receive data in the framework of a particular inquiry shall not be regarded as recipients*" which it considered as a potential loophole. The Presidency considers that Article 21 allows Member States to foresee derogations for public authorities, accompanied by necessary safeguards. Delegations are invited to indicate their flexibility on the addition in definition (7).
3. In Article 12(4), the European Parliament insisted on a reference to "*information and action taken*" where the Council's General Approach refers to "*information and communication*" to be provided by the controller. In a spirit of compromise, the co-legislators tentatively agreed on referring to information, communication and action taken.
Based on the Council's General Approach, the European Parliament also insisted on including Article 15 in Article 12(4) in order to ensure that the right of access is also provided free of charge – unless requests are manifestly unfounded or excessive in which case the controller can either refuse to act or charge a reasonable fee. In Article 15, the Council's General Approach had already foreseen that this right can be exercised free of charge and at reasonable intervals. The notion of "*reasonable intervals*" suggests a certain room for manoeuvre for the controller in the same way as the reference to "*manifestly unfounded or excessive requests*" in Article 12(4). Therefore, Article 15 has been included in the list of Articles in Article 12(4) and Article 15(1) has been adapted accordingly. The Presidency considers these adaptations as more complete, without changing the objective of the Council's General Approach.

4. When it comes to Article 13a, the European Parliament gave the following explanations on the use of icons:

- The icons are to be provided at the same time as the information in Articles 14 and 14a;
- The icons have to be defined in a harmonised way, via delegated acts. The European Parliament therefore no longer insists on defining the icons in the Regulation;
- The icons are to be provided on a mandatory basis by controllers, except for SMEs.

The Presidency insisted on a voluntary scheme. The following text is proposed by the European Parliament: *“The information pursuant to Article 14 shall be provided also by standardised icons showing the data subject a meaningful overview of the intended processing. These icons shall be presented in an easily visible and clearly legible way. Where the icons are presented electronically, they shall be machine readable.”* Further, the European Parliament suggests a delegated act to empower the Commission *“to specify and make binding the exact information to be presented by the icons as well as the procedures for providing standardised icons”*.

Based on the French proposal during the negotiations in Council leading up to the General Approach, and in order to find a compromise with the European Parliament, the Presidency suggests delegations to consider the following wording: *“In order to ensure that the information to be provided to the data subjects according to this Regulation will be presented in an easily visible and clearly legible way and will appear in a language easily understood by the data subjects concerned, the Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose to set out the requirements for such icons.”* This does not preclude the European Data Protection Board, on the basis of Article 66, to issue guidelines, recommendations and best practices on such icons.

Delegations are invited to comment on these options.

5. When it comes to the two-step structure in both Articles 14 and 14a relating to the information to be provided to the data subject, the European Parliament prefers to have the information in Article 14(1a) and Article 14a(2) to be provided in all cases, “*if applicable*”. The Presidency, while insisting on the more proportionate approach of the Council, invites comments from delegations on this point.
6. As regards Articles 14(1a(h)) and 14a(2(h)) of the Council’s General Approach relating to the existence of automated decision making including profiling and information concerning the logic involved , the European Parliament could accept such a reference on the condition that it would be aligned with the wording of Article 12 of Directive 1995/46/EC. Delegations are invited to indicate their flexibility on this point as indicated in the 4th column.
7. In Article 14a(2)(g), the European Parliament proposes that “*where the data originate from publicly accessible sources, a general indication may be given*”. The Presidency considers that, in a spirit of compromise, the following wording could be acceptable: “*(g) from which source the personal data originate and whether it came from publicly accessible sources*”. Delegations are invited to indicate their flexibility in this regard.
8. In Article 14a(4)(b), the European Parliament wants to limit the exemption to only “*data that are processed in the public interest for archiving purposes, or for historical, statistical or scientific research purposes*”. Notwithstanding an agreement on the exact wording when it comes to these purposes, the Presidency considers such a restriction as not acceptable, but suggests, in a spirit of compromise, to base the exemption on the wording of Directive 1995/46/EC, as indicated in the 4th column.
9. In relation to Article 14a(4)(d), the European Parliament suggests to complete the Presidency’s compromise suggestion by a reference to “statutory obligation”. The Commission, concerned about the potentially large exemption from the obligation to provide information, suggests the following wording: “*where the provision of such information will impair the rights and freedoms of others, as defined in Union or member State law in accordance with Article 21, including where the data must remain confidential for such reasons*”. Delegations are invited to comment on this option.

10. In Article 15(1b), the European Parliament understands the “*copy of the personal data undergoing processing*” as referring to a first communication of those personal data as provided in accordance with Article 15(1) which should be provided free of charge. The Presidency takes the view that Article 15(1), when referring to the access to the data, means a first copy and therefore Article 15(1b) covers the situation where further copies are requested by the data subject, for which a reasonable fee can be charged. Delegations are invited to confirm the Presidency’s reading.
- Furthermore, the European Parliament wants a reference that such requests can be made electronically and that the information shall be provided in an electronic and machine-readable format. The Presidency considers this as acceptable.
11. In relation to Article 17, the European Parliament can accept the substance of Article 17(1a) relating to information society services, but for reasons of readability of the Article, suggests to move it as a new point (f) in Article 17(1) without changing the content. The Presidency takes the view that this is acceptable.
12. The European Parliament insists on a delegated act for the Commission in Article 17(9), while being flexible on the exact specifications that such a delegated act would have to cover. The Presidency considers there could be merit in such a harmonised application of this Article. Delegations are invited to indicate their flexibility as regards this point.
13. In Article 17a(3), the European Parliament expresses concerns about the reference to “*important public interest*” with no further safeguards. The co-legislators tentatively agreed to frame this provision drawing on the wording of Article 21: “*important public interest of the Union or of a Member State*”. The Presidency takes the view that this is acceptable.
14. In its Article 20(1), the European Parliament foresees a right to object to profiling. The Presidency insisted on the Council’s General Approach to automated individual decision making in Article 20. In view of finding a compromise, the European Parliament could accept an explicit reference to profiling in Article 19(1). Delegations are invited to comment on this, keeping in mind that such a right to object to profiling cannot be exercised in the cases listed in Article 20(1a).

15. Taking into account the overall balance of this chapter, subject to alignment of the relevant recitals, and recalling that nothing is agreed until everything is agreed, the Presidency invites the views of delegations on these issues.

The markings in this table are to be read as follows:

- Second column with first reading Position of the European Parliament: new text is marked in bold italics; deleted parts of the text are marked in strikethrough, text identical with the Commission proposal is marked - with a diagonal line in the box.
- Third column with General Approach of the Council: new text is marked in bold italics; deleted parts of the text are marked in strikethrough, parts of the text that have been moved up or down are marked in bold.
- Fourth column: the diagonal line in the box indicates that the text is identical for all three institutions; text tentatively agreed is included.

COM (2012)0011	EP Position / First Reading	Council General Approach (15/06/2015)	Comments / compromise suggestions
(46) The principle of transparency requires that any information addressed to the public or to the data subject should be easily accessible and easy to understand, and that clear and plain language is used. This is in particular relevant where in situations, such as online advertising, the proliferation of actors and the technological complexity of practice makes it difficult for the data subject to know and understand if personal data relating to them are being collected, by whom and for what purpose. Given that children deserve specific protection, any information and communication, where processing is addressed specifically to a child, should be in such a clear and plain language that the child can easily understand.	(46) The principle of transparency requires that any information addressed to the public or to the data subject should be easily accessible and easy to understand, and that clear and plain language is used. This is in particular relevant where in situations, such as online advertising, the proliferation of actors and the technological complexity of practice makes it difficult for the data subject to know and understand if personal data relating to him or her are being collected, by whom and for what purpose. Given that children deserve specific protection, any information and communication, where processing is addressed specifically to a child, should be	(46) The principle of transparency requires that any information addressed to the public or to the data subject should be easily accessible and easy to understand, and that clear and plain language and, additionally, where appropriate, visualisation is used. <i>This information could be provided in electronic form, for example, when addressed to the public, through a website.</i> This is in particular relevant where in situations, such as online advertising, the proliferation of actors and the technological complexity of practice makes it difficult for the data subject to know and understand if personal data relating to them are being collected, by whom and for what purpose. Given that children	<i>To be aligned with the relevant article(s)</i>

	in such a clear and plain language that the child can easily understand.	deserve specific protection, any information and communication, where processing is addressed specifically to a child, should be in such a clear and plain language that the child can easily understand.	
	<i>Amendment 23</i>		
(47) Modalities should be provided for facilitating the data subject's exercise of their rights provided by this Regulation, including mechanisms to request, free of charge, in particular access to data, rectification, erasure and to exercise the right to object. The controller should be obliged to respond to requests of the data subject within a fixed deadline and give reasons, in case he does not comply with the data subject's request.	(47) Modalities should be provided for facilitating the data subject's exercise of his or her rights provided by this Regulation, including mechanisms to request obtain , free of charge, in particular access to data, rectification, erasure and to exercise the right to object. The controller should be obliged to respond to requests of the data subject within a fixed reasonable deadline and give reasons, in case he does not comply with the data subject's request.	(47) Modalities should be provided for facilitating the data subject's exercise of their rights provided by this Regulation, including mechanisms to request, free of charge , in particular access to data, rectification, erasure and to exercise the right to object. <i>Thus the controller should also provide means for requests to be made electronically, especially where personal data are processed by electronic means.</i> The controller should be obliged to respond to requests of the data subject <i>without undue delay and at the latest within a fixed deadline of one month</i> and give reasons <i>where the controller</i> , in case he does not intend to comply with the data subject's request.	<i>To be aligned with the relevant article(s)</i>

	<i>Amendment 24</i>		
(48) The principles of fair and transparent processing require that the data subject should be informed in particular of the existence of the processing operation and its purposes, how long the data will be stored, on the existence of the right of access, rectification or erasure and on the right to lodge a complaint. Where the data are collected from the data subject, the data subject should also be informed whether they are obliged to provide the data and of the consequences, in cases they do not provide such data.	(48) The principles of fair and transparent processing require that the data subject should be informed in particular of the existence of the processing operation and its purposes, how long the data will be <i>likely</i> stored <i>for each purpose, if the data are to be transferred to third parties or third countries,</i> on the existence <i>of measures to object and</i> of the right of access, rectification or erasure and on the right to lodge a complaint. Where the data are collected from the data subject, the data subject should also be informed whether they are obliged to provide the data and of the consequences, in cases they do not provide such data. <i>This information should be provided, which can also mean made readily available, to the data subject after the provision of simplified information in the form of standardised icons. This should also mean that personal data are processed in a way that effectively allows the data subject to exercise his or her rights.</i>	(48) The principles of fair and transparent processing require that the data subject should be informed in particular of the existence of the processing operation and its purposes, how long the data will be stored, on the existence of the right of access, rectification or erasure and on the right to lodge a complaint. <i>The controller should provide the data subject with any further information necessary to guarantee fair and transparent processing. Furthermore the data subject should be informed about the existence of profiling, and the consequences of such profiling.</i> Where the data are collected from the data subject, the data subject should also be informed whether they are obliged to provide the data and of the consequences, in cases they do not provide such data.	<i>To be aligned with the relevant article(s)</i>

<p>(49) The information in relation to the processing of personal data relating to the data subject should be given to them at the time of collection, or, where the data are not collected from the data subject, within a reasonable period, depending on the circumstances of the case. Where data can be legitimately disclosed to another recipient, the data subject should be informed when the data are first disclosed to the recipient.</p>	<p>(49) The information in relation to the processing of personal data relating to the data subject should be given to them at the time of collection, or, where the data are not collected from the data subject, within a reasonable period, depending on the circumstances of the case. Where data can be legitimately disclosed to another recipient, the data subject should be informed when the data are first disclosed to the recipient.</p>	<p>(49) The information in relation to the processing of personal data relating to the data subject should be given to them at the time of collection, or, where the data are not collected from the data subject, within a reasonable period, depending on the circumstances of the case. Where data can be legitimately disclosed to another recipient, the data subject should be informed when the data are first disclosed to the recipient. <i>Where the controller intends to process the data for a purpose other than the one for which the data were collected the controller should provide the data subject prior to that further processing with information on that other purpose and other necessary information. Where the origin of the data could not be provided to the data subject because various sources have been used, the information should be provided in a general manner.</i></p>	<p><i>To be aligned with the relevant article(s)</i></p>
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	<i>Amendment 25</i>		
(50) However, it is not necessary to impose this obligation where the data subject already disposes of this information, or where the recording or disclosure of the data is expressly laid down by law, or where the provision of information to the data subject proves impossible or would involve disproportionate efforts. The latter could be particularly the case where processing is for historical, statistical or scientific research purposes; in this regard, the number of data subjects, the age of the data, and any compensatory measures adopted may be taken into consideration.	(50) However, it is not necessary to impose this obligation where the data subject already disposes of knows this information, or where the recording or disclosure of the data is expressly laid down by law, or where the provision of information to the data subject proves impossible or would involve disproportionate efforts. The latter could be particularly the case where processing is for historical, statistical or scientific research purposes; in this regard, the number of data subjects, the age of the data, and any compensatory measures adopted may be taken into consideration.	(50) However, it is not necessary to impose this obligation where the data subject already disposes of possesses this information, or where the recording or disclosure of the data is expressly laid down by law, or where the provision of information to the data subject proves impossible or would involve disproportionate efforts. The latter could be particularly the case where processing is for archiving purpose in the public interest, for historical, statistical or scientific research purposes; in this regard, the number of data subjects, the age of the data, and any compensatory measures appropriate safeguards adopted may be taken into consideration.	<i>To be aligned with the relevant article(s)</i>

	<i>Amendment 26</i>		
<p>(51) Any person should have the right of access to data which has been collected concerning them, and to exercise this right easily, in order to be aware and verify the lawfulness of the processing. Every data subject should therefore have the right to know and obtain communication in particular for what purposes the data are processed, for what period, which recipients receive the data, what is the logic of the data that are undergoing the processing and what might be, at least when based on profiling, the consequences of such processing. This right should not adversely affect the rights and freedoms of others, including trade secrets or intellectual property and in particular the copyright protecting the software. However, the result of these considerations should not be that all information is refused to the data subject.</p>	<p>(51) Any person should have the right of access to data which have been collected concerning them, and to exercise this right easily, in order to be aware and verify the lawfulness of the processing. Every data subject should therefore have the right to know and obtain communication in particular for what purposes the data are processed, for what <i>estimated</i> period, which recipients receive the data, what is the <i>general</i> logic of the data that are undergoing the processing and what might be, at least when based on profiling, the consequences of such processing. This right should not adversely affect the rights and freedoms of others, including trade secrets or intellectual property and in particular, <i>such as in relation to</i> the copyright protecting the software. However, the result of these considerations should not be that all information is refused to the data subject.</p>	<p>(51) Any A natural person should have the right of access to data which has been collected concerning them him or her, and to exercise this right easily and at reasonable intervals, in order to be aware of and verify the lawfulness of the processing. This includes the right for individuals to have access to their personal data concerning their health, for example the data in their medical records containing such information as diagnosis, examination results, assessments by treating physicians and any treatment or interventions provided. Every data subject should therefore have the right to know and obtain communication in particular for what purposes the data are processed, where possible for what period, which recipients receive the data, what is the logic involved in any automatic of the data that are undergoing the processing and what might be, at least when based on profiling, the consequences of such processing.</p>	<p><i>To be aligned with the relevant article(s)</i></p>

		<p>This right should not adversely affect the rights and freedoms of others, including trade secrets or intellectual property and in particular the copyright protecting the software. However, the result of these considerations should not be that all information is refused to the data subject. <i>Where the controller processes a large quantity of information concerning the data subject, the controller may request that before the information is delivered the data subject specify to which information or to which processing activities the request relates.</i></p>	
<p>(52) The controller should use all reasonable measures to verify the identity of a data subject that requests access, in particular in the context of online services and online identifiers. A controller should not retain personal data for the unique purpose of being able to react to potential requests.</p>	<p>(52) The controller should use all reasonable measures to verify the identity of a data subject that requests access, in particular in the context of online services and online identifiers. A controller should not retain personal data for the unique purpose of being able to react to potential requests.</p>	<p>(52) The controller should use all reasonable measures to verify the identity of a data subject that<i>who</i> requests access, in particular in the context of online services and online identifiers. <i>Identification should include the digital identification of a data subject, for example through authentication mechanism such as the same credentials, used by the data subject to log-into the on-line</i></p>	<p><i>To be aligned with the relevant article(s)</i></p>

		<i>service offered by the data controller.</i> A controller should not retain personal data for the unique sole purpose of being able to react to potential requests.	
	Amendment 27		
(53) Any person should have the right to have personal data concerning them rectified and a 'right to be forgotten' where the retention of such data is not in compliance with this Regulation. In particular, data subjects should have the right that their personal data are erased and no longer processed, where the data are no longer necessary in relation to the purposes for which the data are collected or otherwise processed, where data subjects have withdrawn their consent for processing or where they object to the processing of personal data concerning them or where the processing of their personal data otherwise does not comply with this Regulation. This right is particularly relevant, when the data subject has given their consent as a child, when not being fully aware of the risks	(53) Any person should have the right to have personal data concerning them rectified and a 'right to be forgotten erasure ' where the retention of such data is not in compliance with this Regulation. In particular, data subjects should have the right that their personal data are erased and no longer processed, where the data are no longer necessary in relation to the purposes for which the data are collected or otherwise processed, where data subjects have withdrawn their consent for processing or where they object to the processing of personal data concerning them or where the processing of their personal data otherwise does not comply with this Regulation. This right is particularly relevant;	(53) Any A natural person should have the right to have personal data concerning them rectified and a 'right to be forgotten' where the retention of such data is not in compliance with this Regulation or with Union or Member State law to which the controller is subject. In particular, data subjects should have the right that their personal data are erased and no longer processed, where the data are no longer necessary in relation to the purposes for which the data are collected or otherwise processed, where data subjects have withdrawn their consent for processing or where they object to the processing of personal data concerning them or where the processing of their personal data otherwise does not comply with this Regulation. This right is particularly in particular	<i>To be aligned with the relevant article(s)</i>

<p>involved by the processing, and later wants to remove such personal data especially on the Internet. However, the further retention of the data should be allowed where it is necessary for historical, statistical and scientific research purposes, for reasons of public interest in the area of public health, for exercising the right of freedom of expression, when required by law or where there is a reason to restrict the processing of the data instead of erasing them.</p>	<p>when the data subject has given their consent as a child, when not being fully aware of the risks involved by the processing, and later wants to remove such personal data especially on the Internet. However, the further retention of the data should be allowed where it is necessary for historical, statistical and scientific research purposes, for reasons of public interest in the area of public health, for exercising the right of freedom of expression, when required by law or where there is a reason to restrict the processing of the data instead of erasing them. <i>Also, the right to erasure should not apply when the retention of personal data is necessary for the performance of a contract with the data subject, or when there is a legal obligation to retain this data.</i></p>	<p>relevant, when the data subject has given their consent as a child, when not being fully aware of the risks involved by the processing, and later wants to remove such personal data especially on the Internet. <i>The data subject should be able to exercise this right notwithstanding the fact that he or she is no longer a child.</i> However, the further retention of the data should be allowed <i>lawful</i> where it is necessary for historical, statistical and scientific research purposes, for reasons of public interest in the area of public health, for exercising the right of freedom of expression <i>and information, for compliance with a legal obligation, for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller,</i> for reasons of public interest in the area of public health, <i>for archiving purposes in the public interest, for historical, statistical and scientific purposes or for the establishment, exercise or defence of legal claims</i> when required by law or where there is a reason to restrict the processing of the data instead of erasing them.</p>	
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	<i>Amendment 28</i>		
(54) To strengthen the 'right to be forgotten' in the online environment, the right to erasure should also be extended in such a way that a controller who has made the personal data public should be obliged to inform third parties which are processing such data that a data subject requests them to erase any links to, or copies or replications of that personal data. To ensure this information, the controller should take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible. In relation to a third party publication of personal data, the controller should be considered responsible for the publication, where the controller has authorised the publication by the third party.	(54) To strengthen the 'right to be forgotten- erasure ' in the online environment, the right to erasure should also be extended in such a way that a controller who has made the personal data public <i>without legal justification</i> should be obliged to inform third parties which are processing such data that a data subject requests them to erase any links to, or copies or replications of that personal data. To ensure this information, the controller should take all reasonable steps, including technical measures, in relation to data for the publication of which the controller is responsible. In relation to a third party publication of personal data, the controller should be considered responsible for the publication, where the controller has authorised the publication by the third party <i>take all necessary steps to have the data erased, including by third parties, without prejudice to the right of the data subject to claim compensation.</i>	(54) To strengthen the 'right to be forgotten' in the online environment, the right to erasure should also be extended in such a way that a controller who has made the personal data public should be obliged to inform third parties <i>the controllers</i> which are processing such data that a data subject requests them to erase any links to, or copies or replications of that personal data. To ensure this <i>the above mentioned</i> information, the controller should take all reasonable steps, <i>taking into account available technology and the means available to the controller,</i> including technical measures, in relation to data for the publication of which the controller is responsible. In relation to a third party publication of personal data, the controller should be considered responsible for the publication, where the controller has authorised the publication by the third party.	<i>To be aligned with the relevant article(s)</i>

	<i>Amendment 29</i>		
	<i>(54a) Data which are contested by the data subject and whose accuracy or inaccuracy cannot be determined should be blocked until the issue is cleared.</i>		<i>To be aligned with the relevant article(s)</i>
		<i>(54a) Methods to restrict processing of personal data could include, inter alia, temporarily moving the selected data to another processing system or making the selected data unavailable to users or temporarily removing published data from a website. In automated filing systems the restriction of processing of personal data should in principle be ensured by technical means; the fact that the processing of personal data is restricted should be indicated in the system in such a way that it is clear that the processing of the personal data is restricted.</i>	<i>To be aligned with the relevant article(s)</i>

	<i>Amendment 30</i>		
(55) To further strengthen the control over their own data and their right of access, data subjects should have the right, where personal data are processed by electronic means and in a structured and commonly used format, to obtain a copy of the data concerning them also in commonly used electronic format. The data subject should also be allowed to transmit those data, which they have provided, from one automated application, such as a social network, into another one. This should apply where the data subject provided the data to the automated processing system, based on their consent or in the performance of a contract.	(55) To further strengthen the control over their own data and their right of access, data subjects should have the right, where personal data are processed by electronic means and in a structured and commonly used format, to obtain a copy of the data concerning them also in commonly used electronic format. The data subject should also be allowed to transmit those data, which they have provided, from one automated application, such as a social network, into another one. Data controllers should be encouraged to develop interoperable formats that enable data portability. This should apply where the data subject provided the data to the automated processing system, based on their his or her consent or in the performance of a contract. Providers of information society services should not make the transfer of those data mandatory for the provision of their services.	(55) To further strengthen the control over their own data and their right of access, data subjects should have the right, where the processing of personal data are processed is carried out by electronic automated means and in a structured and commonly used format, to obtain a copy of the data concerning them also in commonly used electronic format. The the data subject should also be allowed to transmit receive those the personal data concerning him or her , which they have he or she has provided ; from one automated application, such as a social network, into to a controller, in a structured and commonly used and machine-readable format and transmit to another one controller. This right should apply where the data subject provided the personal data to the automated processing system, based on their his or her consent or in the performance of a contract. It should not apply where processing is based on another legal ground other than consent or	<i>To be aligned with the relevant article(s)</i>

		<p><i>contract. By its very nature this right should not be exercised against controllers processing data in the exercise of their public duties. It should therefore in particular not apply where processing of the personal data is necessary for compliance with a legal obligation to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of an official authority vested in the controller.</i></p> <p><i>The data subject's right to transmit personal data does not create an obligation for the controllers to adopt or maintain data processing systems which are technically compatible.</i></p> <p><i>Where, in a certain set of personal data, more than one data subject is concerned, the right to transmit the data should be without prejudice to the requirements on the lawfulness of the processing of personal data related to another data subject in accordance with</i></p>	
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		<p><i>this Regulation. This right should also not prejudice the right of the data subject to obtain the erasure of personal data and the limitations of that right as set out in this Regulation and should in particular not imply the erasure of personal data concerning the data subject which have been provided by him or her for the performance of a contract, to the extent and as long as the data are necessary for the performance of that contract.</i></p>	
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	<i>Amendment 31</i>		
(56) In cases where personal data might lawfully be processed to protect the vital interests of the data subject, or on grounds of public interest, official authority or the legitimate interests of a controller, any data subject should nevertheless be entitled to object to the processing of any data relating to them. The burden of proof should be on the controller to demonstrate that their legitimate interests may override the interests or the fundamental rights and freedoms of the data subject.	(56) In cases where personal data might lawfully be processed to protect the vital interests of the data subject, or on grounds of public interest, official authority or the legitimate interests of a controller, any data subject should nevertheless be entitled to object to the processing of any data relating to them him or her, free of charge and in a manner that can be easily and effectively invoked . The burden of proof should be on the controller to demonstrate that their legitimate interests may override the interests or the fundamental rights and freedoms of the data subject.	(56) In cases where personal data might lawfully be processed to protect the vital interests of the data subject, or because processing is necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller or on grounds of public interest, official authority or the legitimate interests of a controller or a third party , any data subject should nevertheless be entitled to object to the processing of any data relating to them their particular situation . The burden of proof It should be on for the controller to demonstrate that their compelling legitimate interests may override the interests or the fundamental rights and freedoms of the data subject.	<i>To be aligned with the relevant article(s)</i>

	<i>Amendment 32</i>		
(57) Where personal data are processed for the purposes of direct marketing, the data subject should have the right to object to such processing free of charge and in a manner that can be easily and effectively invoked.	(57) Where personal data are processed for the purposes of direct marketing , the data subject should have has the right to object to such the processing free of charge and in a manner that can be easily and effectively invoked , <i>the controller should explicitly offer it to the data subject in an intelligible manner and form, using clear and plain language and should clearly distinguish it from other information.</i>	(57) Where personal data are processed for the purposes of direct marketing, the data subject should have the right to object to such processing, <i>whether the initial or further processing</i> , free of charge and in a manner that can be easily and effectively invoked.	<i>To be aligned with the relevant article(s)</i>

	<i>Amendment 33</i>		
(58) Every natural person should have the right not to be subject to a measure which is based on profiling by means of automated processing. However, such measure should be allowed when expressly authorised by law, carried out in the course of entering or performance of a contract, or when the data subject has given his consent. In any case, such processing should be subject to suitable safeguards, including specific information of the data subject and the right to obtain human intervention and that such measure should not concern a child.	(58) <i>Without prejudice to the lawfulness of the data processing, every</i> natural person should have the right not to be subject to <i>to object to a measure which is based on profiling by means of automated processing.</i> However, such measure. <i>Profiling which leads to measures producing legal effects concerning the data subject or does similarly significantly affect the interests, rights or freedoms of the concerned data subject</i> should <i>only</i> be allowed when expressly authorised by law, carried out in the course of entering or performance of a contract, or when the data subject has given his consent. The In any case, such processing should be subject to suitable safeguards, including specific information of the data subject and the right to obtain human intervention <i>assessment</i> and that such measure should not concern a	(58) Every natural person <i>The data subject</i> should have the right not to be subject to a measure <i>a decision evaluating personal aspects relating to him or her</i> which is based solely on profiling by means of automated processing, <i>which produces legal effects concerning him or her or significantly affects him or her, like automatic refusal of an on-line credit application or e-recruiting practices without any human intervention. Such processing includes also 'profiling' consisting in any form of automated processing of personal data evaluating personal aspects relating to a natural person, in particular to analyse or predict aspects concerning performance at work, economic situation, health, personal preferences or interests, reliability or behaviour, location or movements as long as it produces legal effects concerning him or her or significantly affects him or her.</i> However, such measure <i>decision making based on such processing,</i>	<i>To be aligned with the relevant article(s)</i>

	<p>child. <i>Such measures should not lead to discrimination against individuals on the basis of race or ethnic origin, political opinions, religion or beliefs, trade union membership, sexual orientation or gender identity.</i></p>	<p><i>including profiling</i>, should be allowed when expressly authorised by <i>Union or Member State</i> law, carried out in the course of <i>to which the controller is subject, including for fraud and tax evasion monitoring and prevention purposes and to ensure the security and reliability of a service provided by the controller, or necessary for the</i> entering or performance of a contract <i>between the data subject and a controller</i>, or when the data subject has given his <i>or her explicit</i> consent. In any case, such processing should be subject to suitable safeguards, including specific information of the data subject and the right to obtain human intervention and that such measure should not concern a child, <i>to express his or her point of view, to get an explanation of the decision reached after such assessment and the right to contest the decision. In order to ensure fair and transparent processing in respect of the data subject, having regard to the specific circumstances and context in which the personal data are processed, the controller should</i></p>	
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		<p><i>use adequate mathematical or statistical procedures for the profiling, implement technical and organisational measures appropriate to ensure in particular that factors which result in data inaccuracies are corrected and the risk of errors is minimized, secure personal data in a way which takes account of the potential risks involved for the interests and rights of the data subject and which prevents inter alia discriminatory effects against individuals on the basis of race or ethnic origin, political opinions, religion or beliefs, trade union membership, genetic or health status, sexual orientation or that result in measures having such effect. Automated decision making and profiling based on special categories of personal data should only be allowed under specific conditions.</i></p>	
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	<i>Amendment 34</i>		
	<p><i>(58a) Profiling based solely on the processing of pseudonymous data should be presumed not to significantly affect the interests, rights or freedoms of the data subject. Where profiling, whether based on a single source of pseudonymous data or on the aggregation of pseudonymous data from different sources, permits the controller to attribute pseudonymous data to a specific data subject, the processed data should no longer be considered to be pseudonymous.</i></p>		<p><i>To be aligned with the relevant article(s)</i></p>

		<p><i>(58a) Profiling as such is subject to the (general) rules of this Regulation governing processing of personal data (legal grounds of processing, data protection principles etc.) with specific safeguards (for instance the obligation to conduct an impact assessment in some cases or provisions concerning specific information to be provided to the concerned individual). The European Data Protection Board should have the possibility to issue guidance in this context.</i></p>	<p><i>To be aligned with the relevant article(s)</i></p>
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<i>Article 4</i>	<i>Article 4</i>	<i>Article 4</i>	
<i>Definitions</i>	<i>Definitions</i>	<i>Definitions</i>	
	<i>Amendment 98</i>		
	<i>(2b) 'encrypted data' means personal data, which through technological protection measures is rendered unintelligible to any person who is not authorised to access them;</i>		<i>Tentative agreement to mention the process of encryption in recital 66.</i>
	<i>(3a) 'profiling' means any form of automated processing of personal data intended to evaluate certain personal aspects relating to a natural person or to analyse or predict in particular that natural person's performance at work, economic situation, location, health, personal preferences, reliability or behaviour;</i>		<i>Tentative agreement in trilogue:</i> <i>(3a) 'profiling' means any form of automated processing of personal data consisting of using those data to evaluate certain personal aspects relating to a natural person, in particular to analyse or predict aspects concerning that natural person's performance at work, economic situation, health, personal preferences, interests, reliability, behaviour, location or movements.</i>

		<i>(3a) 'restriction of processing' means the marking of stored personal data with the aim of limiting their processing in the future;</i>	<i>Tentative agreement in trilogue:</i> (3a) 'restriction of processing' means the marking of stored personal data with the aim of limiting their processing in the future; <i>Subject to further clarifications in a recital.</i>
(4) 'filing system' means any structured set of personal data which are accessible according to specific criteria, whether centralized, decentralized or dispersed on a functional or geographical basis;	(4) 'filing system' means any structured set of personal data which are accessible according to specific criteria, whether centralized, decentralized or dispersed on a functional or geographical basis;	(4) 'filing system' means any structured set of personal data which are accessible according to specific criteria, whether centralized, decentralized or dispersed on a functional or geographical basis;	(4) 'filing system' means any structured set of personal data which are accessible according to specific criteria, whether centralized, decentralized or dispersed on a functional or geographical basis;
(7) 'recipient' means a natural or legal person, public authority, agency or any other body to which the personal data are disclosed;	(7) 'recipient' means a natural or legal person, public authority, agency or any other body to which the personal data are disclosed;	(7) 'recipient' means a natural or legal person, public authority, agency or any other body to which the personal data are disclosed, <i>whether a third party or not; however, authorities which may receive data in the framework of a particular inquiry shall not be regarded as recipients;</i>	<i>To be rediscussed at a later stage</i>

	<i>(7a) ‘third party’ means any natural or legal person, public authority, agency or any other body other than the data subject, the controller, the processor and the persons who, under the direct authority of the controller or the processor, are authorized to process the data;</i>		<i>Tentative agrrement in trilogue:</i> <i>(7a) ‘third party’ means any natural or legal person, public authority, agency or any other body other than the data subject, the controller, the processor and the persons who, under the direct authority of the controller or the processor, are authorized to process the data;</i>
		<i>(12a) 'profiling' means any form of automated processing of personal data consisting of using those data to evaluate personal aspects relating to a natural person, in particular to analyse and predict aspects concerning performance at work, economic situation, health, personal preferences, or interests, reliability or behaviour, location or movements;</i>	<i>see definition 3a</i>

CHAPTER III RIGHTS OF THE DATA SUBJECT	CHAPTER III RIGHTS OF THE DATA SUBJECT	CHAPTER III RIGHTS OF THE DATA SUBJECT	
SECTION 1 TRANSPARENCY AND MODALITIES	SECTION 1 TRANSPARENCY AND MODALITIES	SECTION 1 TRANSPARENCY AND MODALITIES	
	<i>Article 10 a (new)</i>		<i>deleted</i>
	<i>Amendment 105</i>		
	<i>General principles for the rights of the data subject rights</i>		<i>deleted</i>
	<i>1. The basis of data protection is clear and unambiguous rights for the data subject which shall be respected by the data controller. The provisions of this Regulation aim to strengthen, clarify, guarantee and where appropriate, codify these rights.</i>		<i>deleted</i>

	<p><i>2. Such rights include, inter alia, the provision of clear and easily understandable information regarding the processing of the data subject's his or her personal data, the right of access, rectification and erasure of their his or her data, the right to obtain data, the right to object to profiling, the right to lodge a complaint with the competent data protection authority and to bring legal proceedings as well as the right to compensation and damages resulting from an unlawful processing operation. Such rights shall in general be exercised free of charge. The data controller shall respond to requests from the data subject within a reasonable period of time.</i></p>		<i>deleted</i>
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<i>Article 11</i>	<i>Article 11</i>	<i>Article 11</i>	
<i>Transparent information and communication</i>	<i>Transparent information and communication</i>	<i>Transparent information and communication</i>	
	<i>Amendment 106</i>		
1. The controller shall have transparent and easily accessible policies with regard to the processing of personal data and for the exercise of data subjects' rights.	1. The controller shall have concise , transparent, clear and easily accessible policies with regard to the processing of personal data and for the exercise of data subjects' rights	<i>deleted</i>	<i>deleted</i>
2. The controller shall provide any information and any communication relating to the processing of personal data to the data subject in an intelligible form, using clear and plain language, adapted to the data subject, in particular for any information addressed specifically to a child.	2. The controller shall provide any information and any communication relating to the processing of personal data to the data subject in an intelligible form, using clear and plain language, adapted to the data subject , in particular for any information addressed specifically to a child.	<i>deleted</i>	<i>deleted</i>

<i>Article 12</i>	<i>Article 12</i>	<i>Article 12</i>	<i>Article 12</i>
<i>Procedures and mechanisms for exercising the rights of the data subject</i>	<i>Procedures and mechanisms for exercising the rights of the data subject</i>	Procedures and mechanisms Transparent information, communication and modalities for exercising the rights of the data subject	Transparent information, communication and modalities for exercising the rights of the data subject
	<i>Amendment 107</i>		
1. The controller shall establish procedures for providing the information referred to in Article 14 and for the exercise of the rights of data subjects referred to in Article 13 and Articles 15 to 19. The controller shall provide in particular mechanisms for facilitating the request for the actions referred to in Article 13 and Articles 15 to 19. Where personal data are processed by automated means, the controller shall also provide means for requests to be made electronically.	1. The controller shall establish procedures for providing the information referred to in Article 14 and for the exercise of the rights of data subjects referred to in Article 13 and Articles 15 to 19. The controller shall provide in particular mechanisms for facilitating the request for the actions referred to in Article 13 and Articles 15 to 19. Where personal data are processed by automated means, the controller shall also provide means for requests to be made electronically where possible.	1. The controller shall establish procedures for providing the take appropriate measured to provide any information referred to in Article 14 and 14a for the exercise of the rights of data subjects referred to in Article 13 and any communication under Articles 15 to 19 and 32 relating to the processing of personal data to the data subject in an intelligible and easily accessible form, using clear and plain language. The information shall be provided in writing, or by other means, where appropriately in electronic form. Where the data subject makes the request in electronic form, the information may as a rule be provided in electronic form, unless otherwise requested by the data subject. When requested by the	<i>Tentative agreement in trilogue:</i> 1. The controller shall take appropriate measures to provide any information referred to in Article 14 and 14a and any communication under Articles 15 to [19/20], and 32 relating to the processing of personal data to the data subject in a concise, transparent, intelligible and easily accessible form, using clear and plain language, in particular for any information addressed specifically to a child. The information shall be provided in writing, or by other means, where appropriately in electronic form. When requested by the data subject, the information may be given orally provided that

		<p><i>data subject, the information may be given orally provided that the identity of the data subject is proven other means.</i> The controller shall provide in particular mechanisms for facilitating the request for the actions referred to in Article 13 and Articles 15 to 19. Where personal data are processed by automated means, the controller shall also provide means for requests to be made electronically.</p>	<p>the identity of the data subject is proven other means.</p> <p><i>Reference to Article 20 to be discussed when agreement on Article 20(1)</i></p>
		<p><i>1a. The controller shall facilitate the exercise of data subject rights under Articles 15 to 19. In cases referred to in Article 10 (2) the controller shall not refuse to act on the request of the data subject for exercising his/her rights under Articles 15 to 19, unless the controller demonstrates that he/she is not in a position to identify the data subject.</i></p>	<p><i>Tentative agreement in trilogue:</i></p> <p>1a. The controller shall facilitate the exercise of data subject rights under Articles 15 to [19/20].</p> <p><i>Reference to Article 20 to be discussed when agreement on Article 20(1)</i></p>

<p>2. The controller shall inform the data subject without delay and, at the latest within one month of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. This period may be prolonged for a further month, if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller. The information shall be given in writing. Where the data subject makes the request in electronic form, the information shall be provided in electronic form, unless otherwise requested by the data subject.</p>	<p>2. The controller shall inform the data subject without undue delay and, at the latest within one month 40 calendar days of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. This period may be prolonged for a further month, if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller. The information shall be given in writing and, where possible, the controller may provide remote access to a secure system which would provide the data subject with direct access to their- his or her personal data. Where the data subject makes the request in electronic form, the information shall be provided in electronic form where possible, unless otherwise requested by the data subject.</p>	<p>2. The controller shall provide information on action taken on a request under Articles 15 and 16 to 19 to the data subject without undue delay and, at the latest within one month of receipt of the request, whether or not any action has been taken pursuant to Article 13 and Articles 15 to 19 and shall provide the requested information. This period may be prolonged extended for a further two months when necessary, taking into account the complexity of the request and the number of the requests., if several data subjects exercise their rights and their cooperation is necessary to a reasonable extent to prevent an unnecessary and disproportionate effort on the part of the controller. The information shall be given in writing. Where the extended period applies, the data subject makes the request in electronic form, the information shall be provided in electronic form, unless otherwise requested by the data subject informed within one month of receipt of the request of the reasons for the delay.</p>	<p><i>Tentative agreement in trilogue:</i></p> <p>2. The controller shall provide information on action taken on a request under Articles 15 to 20 to the data subject without undue delay and, at the latest within one month of receipt of the request. This period may be extended for a maximum of two further months when necessary, taking into account the complexity of the request and the number of the requests. Where the extended period applies, the data subject shall be informed within one month of receipt of the request of the reasons for the delay. Where the data subject makes the request in electronic form, the information shall be provided in electronic form where possible, unless otherwise requested by the data subject.</p>
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<p>3. If the controller refuses to take action on the request of the data subject, the controller shall inform the data subject of the reasons for the refusal and on the possibilities of lodging a complaint to the supervisory authority and seeking a judicial remedy.</p>	<p>3. If the controller refuses to does not take action at the request of the data subject, the controller shall inform the data subject of the reasons for the refusal inaction and on the possibilities of lodging a complaint to the supervisory authority and seeking a judicial remedy.</p>	<p>3. If the controller refuses to does not take action on the request of the data subject, the controller shall inform the data subject without delay and at the latest within one month of receipt of the request of the reasons for the refusal not taking action and on the possibilities possibility of lodging a complaint to the a supervisory authority and seeking a judicial remedy.</p>	<p><i>Tentative agreement in trilogue:</i></p> <p>3. If the controller does not take action on the request of the data subject, the controller shall inform the data subject without delay and at the latest within one month of receipt of the request of the reasons for not taking action and on the possibility of lodging a complaint to a supervisory authority and seeking a judicial remedy.</p>
<p>4. The information and the actions taken on requests referred to in paragraph 1 shall be free of charge. Where requests are manifestly excessive, in particular because of their repetitive character, the controller may charge a fee for providing the information or taking the action requested, or the controller may not take the action requested. In that case, the controller shall bear the burden of proving the manifestly excessive character of the request.</p>	<p>4. The information and the actions taken on requests referred to in paragraph 1 shall be free of charge. Where requests are manifestly excessive, in particular because of their repetitive character, the controller may charge a reasonable fee taking into account the administrative costs for providing the information or taking the action requested, or the controller may not take the action requested. In that case, the controller shall bear the burden of proving the manifestly excessive character of the request.</p>	<p>4. The iInformation and the actions taken on requests referred to in paragraph 1 provided under Articles 14 and 14a and any communication under Articles 16 to 19 and 32 shall be provided free of charge. Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may charge a fee for providing the information or taking the action requested, or the controller may not take the action requested refuse to act on</p>	<p><i>Tentative agreement in trilogue:</i></p> <p>4. Information provided under Articles 14 and 14a and any communication and any actions taken under Articles 15 to [19/20] and 32 shall be provided free of charge. Where requests from a data subject are manifestly unfounded or excessive, in particular because of their repetitive character, the controller may charge a reasonable fee taking into account the</p>

		<i>the request.</i> In that case, the controller shall bear the burden of proving demonstrating the manifestly unfounded or excessive character of the request.	administrative costs for providing the information or the communication or taking the action requested, or the controller may refuse to act on the request. In these cases, the controller shall bear the burden of demonstrating the manifestly unfounded or excessive character of the request.
		<i>4a. Without prejudice to Article 10, where the controller has reasonable doubts concerning the identity of the individual making the request referred to in Articles 15 to 19, the controller may request the provision of additional information necessary to confirm the identity of the data subject.</i>	<i>Tentative agreement in trilogue:</i> 4a. Without prejudice to Article 10, where the controller has reasonable doubts concerning the identity of the individual making the request referred to in Articles 15 to 19, the controller may request the provision of additional information necessary to confirm the identity of the data subject.
5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and conditions for the manifestly excessive requests and the fees referred to in paragraph 4.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

6. The Commission may lay down standard forms and specifying standard procedures for the communication referred to in paragraph 2, including the electronic format. In doing so, the Commission shall take the appropriate measures for micro, small and medium-sized enterprises. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 87(2).	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
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<i>Article 13</i>	<i>Article 13</i>	<i>Article 13</i>	<i>deleted</i>
	<i>Amendment 108</i>		
<i>Rights in relation to recipients</i>	<i>Rights in relation to recipients</i> <i>Notification requirement in the event of rectification and erasure</i>	<i>Rights in relation to recipients</i>	<i>deleted</i>
The controller shall communicate any rectification or erasure carried out in accordance with Articles 16 and 17 to each recipient to whom the data have been disclosed, unless this proves impossible or involves a disproportionate effort.	The controller shall communicate any rectification or erasure carried out in accordance with Articles 16 and 17 to each recipient to whom the data have been disclosed <i>transferred</i> , unless this proves impossible or involves a disproportionate effort. <i>The controller shall inform the data subject about those recipients if the data subject requests this.</i>	<i>deleted</i>	<i>deleted</i>

SECTION 2	SECTION 2	SECTION 2	
INFORMATION AND ACCESS TO DATA	INFORMATION AND ACCESS TO DATA	INFORMATION AND ACCESS TO DATA	
	<i>Article 13 a (new)</i>		
	<i>Amendment 109</i>		
	<i>Standardised information policies</i>		
	<i>1. Where personal data relating to a data subject are collected, the controller shall provide the data subject with the following particulars before providing information pursuant to Article 14:</i>		
	<i>(a) whether personal data are collected beyond the minimum necessary for each specific purpose of the processing;</i>		
	<i>(b) whether whether personal data are retained beyond the minimum necessary for each specific purpose of the processing;</i>		

	<i>(c) whether personal data are processed for purposes other than the purposes for which they were collected;</i>		
	<i>(d) whether personal data are disseminated to commercial third parties;</i>		
	<i>(e) whether personal data are sold or rented out;</i>		
	<i>(f) whether personal data are retained in encrypted form.</i>		
	<i>2. The particulars referred to in paragraph 1 shall be presented pursuant to Annex to this Regulation in an aligned tabular format, using text and symbols, in the following three columns:</i>		
	<i>(a) the first column depicts graphical forms symbolising those particulars;</i>		
	<i>(b) the second column contains essential information describing those particulars;</i>		

	<i>(c) the third column depicts graphical forms indicating whether a specific particular is met.</i>		
	<i>3. The information referred to in paragraphs 1 and 2 shall be presented in an easily visible and clearly legible way and shall appear in a language easily understood by the consumers of the Member States to whom the information is provided. Where the particulars are presented electronically, they shall be machine readable.</i>		
	<i>4. Additional particulars shall not be provided. Detailed explanations or further remarks regarding the particulars referred to in paragraph 1 may be provided together with the other information requirements pursuant to Article 14.</i>		

	<p><i>5. 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 particulars referred to in paragraph 1 and their presentation as referred to in paragraph 2 and in the Annex to this Regulation.</i></p>		
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Article 14	Article 14	Article 14	
Information to the data subject	Information to the data subject	Information to be provided where the data are collected from the data subject	
	Amendment 110		
1. Where personal data relating to a data subject are collected, the controller shall provide the data subject with at least the following information:	1. Where personal data relating to a data subject are collected, the controller shall provide the data subject with at least the following information, after the particulars pursuant to Article 13a have been provided:	1. Where personal data relating to a data subject are collected from the data subject , the controller shall, at the time when personal data are obtained , provide the data subject with at least the following information:	<i>Structure of Article to be discussed at a later stage</i>
(a) the identity and the contact details of the controller and, if any, of the controller's representative and of the data protection officer;	(a) the identity and the contact details of the controller and, if any, of the controller's representative and of the data protection officer;	(a) the identity and the contact details of the controller and, if any, of the controller's representative; the controller shall also include the contact details and of the data protection officer, if any ;	<i>Tentative agreement in trilogue:</i> (a) the identity and the contact details of the controller and, if any, of the controller's representative; the controller shall also include the contact details of the data protection officer, if any;

<p>(b) the purposes of the processing for which the personal data are intended, <i>including the contract terms and general conditions where the processing is based on point (b) of Article 6(1)</i> and the legitimate interests pursued by the controller where the processing is based on point (f) of Article 6(1);</p>	<p>(b) the purposes of the processing for which the personal data are intended, <i>as well as information regarding the security of the processing of personal data,</i> 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, <i>where applicable, information on how they implement and meet the requirements of point (f) of Article 6(1);</i></p>	<p>(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); <i>as well as the legal basis of the processing.</i></p>	<p><i>Tentative agreement in trilogue:</i></p> <p>(b) the purposes of the processing for which the personal data are intended as well as the legal basis of the processing.</p>
		<p><i>1a. In addition to the information referred to in paragraph 1, the controller shall at the time when personal data are obtained provide the data subject with such further information that is necessary to ensure fair and transparent processing, having regard to the specific circumstances and context in which the personal data are processed:</i></p>	<p><i>Structure of Article to be discussed at a later stage</i></p>

(c) the period for which the personal data will be stored;	(c) the period for which the personal data will be stored, <i>or if this is not possible, the criteria used to determine this period;</i>	<i>deleted</i>	<i>Tentative agreement in trilogue:</i> (a) the period for which the personal data will be stored, or if this is not possible, the criteria used to determine this period;
		<i>(b) where the processing is based on point (f) of Article 6(1), the legitimate interests pursued by the controller or by a third party;</i>	<i>To be discussed at a later stage</i>
		<i>(fc) the recipients or categories of recipients of the personal data;</i>	<i>Tentative agreement in trilogue:</i> (c) the recipients or categories of recipients of the personal data;

		<p>(gd) where applicable, that the controller intends to transfer personal data to a recipient in 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;</p>	<p><i>Tentative agreement in trilogue:</i></p> <p>(d) where applicable, that the controller intends to transfer personal data to a third country or international organisation and the existence or absence of an adequacy decision by the Commission, or in case of transfers referred to in Article 42 or 43, or point (h) of Article 44(1), reference to the appropriate or suitable safeguards and the means to obtain a copy of them or where they have been made available;</p>
<p>(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;</p>	<p>(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, or to obtain data;</p>	<p>(de) the existence of the right to request from the controller access to and rectification or erasure of the personal data or restriction of processing of personal data concerning the data subject or and to object to the processing of such personal data as well as the right to data portability;</p>	<p><i>Tentative agreement in trilogue:</i></p> <p>(e) the existence of the right to request from the controller access to and rectification or erasure of the personal data or restriction of processing of personal data concerning the data subject or to object to the processing of such personal data as well as the right to data portability;</p>

		<i>(ea) where the processing is based on point (a) of Article 6(1) or point (a) of Article 9(2), the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;</i>	<i>Tentative agreement in trilogue:</i> (ea) where the processing is based on point (a) of Article 6(1) or point (a) of Article 9(2), the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;
(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 <i>with</i> the supervisory authority and the contact details of the supervisory authority;	(e) <i>(ef)</i> the right to lodge a complaint to the <i>a</i> supervisory authority and the contact details of the supervisory authority;	<i>Tentative agreement in trilogue:</i> (f) the right to lodge a complaint to a supervisory authority;
(f) the recipients or categories of recipients of the personal data;	(f) the recipients or categories of recipients of the personal data;	<i>moved under (c)</i>	<i>moved under (c)</i>

(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's intends to transfer <i>the data</i> to a third country or international organisation and on the level of protection afforded by that third country or international organisation by reference to the <i>existence or absence of</i> an adequacy decision by the Commission, <i>or in case of transfers referred to in Article 42, Article 43, or point (h) of Article 44(1), reference to the appropriate safeguards and the means to obtain a copy of them;</i>	<i>moved under (d) modified</i>	<i>moved under (d) modified</i>
		<i>(g) whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the data subject is obliged to provide the data and of the possible consequences of failure to provide such data;</i>	<i>Tentative agreement in trilogue:</i> (g) whether the provision of personal data is a statutory or contractual requirement, or a requirement necessary to enter into a contract, as well as whether the data subject is obliged to provide the data and of the possible consequences of failure to provide such data;

	<i>(ga) where applicable, information about the existence of profiling, of measures based on profiling, and the envisaged effects of profiling on the data subject;</i>		
	<i>(gb) meaningful information about the logic involved in any automated processing;</i>		
		<i>(h) the existence of automated decision making including profiling referred to in Article 20(1) and (3) and information concerning the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.</i>	<p><i>Tentative agreement in trilogue:</i></p> <p>(h) the existence of automated decision making including profiling referred to in Article 20[(1) and (3)] and at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.</p>

(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 <i>which is</i> necessary to guarantee fair processing in respect of the data subject, having regard to the specific circumstances in which the personal data are collected <i>or processed, in particular the existence of certain processing activities and operations for which a personal data impact assessment has indicated that there may be a high risk;</i>	<i>deleted</i>	<i>deleted</i>
	<i>(ha) where applicable, information whether personal data was were provided to public authorities during the last consecutive 12-month period.</i>		<i>deleted</i>

		<i>1b. Where the controller intends to further process the data for a purpose other than the one for which the data were collected the controller shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in paragraph 1a.</i>	<i>Tentative agreement in trilogue:</i> 1b. Where the controller intends to further process the data for a purpose other than the one for which the data were collected the controller shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in paragraph 1a.
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.	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 mandatory or voluntary optional , as well as the possible consequences of failure to provide such data.	<i>deleted</i>	<i>deleted</i>

	<i>2a. In deciding on further information which is necessary to make the processing fair under point (h) of paragraph 1, controllers shall have regard to any relevant guidance under Article 3834.</i>		<i>Structure of Article to be discussed at a later stage</i>
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 <i>specific</i> personal data originate. <i>If personal data originate from publicly available sources, a general indication may be given.</i>	<i>deleted</i>	<i>Tentative agreement to move to Article 14a</i>
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:	<i>deleted</i>	<i>Structure of Article to be discussed at a later stage</i>
(a) at the time when the personal data are obtained from the data subject; or	(a) at the time when the personal data are obtained from the data subject <i>or without undue delay where the above is not feasible;</i> or	<i>deleted</i>	<i>Structure of Article to be discussed at a later stage</i>

	<i>(aa) on at the request by of a body, organization or association referred to in Article 73;</i>		<i>Structure of Article to be discussed at a later stage</i>
(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.	(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 transfer to another recipient is envisaged, and at the latest when the data are first disclosed at the time of the first transfer, or, if the data are to be used for communication with the data subject concerned, at the latest at the time of the first communication to that data subject; or	<i>deleted</i>	<i>Tentative agreement to move to Article 14a</i>
	<i>(ba) only on request where the data are processed by a small or micro enterprise which processes personal data only as an ancillary activity.</i>		<i>Structure of Article to be discussed at a later stage</i>

5. Paragraphs 1 to 4 shall not apply, where:	5. Paragraphs 1 to 4 shall not apply, where:	5. Paragraphs 1, to 4 1a and 1b shall not apply, where and insofar as the data subject already has the information.	<i>Tentative agreement in trilogue:</i> 5. Paragraphs 1, 1a and 1b shall not apply where and insofar as the data subject already has the information.
(a) the data subject has already the information referred to in paragraphs 1, 2 and 3; or	(a) the data subject has already the information referred to in paragraphs 1, 2 and 3; or	<i>merged with above 5.</i>	<i>merged with above 5.</i>
(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 <i>are processed for historical, statistical or scientific research purposes subject to the conditions and safeguards referred to in Articles 81 and 83,</i> are not collected from the data subject and the provision of such information proves impossible or would involve a disproportionate effort <i>and the controller has published the information for anyone to retrieve;</i> or	<i>deleted</i>	<i>Tentative agreement to move to Article 14a</i>

(c) the data are not collected from the data subject and recording or disclosure is expressly laid down by law; or	(c) the data are not collected from the data subject and recording or disclosure is expressly laid down by law <i>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;</i> or	<i>deleted</i>	<i>Tentative agreement to move to Article 14a</i>
(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.	(d) the data are not collected from the data subject and the provision of such information will impair the rights and freedoms of others <i>other natural persons</i> , as defined in Union law or Member State law in accordance with Article 21;	<i>deleted</i>	<i>Tentative agreement to move to Article 14a</i>
	<i>(da) 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 Union or Member State law or to a statutory obligation of secrecy, unless the data is collected directly from the data subject.</i>		<i>Tentative agreement to move to Article 14a</i>

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.	6. In the case referred to in point (b) of paragraph 5, the controller shall provide appropriate measures to protect the data subject's <i>rights or</i> legitimate interests.	<i>deleted</i>	<i>deleted</i>
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.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

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).	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
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		<i>Article 14a</i>	<i>Article 14a</i>
		<i>Information to be provided where the data have not been obtained from the data subject</i>	<i>Information to be provided where the data have not been obtained from the data subject</i>
		<i>1. Where personal data have not been obtained from the data subject, the controller shall provide the data subject with the following information:</i>	<i>Structure of Article to be discussed at a later stage</i>
		<i>(a) the identity and the contact details of the controller and, if any, of the controller's representative; the controller shall also include the contact details of the data protection officer, if any;</i>	<i>Tentative agreement in trilogue:</i> (a) the identity and the contact details of the controller and, if any, of the controller's representative; the controller shall also include the contact details of the data protection officer, if any;
		<i>(b) the purposes of the processing for which the personal data are intended as well as the legal basis of the processing.</i>	<i>Tentative agreement in trilogue:</i> (b) the purposes of the processing for which the personal data are intended as well as the legal basis of the processing.

		<i>2. In addition to the information referred to in paragraph 1, the controller shall provide the data subject with such further information that is necessary to ensure fair and transparent processing in respect of the data subject, having regard to the specific circumstances and context in which the personal data are processed :</i>	<i>Structure of Article to be discussed at a later stage</i>
		<i>(a) the categories of personal data concerned;</i>	<i>Tentative agreement in trilogue:</i> <i>(a) the categories of personal data concerned;</i>
		<i>(b)</i> —	
			<i>Tentative agreement in trilogue:</i> <i>(b) the period for which the personal data will be stored, or if this is not possible, the criteria used to determine this period;</i>
		<i>(c) where the processing is based on point (f) of Article 6(1), the legitimate interests pursued by the controller or by a third party;</i>	<i>To be discussed at a later stage</i>

		<i>(d) the recipients or categories of recipients of the personal data;</i>	<i>Tentative agreement in trilogue:</i> (d) the recipients or categories of recipients of the personal data;
		<i>(da) where applicable, that the controller intends to transfer personal data to a recipient in a third country or international organisation;</i>	<i>Tentative agreement in trilogue:</i> c) where applicable, that the controller intends to transfer personal data to a third country or international organisation and the existence or absence of an adequacy decision by the Commission, or in case of transfers referred to in Article 42 or 43, or point (h) of Article 44(1), reference to the appropriate or suitable safeguards and the means to obtain a copy of them or where they have been made available;
		<i>(e) the existence of the right to request from the controller access to and rectification or erasure of the personal data or restriction of processing of personal data concerning the data subject and to object to the processing of such personal data as well as the right to data portability;</i>	<i>Tentative agreement in trilogue:</i> (e) the existence of the right to request from the controller access to and rectification or erasure of the personal data or restriction of processing of personal data concerning the data subject and to object to the processing of such personal data as well as the right to data portability;

		<i>(ea) where the processing is based on point (a) of Article 6(1) or point (a) of Article 9(2), the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;</i>	<i>Tentative agreement in trilogue:</i> (ea) where the processing is based on point (a) of Article 6(1) or point (a) of Article 9(2), the existence of the right to withdraw consent at any time, without affecting the lawfulness of processing based on consent before its withdrawal;
		<i>(f) the right to lodge a complaint to a supervisory authority;</i>	<i>Tentative agreement in trilogue:</i> (f) the right to lodge a complaint to a supervisory authority;
		<i>(g) from which source the personal data originate, unless the data originate from publicly accessible sources;</i>	<i>To be discussed at a later stage</i>
		<i>(h) the existence of automated decision making including profiling referred to in Article 20(1) and (3) and information concerning the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.</i>	<i>Tentative agreement in trilogue:</i> (h) the existence of automated decision making including profiling referred to in Article 20[(1) and (3)] and at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject

		<i>3. The controller shall provide the information referred to in paragraphs 1 and 2:</i>	<i>Tentative agreement in trilogue:</i> 3. The controller shall provide the information referred to in paragraphs 1 and 2:
		<i>(a) within a reasonable period after obtaining the data, but at the latest within one month, having regard to the specific circumstances in which the data are processed, or</i>	<i>Tentative agreement in trilogue:</i> (a) within a reasonable period after obtaining the data, but at the latest within one month, having regard to the specific circumstances in which the data are processed, or
			<i>Tentative agreement in trilogue:</i> (b) if the data are to be used for communication with the data subject, at the latest at the time of the first communication to that data subject; or
		<i>(b) if a disclosure to another recipient is envisaged, at the latest when the data are first disclosed.</i>	<i>Tentative agreement in trilogue:</i> (c) if a disclosure to another recipient is envisaged, at the latest when the data are first disclosed.

		<i>3a. Where the controller intends to further process the data for a purpose other than the one for which the data were obtained, the controller shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in paragraph 2</i>	<i>Tentative agreement in trilogue:</i> 3a. Where the controller intends to further process the data for a purpose other than the one for which the data were obtained, the controller shall provide the data subject prior to that further processing with information on that other purpose and with any relevant further information as referred to in paragraph 2.
		<i>4. Paragraphs 1 to 3a shall not apply where and insofar as:</i>	<i>Tentative agreement in trilogue:</i> 4. Paragraphs 1 to 3a shall not apply where and insofar as:
		<i>(a) the data subject already has the information; or</i>	<i>Tentative agreement in trilogue:</i> (a) the data subject already has the information; or

		<i>(b) the provision of such information proves impossible or would involve a disproportionate effort; in such cases the controller shall take appropriate measures to protect the data subject's rights and freedoms and legitimate interests; or</i>	<i>Tentative agreement in trilogue:</i> (b) the provision of such information proves impossible or would involve a disproportionate effort; in particular for processing [for archiving purposes or for historical, statistical or scientific research purposes subject to the conditions and safeguards referred to in Articles 81, 83, and 83a]; in such cases the controller shall take appropriate measures to protect the data subject's rights and freedoms and legitimate interests, [including making the information publicly available]; or
		<i>(c) obtaining or disclosure is expressly laid down by Union or Member State law to which the controller is subject, which provides appropriate measures to protect the data subject's legitimate interests; or</i>	<i>Tentative agreement in trilogue:</i> (c) obtaining or disclosure is expressly laid down by Union or Member State law to which the controller is subject, which provides appropriate measures to protect the data subject's legitimate interests; or
		<i>(d)</i> —	

		<p><i>(e) where the data must remain confidential in accordance with Union or Member State law .</i></p>	<p><i>To be rediscussed at a later stage on the Commission's proposal:</i></p> <p>(d) where the provision of such information will impair the rights and freedoms of others, as defined in Union or Member State law in accordance with Article 21, including where the data must remain confidential for such reasons.</p>
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<i>Article 15</i>	<i>Article 15</i>	<i>Article 15</i>	<i>Article 15</i>
	<i>Amendment 111</i>		
<i>Right of access for the data subject</i>	Right of to access <i>and to obtain data</i> for the data subject	<i>Right of access for the data subject</i>	<i>Right of access for the data subject</i>
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:	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, and, in clear and plain language, the controller shall provide the following information:	1. The data subject shall have the right to obtain from the controller at <i>reasonable intervals and free of charge</i> any time, on request, confirmation as to whether or not personal data relating to the data subject <i>concerning him or her</i> are being processed <i>and</i> where such personal data are being processed, the controller shall provide <i>access to the data and</i> the following information:	<i>Tentative agreement in trilogue:</i> 1. The data subject shall have the right to obtain from the controller confirmation as to whether or not personal data concerning him or her are being processed, and where such personal data are being processed, access to the data and the following information:
(a) the purposes of the processing;	(a) the purposes of the processing <i>for each category of personal data;</i>	(a) the purposes of the processing;	<i>Tentative agreement in trilogue:</i> (a) the purposes of the processing;
(b) the categories of personal data concerned;	(b) the categories of personal data concerned;	<i>deleted</i>	<i>Tentative agreement in trilogue:</i> (b) the categories of personal data concerned;

(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;	(c) the recipients or categories of recipients to whom the personal data are to be or have been disclosed, in particular including to recipients in third countries;	(c) the recipients or categories of recipients to whom the personal data are to be or have been or will be disclosed, in particular to recipients in third countries or international organisations ;	<i>Tentative agreement in trilogue:</i> (c) the recipients or categories of recipients to whom the personal data have been or will be disclosed, in particular to recipients in third countries or international organisations;
(d) the period for which the personal data will be stored;	(d) the period for which the personal data will be stored, or if this is not possible, the criteria used to determine this period ;	(d) where possible , the envisaged period for which the personal data will be stored;	<i>Tentative agreement in trilogue:</i> (d) the period for which the personal data will be stored, or if this is not possible, the criteria used to determine this period;
(e) the existence of the right to request from the controller rectification or erasure of personal data concerning the data subject or to object to the processing of such personal data;	(e) the existence of the right to request from the controller rectification or erasure of personal data concerning the data subject or to object to the processing of such personal data;	(e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of the processing of personal data concerning the data subject or to object to the processing of such personal data;	<i>Tentative agreement in trilogue:</i> (e) the existence of the right to request from the controller rectification or erasure of personal data or restriction of the processing of personal data concerning the data subject or to object to the processing of such personal data;

(f) the right to lodge a complaint to the supervisory authority and the contact details of the supervisory authority;	(f) the right to lodge a complaint to with the supervisory authority and the contact details of the supervisory authority;	(f) the right to lodge a complaint to a supervisory authority;	<i>Tentative agreement in trilogue:</i> (f) the right to lodge a complaint to a supervisory authority;
(g) communication of the personal data undergoing processing and of any available information as to their source;	<i>deleted</i>	<i>(g) where communication of the personal data undergoing processing and of are not collected from the data subject, any available information as to their source;</i>	<i>Tentative agreement in trilogue:</i> (g) where the personal data are not collected from the data subject, any available information as to their source;
(h) the significance and envisaged consequences of such processing, at least in the case of measures referred to in Article 20.	(h) the significance and envisaged consequences of such processing, at least in the case of measures referred to in Article 20;	<i>(h) in the case of decisions based on automated processing including profiling referred to in Article 20(1) and (3), information concerning the logic involved as well as the significance and envisaged consequences of such processing, at least in the case of measures referred to in Article 20.</i>	<i>Tentative agreement in trilogue:</i> (h) the existence of automated decision making including profiling referred to in Article 20[(1) and (3)] and at least in those cases, meaningful information about the logic involved, as well as the significance and the envisaged consequences of such processing for the data subject.
	<i>(ha) meaningful information about the logic involved in any automated processing;</i>		<i>Covered by (h)</i>

	<i>(hb) without prejudice to Article 21, 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.</i>		<i>deleted</i>
		<i>1a. Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 42 relating to the transfer.</i>	<i>Tentative agreement in trilogue:</i> 1a. Where personal data are transferred to a third country or to an international organisation, the data subject shall have the right to be informed of the appropriate safeguards pursuant to Article 42 relating to the transfer.
		<i>1b. On request and without an excessive charge, the controller shall provide a copy of the personal data undergoing processing to the data subject.</i>	<i>Tentative agreement in trilogue:</i> 1b. The controller shall provide a copy of the personal data undergoing processing. For any further copies requested by the data subject, the controller may charge a reasonable fee based on administrative costs. Where the data subject makes the request in electronic form, and unless otherwise requested by the data subject, the information shall be provided in an electronic form, which is commonly used.

<p>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.</p>	<p>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 formand structured format, unless otherwise requested by the data subject. <i>Without prejudice to Article 10, the controller shall take all reasonable steps to verify that the person requesting access to the data is the data subject.</i></p>	<p><i>deleted</i></p> <p>→ see Article 18 Council text</p>	<p><i>Tentative agreement in trilogue to move to a recital:</i></p> <p>Where possible, the controller may provide remote access to a secure system which would provide the data subject with direct access to his or her personal data.</p>
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	<p><i>2a. Where the data subject has provided the personal data where the personal data are processed by electronic means, the data subject shall have the right to obtain from the controller a copy of the provided personal data in an electronic and interoperable format which is commonly used and allows for further use by the data subject without hindrance from the controller from whom the personal data are withdrawn. Where technically feasible and available, the data shall be transferred directly from controller to controller at the request of the data subject.</i></p>		<p><i>deleted</i></p>
	<p><i>2b. This Article shall be without prejudice to the obligation to delete data when no longer necessary under point (e) of Article 5(1).</i></p>		<p><i>deleted</i></p>

	<i>2c. There shall be no right of access in accordance with paragraphs 1 and 2 when data within the meaning of point (da) of Article 14(5) are concerned, except if the data subject is empowered to lift the secrecy in question and acts accordingly.</i>		<i>deleted</i>
		<i>2a. The right to obtain a copy referred to in paragraph 1b shall not apply where such copy cannot be provided without disclosing personal data of other data subjects or confidential data of the controller. Furthermore, this right shall not apply if disclosing personal data would infringe intellectual property rights in relation to processing of those personal data.</i>	<i>Tentative agreement in trilogue:</i> 2a. The right to obtain a copy referred to in paragraph 1b shall not adversely affect the rights and freedoms of others.
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.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

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).	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
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SECTION 3 RECTIFICATION AND ERASURE	SECTION 3 RECTIFICATION AND ERASURE	SECTION 3 RECTIFICATION AND ERASURE	SECTION 3 RECTIFICATION AND ERASURE
<i>Article 16</i>	<i>Article 16</i>	<i>Article 16</i>	<i>Article 16</i>
<i>Right to rectification</i>	<i>Right to rectification</i>	<i>Right to rectification</i>	<i>Right to rectification</i>
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.	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.	The data subject shall have the right to obtain from the controller <i>without undue delay</i> the rectification of personal data relating to them <i>concerning him or her</i> which are inaccurate. <i>Having regard to the purposes for which data were processed,</i> The data subject shall have the right to obtain completion of incomplete personal data, including by way means <i>of supplementing providing a corrective supplementary</i> statement.	<i>Tentative agreement in trilogue:</i> The data subject shall have the right to obtain from the controller without undue delay the rectification of personal data concerning him or her which are inaccurate. Having regard to the purposes for which data were processed, the data subject shall have the right to obtain completion of incomplete personal data, including by means of providing a supplementary statement.

<i>Article 17</i>	<i>Article 17</i>	<i>Article 17</i>	<i>Article 17</i>
	<i>Amendment 112</i>		
<i>Right to be forgotten and to erasure</i>	<i>Right to be forgotten and to erasure</i>	<i>Right to erasure and to be forgotten and to erasure</i>	<i>Tentative agreement in trilogue:</i> <i>Right to erasure (“right to be forgotten”)</i>
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 the erasure of personal data relating to him or her 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, <i>and to obtain from third parties the erasure of any links to, or copy or replication of, those data</i> where one of the following grounds applies:	1. The data subject shall have the right to obtain from the controller <i>shall have the obligation to erase</i> 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 <i>without undue delay, especially in relation to personal which are collected when</i> the data subject while he or she was a child, <i>and the data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay</i> where one of the following grounds applies:	<i>Tentative agreement in trilogue:</i> 1. The data subject shall have the right to obtain from the controller the erasure of personal data concerning him or her without undue delay and the controller shall have the obligation to erase personal data without undue delay where one of the following grounds applies:

(a) the data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;	(a) the data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;	(a) the data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;	<i>Tentative agreement in trilogue:</i> "(a) the data are no longer necessary in relation to the purposes for which they were collected or otherwise processed;"
(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;	(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;	(b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1), or <i>point (a) of Article 9(2) and</i> when the storage period consented to has expired, and where there is no other legal ground for the processing of the data;	<i>Tentative agreement in trilogue:</i> (b) the data subject withdraws consent on which the processing is based according to point (a) of Article 6(1), or point (a) of Article 9(2), and where there is no other legal ground for the processing of the data;
(c) the data subject objects to the processing of personal data pursuant to Article 19;	(c) the data subject objects to the processing of personal data pursuant to Article 19;	(c) the data subject objects to the processing of personal data pursuant to Article 19(1) <i>and there are no overriding legitimate grounds for the processing or the data subject objects to the processing of personal data pursuant to Article 19(2) ;</i>	<i>Tentative agreement in trilogue:</i> (c) the data subject objects to the processing of personal data pursuant to Article 19(1) and there are no overriding legitimate grounds for the processing, or the data subject objects to the processing of personal data pursuant to Article 19(2);

	<i>(ca) a court or regulatory authority based in the Union has ruled as final and absolute that the data concerned must be erased;</i>		<i>deleted</i>
(d) the processing of the data does not comply with this Regulation for other reasons.	(d) the processing of the data does not comply with this Regulation for other reasons has have been unlawfully processed.	(d) the processing of the data does not comply with this Regulation for other reasons have been unlawfully processed;	<i>Tentative agreement in trilogue:</i> (d) they have been unlawfully processed
		<i>(e) the data have to be erased for compliance with a legal obligation to which the controller is subject.</i>	<i>Tentative agreement in trilogue:</i> (e) the data have to be erased for compliance with a legal obligation in Union or Member State law to which the controller is subject.
	<i>1a. The application of paragraph 1 shall be dependent upon the ability of the controller to verify that the person requesting the erasure is the data subject.</i>		<i>Tentative agreement in trilogue:</i> (f) the data have been collected in relation to the offering of information society services referred to in Article 8(1).

		<i>1a. The data subject shall have also the right to obtain from the controller the erasure of personal data concerning him or her, without undue delay, if the data have been collected in relation to the offering of information society services referred to in Article 8(1).</i>	<i>moved to new 17(1) (f)</i>
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.	2. Where the controller referred to in paragraph 1 has made the personal data public <i>without a justification based on Article 6(1)</i> , 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 <i>to have the data erased, including by third parties, without prejudice to Article 77. The controller shall inform the data subject, where possible, of the action taken by the relevant third parties.</i>	<i>deleted</i>	<i>To be rediscussed at a later stage</i>

		<i>2a. Where the controller has made the personal data public and is obliged pursuant to paragraph 1 to erase the data, the controller, taking account of available technology and the cost of implementation, shall take reasonable steps, including technical measures, to inform controllers which are processing the data, that the data subject has requested the erasure by such controllers of any links to, or copy or replication of that personal data.</i>	<i>Tentative agreement in trilogue:</i>
3. The controller shall carry out the erasure without delay, except to the extent that the retention of the personal data is necessary:	3. The controller <i>and, where applicable, the third party</i> shall carry out the erasure without delay, except to the extent that the retention of the personal data is necessary:	3. The controller shall carry out the erasure without delay, except <i>Paragraphs 1 and 2a shall not apply</i> to the extent that the retention <i>processing</i> of the personal data is necessary:	<i>Tentative agreement in trilogue:</i> 3. Paragraphs 1 and 2 shall not apply to the extent that processing of the personal data is necessary:
(a) for exercising the right of freedom of expression in accordance with Article 80;	(a) for exercising the right of freedom of expression in accordance with Article 80;	(a) for exercising the right of freedom of expression in accordance with Article 80 <i>and information;</i>	<i>To be rediscussed at a later stage</i>

		(b) for compliance with a legal obligation which requires processing of personal data by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;	<i>Tentative agreement in trilogue:</i> (b) for compliance with a legal obligation which requires processing of personal data by Union or Member State law to which the controller is subject or for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller;
(b) for reasons of public interest in the area of public health in accordance with Article 81;	(b) for reasons of public interest in the area of public health in accordance with Article 81;	(b) (c) for reasons of public interest in the area of public health in accordance with Article 81(2)(h) and (hb) as well as Article 9(4);	<i>To be rediscussed at a later stage</i>
(c) for historical, statistical and scientific research purposes in accordance with Article 83;	(c) for historical, statistical and scientific research purposes in accordance with Article 83;	(c) (ed) for archiving purposes in the public interest or for scientific, historical, statistical and historical scientific research purposes in accordance with Article 83;	<i>To be rediscussed at a later stage</i>

(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;	(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 right to the protection of personal data and be proportionate to the legitimate aim pursued;	<i>deleted</i>	<i>deleted</i>
(e) in the cases referred to in paragraph 4.	(e) in the cases referred to in paragraph 4.	<i>deleted</i>	<i>deleted</i>
		<i>(g) for the establishment, exercise or defence of legal claims.</i>	<i>Tentative agreement in trilogue:</i> (e) for the establishment, exercise or defence of legal claims.
4. Instead of erasure, the controller shall restrict processing of personal data where:	4. Instead of erasure, the controller shall restrict processing of personal data <i>in such a way that it is not subject to the normal data access and processing operations and cannot be changed anymore,</i> where:	<i>deleted</i>	<i>Tentative agreement in trilogue to move to Article 17a</i>

(a) their accuracy is contested by the data subject, for a period enabling the controller to verify the accuracy of the data;	(a) their accuracy is contested by the data subject, for a period enabling the controller to verify the accuracy of the data;	<i>deleted</i>	<i>Tentative agreement in trilogue to move to Article 17a</i>
(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;	(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;	<i>deleted</i>	<i>Tentative agreement in trilogue to move to Article 17a</i>
(c) the processing is unlawful and the data subject opposes their erasure and requests the restriction of their use instead;	(c) the processing is unlawful and the data subject opposes their erasure and requests the restriction of their use instead;	<i>deleted</i>	<i>Tentative agreement in trilogue to move to Article 17a</i>
	<i>(ca) a court or regulatory authority based in the Union has ruled as final and absolute than the processing that the data concerned must be restricted;</i>		<i>Tentative agreement in trilogue to move to Article 17a</i>
(d) the data subject requests to transmit the personal data into another automated processing system in accordance with Article 18(2).	(d) the data subject requests to transmit the personal data into another automated processing system in accordance with <i>paragraphs 2a of Article 18(2)-15;</i>	<i>deleted</i>	<i>Tentative agreement in trilogue to move to Article 17a</i>

	<i>(da) the particular type of storage technology does not allow for erasure and has been installed before the entry into force of this Regulation.</i>		<i>Tentative agreement in trilogue to move to Article 17a</i>
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.	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.	<i>deleted</i>	<i>Tentative agreement in trilogue to move to Article 17a</i>
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.	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.	<i>deleted</i>	<i>Tentative agreement in trilogue to move to Article 17a</i>
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.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
8. Where the erasure is carried out, the controller shall not otherwise process such personal data.	8. Where the erasure is carried out, the controller shall not otherwise process such personal data.	<i>deleted</i>	<i>deleted</i>

	<i>8a. 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.</i>		<i>To be rediscussed at a later stage</i>
9. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying:	9. The Commission shall be empowered to adopt, <i>after requesting an opinion of the European Data Protection Board,</i> delegated acts in accordance with Article 86 for the purpose of further specifying:	<i>deleted</i>	<i>To be rediscussed at a later stage</i>
(a) the criteria and requirements for the application of paragraph 1 for specific sectors and in specific data processing situations;	(a) the criteria and requirements for the application of paragraph 1 for specific sectors and in specific data processing situations;	<i>deleted</i>	<i>To be rediscussed at a later stage</i>
(b) the conditions for deleting links, copies or replications of personal data from publicly available communication services as referred to in paragraph 2;	(b) the conditions for deleting links, copies or replications of personal data from publicly available communication services as referred to in paragraph 2;	<i>deleted</i>	<i>To be rediscussed at a later stage</i>
(c) the criteria and conditions for restricting the processing of personal data referred to in paragraph 4.	(c) the criteria and conditions for restricting the processing of personal data referred to in paragraph 4.	<i>deleted</i>	<i>To be rediscussed at a later stage</i>

		<i>Article 17a</i>	<i>Article 17a</i>
		<i>Right to restriction of processing</i>	<i>Right to restriction of processing</i>
		<i>1. The data subject shall have the right to obtain from the controller the restriction of the processing of personal data where:</i>	<i>Tentative agreement in trilogue:</i> 1. The data subject shall have the right to obtain from the controller the restriction of the processing of personal data where:
		<i>(a) the accuracy of the data is contested by the data subject, for a period enabling the controller to verify the accuracy of the data;</i>	<i>Tentative agreement in trilogue:</i> (a) the accuracy of the data is contested by the data subject, for a period enabling the controller to verify the accuracy of the data;
			<i>Tentative agreement in trilogue:</i> (ab) the processing is unlawful and the data subject opposes the erasure of the data and requests the restriction of their use instead;

		<i>(b) the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims; or</i>	<i>Tentative agreement in trilogue:</i> (b) the controller no longer needs the personal data for the purposes of the processing, but they are required by the data subject for the establishment, exercise or defence of legal claims; or
		<i>(c) he or she has objected to processing pursuant to Article 19(1) pending the verification whether the legitimate grounds of the controller override those of the data subject.</i>	<i>To be rediscussed at a later stage</i>
		<i>2. Where processing of personal data has been restricted under paragraph 1, such data may, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest.</i>	<i>Tentative agreement in trilogue:</i> 2. Where processing of personal data has been restricted under paragraph 1, such data may, with the exception of storage, only be processed with the data subject's consent or for the establishment, exercise or defence of legal claims or for the protection of the rights of another natural or legal person or for reasons of important public interest of the Union or of a Member State.

		<p><i>3. A data subject who obtained the restriction of processing pursuant to paragraph 1 shall be informed by the controller before the restriction of processing is lifted.</i></p>	<p><i>Tentative agreement in trilogue:</i></p> <p>3. A data subject who obtained the restriction of processing pursuant to paragraph 1 shall be informed by the controller before the restriction of processing is lifted.</p>
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		<i>Article 17b</i>	<i>Article 17b</i>
		<i>Notification obligation regarding rectification, erasure or restriction</i>	<i>Notification obligation regarding rectification, erasure or restriction</i>
		<i>The controller shall communicate any rectification, erasure or restriction of processing carried out in accordance with Articles 16, 17(1) and 17a to each recipient to whom the data have been disclosed, unless this proves impossible or involves disproportionate effort.</i>	<p><i>Tentative agreement in trilogue:</i></p> <p>The controller shall communicate any rectification, erasure or restriction of processing carried out in accordance with Articles 16, 17(1) and 17a to each recipient to whom the data have been disclosed, unless this proves impossible or involves disproportionate effort. The controller shall inform the data subject about those recipients if the data subject requests this.</p>

<i>Article 18</i>	<i>Article 18</i>	<i>Article 18</i>	<i>Article 18</i>
	<i>Amendment 113</i>		
<i>Right to data portability</i>	<i>Right to data portability</i>	<i>Right to data portability</i>	<i>Right to data portability</i>
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.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
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.	<i>deleted</i>	2. Where the data subject has provided the data subject shall have the right to receive the personal data concerning him or her, which he or she has provided 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 to a controller, in a	<i>Tentative agreement in trilogue:</i> 2. The data subject shall have the right to receive the personal data concerning him or her, which he or she has provided to a controller, in a structured and commonly used and machine-readable format and have the right to transmit those data to another controller without hindrance from the controller to which the data have been provided,

		<i>structured and commonly used and machine-readable format and have the right to transmit those data to another controller</i> without hindrance from the controller from whom the personal data are withdrawn <i>to which the data have been provided, where:</i>	where: <i>Tentative agreement in trilogue to include in a recital a reference to "interoperable format".</i>
		<i>(a) the processing is based on consent pursuant to point (a) of Article 6(1) or point (a) of Article 9 (2) or on a contract pursuant to point (b) of Article 6 (1); and</i>	<i>Tentative agreement in trilogue:</i> (a) the processing is based on consent pursuant to point (a) of Article 6(1) or point (a) of Article 9 (2) or on a contract pursuant to point (b) of Article 6 (1); and
		<i>(b) the processing is carried out by automated means.</i>	<i>Tentative agreement in trilogue:</i> (b) the processing is carried out by automated means
			<i>Tentative agreement in trilogue:</i> 2a (new). Where technically feasible and available, the data [may] be transferred directly from controller to controller at the request of the data subject.

		<i>2a. The exercise of this right shall be without prejudice to Article 17. The right referred to in paragraph 2 shall not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.</i>	<i>Tentative agreement in trilogue:</i> 3. The exercise of this right shall be without prejudice to Article 17. The right referred to in paragraph 2 shall not apply to processing necessary for the performance of a task carried out in the public interest or in the exercise of official authority vested in the controller.
		<i>2aa. The right referred to in paragraph 2 shall not apply if disclosing personal data would infringe intellectual property rights in relation to the processing of those personal data.</i>	<i>Tentative agreement in trilogue:</i> 2aa. The right referred to in paragraph 2 shall not adversely affect the rights and freedoms of others.
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).	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>

SECTION 4 RIGHT TO OBJECT AND PROFILING	SECTION 4 RIGHT TO OBJECT AND PROFILING	SECTION 4 RIGHT TO OBJECT AND PROFILING <i>AUTOMATED INDIVIDUAL DECISION MAKING</i>	
<i>Article 19</i>	<i>Article 19</i>	<i>Article 19</i>	<i>Article 19</i>
<i>Right to object</i>	<i>Right to object</i>	<i>Right to object</i>	<i>Right to object</i>
	<i>Amendment 114</i>		
1. The data subject shall have the right to object, on grounds relating to their particular situation, at any time to the processing of personal data which is based on points (d), (e) and (f) of Article 6(1), unless the controller demonstrates compelling legitimate grounds for the processing which override the interests or fundamental rights and freedoms of the data subject.	1. The data subject shall have the right to object, on grounds relating to their particular situation , at any time to the processing of personal data which is based on points (d); and (e) and (f) of Article 6(1), unless the controller demonstrates compelling legitimate grounds for the processing which override the interests or fundamental rights and freedoms of the data subject.	1. The data subject shall have the right to object, on grounds relating to their his or her particular situation, at any time to the processing of personal data concerning him or her which is based on points (e) and or (f) of Article 6(1); the first sentence of Article 6(4) in conjunction with point (e) of Article 6(1) or the second sentence of Article 6(4). The controller shall no longer process the personal data unless the controller demonstrates compelling legitimate grounds for the processing which override the	<i>To be rediscussed at a later stage</i>

		interests, or fundamental rights and freedoms of the data subject <i>or for the establishment, exercise or defence of legal claims.</i>	
2. Where personal data are processed for direct marketing purposes, the data subject shall have the right to object free of charge to the processing of their personal data for such marketing. This right shall be explicitly offered to the data subject in an intelligible manner and shall be clearly distinguishable from other information.	2. Where <i>the processing of</i> personal data are processed for direct marketing purposes <i>is based on point (f) of Article 6(1)</i> , the data subject shall have, <i>at any time and without any further justification,</i> the right to object free of charge <i>in general or for any particular purpose</i> to the processing of his or her personal data for such marketing. This right shall be explicitly offered to the data subject in an intelligible manner and shall be clearly distinguishable from other information.	2. Where personal data are processed for direct marketing purposes, the data subject shall have the right to object free of charge <i>at any time</i> to the processing of their personal data <i>concerning him or her</i> for such marketing. <i>At the latest at the time of the first communication with the data subject,</i> This right shall be explicitly offered to <i>brought to the attention of</i> the data subject in an intelligible manner and shall be clearly distinguishable <i>presented clearly and separately</i> from any other information.	<i>To be rediscussed at a later stage</i>
	<i>2a. The right referred to in paragraph 2 shall be explicitly offered to the data subject in an intelligible manner and form, using clear and plain language, in particular if addressed specifically to a child, and shall be clearly distinguishable from other information.</i>		<i>To be rediscussed at a later stage</i>

		<i>2a. Where the data subject objects to the processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.</i>	<i>Tentative agreement in trilogue:</i> 2a. Where the data subject objects to the processing for direct marketing purposes, the personal data shall no longer be processed for such purposes.
	<i>2b. In the context of the use of information society services, and notwithstanding Directive 2002/58/EC, the right to object may be exercised by automated means using a technical standard which allows the data subject to clearly express his or her wishes.</i>		Council offers to keep the text in a recital (in the light of the agreement on paragraphs 1 and 2).
		<i>2aa. Where personal data are processed for historical, statistical or scientific purposes the data subject, on grounds relating to his or her particular situation, shall have the right to object to processing of personal data concerning him or her, unless the processing is necessary for the performance of a task carried out for reasons of public interest.</i>	<i>To be rediscussed at a later stage</i>

3. Where an objection is upheld pursuant to paragraphs 1 and 2, the controller shall no longer use or otherwise process the personal data concerned.	3. Where an objection is upheld pursuant to paragraphs 1 and 2, the controller shall no longer use or otherwise process the personal data concerned <i>for the purposes determined in the objection.</i>	<i>deleted</i>	<i>deleted</i>
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<i>Article 20</i>	<i>Article 20</i>	<i>Article 20</i>	<i>Article 20</i>
	<i>Amendment 115</i>		
<i>Measures based on profiling</i>	<i>Measures based on profiling</i> <i>Profiling</i>	<i>Measures based on profiling</i> <i>Automated individual decision making</i>	<i>"Automated individual decision making, including profiling"</i>
1. Every natural person shall have the right not to be subject to a measure which produces legal effects concerning this natural person or significantly affects this natural person, and which is based solely on automated processing intended to evaluate certain personal aspects relating to this natural person or to analyse or predict in particular the natural person's performance at work, economic situation, location, health, personal preferences, reliability or behaviour.	1. <i>Without prejudice to the provisions in Article 6, Every every</i> natural person shall have the right <i>to object</i> not to be subject to a measure which produces legal effects concerning this natural person or significantly affects this natural person, and which is based solely on automated processing intended to evaluate certain personal aspects relating to this natural person or to analyse or predict in particular the natural person's performance at work, economic situation, location, health, personal preferences, reliability or behaviour <i>profiling in accordance with Article 19. The data subject shall be informed about the right to object to profiling in a highly visible manner.</i>	1. Every natural person <i>The data subject</i> shall have the right not to be subject to a measure which produces legal effects concerning this natural person or significantly affects this natural person, and which <i>decision</i> is based solely on automated processing, intended to evaluate certain personal aspects relating to this natural person or to analyse or predict in particular the natural person's performance at work, economic situation, location, health, personal preferences, reliability or behaviour <i>including profiling, which produces legal effects concerning him or her or significantly affects him or her.</i>	<i>To be rediscussed at a later stage</i>

		<i>1a. Paragraph 1 shall not apply if the decision:</i>	<i>To be rediscussed at a later stage</i>
		<i>(a) is necessary for entering into, or performance of, a contract between the data subject and a data controller ; or</i>	<i>To be rediscussed at a later stage</i>
		<i>(b) is authorized by Union or Member State law to which the controller is subject and which also lays down suitable measures to safeguard the data subject's rights and freedoms and legitimate interests; or</i>	<i>To be rediscussed at a later stage</i>
		<i>(c) is based on the data subject's explicit consent.</i>	<i>To be rediscussed at a later stage</i>
		<i>1b. In cases referred to in paragraph 1a (a) and (c) the data controller shall implement suitable measures to safeguard the data subject's rights and freedoms and legitimate interests, at least the right to obtain human intervention on the part of the controller, to express his or her point of view and to contest the decision.</i>	<i>To be rediscussed at a later stage</i>

2. Subject to the other provisions of this Regulation, a person may be subjected to a measure of the kind referred to in paragraph 1 only if the processing:	2. Subject to the other provisions of this Regulation, a person may be subjected to a measure of the kind referred to in paragraph 1 profiling which leads to measures producing legal effects concerning the data subject or does similarly significantly affect the interests, rights or freedoms of the concerned data subject only if the processing:	<i>deleted</i>	<i>To be rediscussed at a later stage</i>
(a) is carried out in the course of the entering into, or performance of, a contract, where the request for the entering into or the performance of the contract, lodged by the data subject, has been satisfied or where suitable measures to safeguard the data subject's legitimate interests have been adduced, such as the right to obtain human intervention; or	(a) is carried out in the course of necessary for the entering into, or performance of, a contract, where the request for the entering into or the performance of the contract, lodged by the data subject, has been satisfied or where, provided that suitable measures to safeguard the data subject's legitimate interests have been adduced, such as the right to obtain human intervention; or	<i>deleted</i>	<i>To be rediscussed at a later stage</i>
b) is expressly authorized by a Union or Member State law which also lays down suitable measures to safeguard the data subject's legitimate interests; or	(b) is expressly authorized by a Union or Member State law which also lays down suitable measures to safeguard the data subject's legitimate interests;	<i>deleted</i>	<i>To be rediscussed at a later stage</i>

(c) is based on the data subject's consent, subject to the conditions laid down in Article 7 and to suitable safeguards.	(c) is based on the data subject's consent, subject to the conditions laid down in Article 7 and to suitable safeguards.	<i>deleted</i>	<i>To be rediscussed at a later stage</i>
3. Automated processing of personal data intended to evaluate certain personal aspects relating to a natural person shall not be based solely on the special categories of personal data referred to in Article 9.	3. Automated processing of personal data intended to evaluate certain personal aspects relating to a natural person <i>Profiling that has the effect of discriminating against individuals on the basis of race or ethnic origin, political opinions, religion or beliefs, trade union membership, sexual orientation or gender identity, or that results in measures which have such effect, shall be prohibited. The controller shall implement effective protection against possible discrimination resulting from profiling. Profiling shall not be based solely on the special categories of personal data referred to in Article 9.</i>	3. Automated processing of personal data intended to evaluate certain personal aspects relating to a natural person <i>Decisions referred to in paragraph 1a shall not be based solely on the special categories of personal data referred to in Article 9(1), unless points (a) or (g) of Article 9(2) apply and suitable measures to safeguard the data subject's rights and freedoms and legitimate interests are in place.</i>	<i>To be rediscussed at a later stage</i>

4. In the cases referred to in paragraph 2, the information to be provided by the controller under Article 14 shall include information as to the existence of processing for a measure of the kind referred to in paragraph 1 and the envisaged effects of such processing on the data subject.	<i>deleted</i>	<i>deleted</i>	<i>deleted</i>
5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and conditions for suitable measures to safeguard the data subject's legitimate interests referred to in paragraph 2.	<p>5. The Commission shall be empowered to adopt delegated acts in accordance with Article 86 for the purpose of further specifying the criteria and conditions for <i>Profiling which leads to measures producing legal effects concerning the data subject or does similarly significantly affect the interests, rights or freedoms of the concerned data subject shall not be based solely or predominantly on automated processing and shall include human assessment, including an explanation of the decision reached after such an assessment. The</i></p> <p>suitable measures to safeguard the data subject's legitimate interests referred to in paragraph 2 <i>shall include the right to obtain human assessment and an explanation of the decision reached after such assessment.</i></p>	<i>deleted</i>	<i>deleted</i>

	<p><i>5a. The European Data Protection Board shall be entrusted with the task of issuing guidelines, recommendations and best practices in accordance with point (b) of Article 66(1) for further specifying the criteria and conditions for profiling pursuant to paragraph 2.</i></p>		<p><i>To be rediscussed at a later stage</i></p>
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